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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FRANK STERLING, and others,
Plaintiffs,

v.

CITY OF ANTIOCH, and others,
Defendants.

Case No. 13-cv-00812 NC

**ORDER GRANTING
STIPULATION TO CONTINUE
PRETRIAL CONFERENCE AND
ORDERING TRIAL
PREPARATION**

15 A jury trial is scheduled in this case on November 10, 2014, in Courtroom A. This
16 order prepares for the trial.

17 1. Stipulation to Continue Pretrial Conference, dkt. no. 76: GRANTED. With
18 good cause shown, the pretrial conference is continued to October 29, 2014, 2:00 p.m.
19 Motions in limine are due on the schedule proposed by the parties.

20 2. Trial Preparation Standing Order. This order is attached and applies to this
21 case.

22 3. Joint Trial Readiness Binder. The parties are ordered to provide the Court with
23 two copies of a Joint Trial Readiness Binder. The documents and binder are due October
24 27 at 4:00 p.m. The Joint Trial Readiness Binders must contain an index and copies of
25 filed documents with the ECF header reflecting the item's docket number and filing date,
26 including:

27 (A) Proposed Order Re Trial Stipulations. The Court expects that the parties
28 will agree to a variety of stipulations regarding the conduct of the trial. A proposed order

1 outlining all such stipulations must be presented to the Court.

2 (B) Witness Lists. An updated list of all witnesses likely to be called at trial
3 (other than solely for impeachment or rebuttal), with a brief statement following each
4 name describing the substance of the testimony to be given and a time estimate of the
5 direct and cross examinations. This information must be presented in chart format and
6 organized by party.

7 (C) Expert Witness Lists. An updated list of all expert witnesses with a
8 summary which must clearly state the expert's theories and conclusions; a curriculum
9 vitae; and expert reports. Witnesses not included on the list may be excluded from
10 testifying.

11 (D) Updated Exhibit Lists Annotated with Stipulations/Objections. An
12 updated list of all documents and other items to be offered as exhibits at the trial (other
13 than solely for impeachment or rebuttal) must be provided with a brief description of each
14 exhibit's contents, and the identity of each sponsoring witness. As applicable, the exhibit
15 list must specify whether the parties stipulate to admit the exhibit or the grounds for any
16 objections to the exhibit. The exhibit list must also include an additional column so that
17 the Court can track the date on which each exhibit is admitted. Prior to submitting the
18 list, the parties must meet and confer and attempt to stipulate as to the admissibility of
19 each exhibit. This information must be presented in chart format and organized
20 numerically.

21 (E) Updated List of Discovery Excerpts. The parties must list those excerpts
22 from depositions, from interrogatory answers, or from responses to requests for admission
23 (other than those solely for impeachment or rebuttal) likely to be used at trial. Prior to
24 submitting the list, the parties must meet and confer and attempt to resolve any
25 disagreements regarding designations or counter-designations. The parties must (i)
26 identify any remaining legal objections to the excerpts on the list itself, and (ii) attach in a
27 separate appendix copies of the disputed excerpts so that the Court can review the
28 disputed materials. The parties must provide a single proposed order with each disputed

1 designation which will allow the Court to rule whether permission to use each is granted,
2 granted with modification, or denied.

3 4. Electronic Copies of Trial Documents. The parties must send an electronic
4 copy in Word format to ncpo@cand.uscourts.gov of the following documents listed
5 above: (i) Proposed Order Re Trial Stipulations; and (ii) Proposed Order Re Discovery
6 Excerpts.

7 5. Stipulations re Admissibility. The parties must make a good faith effort to
8 stipulate to exhibits' admissibility. If stipulation is not possible, the parties must make
9 every effort to stipulate to authenticity and foundation absent a legitimate objection.

10 6. Copies of Exhibits to Court. Exhibits must be provided to the Court on the
11 Thursday prior to the trial date as follows: two sets of exhibits marked, tabbed, indexed,
12 and to be provided in binders. Exhibits sets may be delivered/mailed directly to
13 Chambers. The parties must otherwise coordinate with the Courtroom Deputy for other
14 delivery.

15 Each exhibit must be pre-marked with an exhibit tag placed in the top right corner
16 of the first page of a document. Parties are to use a color other than white for the exhibit
17 tags. A page of blank trial exhibit tags can be found on the Court's website. If an exhibit
18 is a physical object (rather than a document), a picture should be taken and placed in the
19 binder.

20 7. Disposition of Exhibits after Trial. Upon the conclusion of the trial, each party
21 must retain its exhibits through the appellate process. It is each party's responsibility to
22 make arrangements with the Clerk of Court to file the record on appeal.

23 8. Scheduling of Jury Selection. The jury will be selected November 10.
24 November 11 is a federal holiday. Opening statements and the first witness will be called
25 November 12.

26 9. Miscellaneous.

27 (A) Witness Photographs. The Court may take a photograph of each witness
28 prior to the witness' testimony to assist the trier of fact with recalling the testimony.

1 Please advise your witnesses.

2 (B) Electronic Equipment. If a party wishes to use electronic equipment or
3 other large items (such as bookshelves), the party must file a request and proposed order
4 with the Court by October 27. Equipment not provided by the Court must be tested in the
5 courtroom prior to the day when it will be used. Arrangements may be made with the
6 Courtroom Deputy, Lili Harrell at (415) 522-2039, as to an appropriate time for doing so.

7 IT IS SO ORDERED.

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9 Date: September 16, 2014

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11 Nathanael M. Cousins
12 United States Magistrate Judge
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