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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

J. AUGUSTO BASTIDAS, M.D.,

Plaintiff,

v.

GOOD SAMARITAN HOSPITAL LP, et  
al.,

Defendants.

Case No. [13-cv-04388-SI](#)

**FINAL PRETRIAL SCHEDULING  
ORDER**

On May 24, 2017, the Court held a final pretrial conference in the above captioned matter, which is set for jury trial beginning June 5, 2017. All parties were represented by counsel. The following matters were resolved:

**1. Number of jurors and challenges:** There will be a jury of 8 members. Each side shall have 4 peremptory challenges.

**2. Voir dire:** The Court will conduct general voir dire, including various of the questions requested by counsel in their proposed additional voir dire filings. Counsel for each side shall have up to 20 minutes total to question the panel. The Court will read the text of agreed instruction No. 2 (Dkt. No. 221, at 4) to the jury panel at the beginning of the voir dire process, to explain the general concepts of the case.

**3. Jury instructions:** The Court has received proposed Joint Agreed Jury

1 Instructions (Dkt No. 221). Both parties confirmed at the pretrial conference that these are all  
2 agreed instructions.

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4 **4. Trial exhibits:** No later than Friday, June 2, 2017, the parties shall submit their  
5 trial exhibits, in binders with numbered tabs separating and identifying each exhibit. The Court  
6 shall be provided with three sets (the originals for the file, one set for the Court and one set for the  
7 witnesses).

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10 **5. Timing of trial:** Plaintiff estimates that the trial should take approximately 10  
11 hours (4 days) per side; defendants estimate 24 hours (8 days) per side, evidently not including  
12 voir dire, opening statements and closing arguments. Having reviewed the witness lists and the  
13 issues that must be decided in this trial, the Court determines that a total of 8 trial days will be  
14 more than sufficient to complete the trial, including voir dire, opening statements and closing  
15 argument. Accordingly, the Court will set the matter for an 8 day trial, as follows: each side shall  
16 have up to 45 minutes to present opening statements; each side shall have 15 hours total for  
17 presentation of evidence, which includes direct and cross-examination and presentation of all  
18 exhibits; and each side shall have up to 1 hour for closing argument.

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21 **6. Trial schedule:** Jury selection will begin on June 5, 2017, at 8:30 a.m. The trial  
22 day runs from 8:30 a.m. until 3:30 p.m., with a 15 minute break at 10:00 a.m., a 30 minute break  
23 at noon and a 15 minute break at 2:00 p.m., all times approximate. The Court does not hear trials  
24 on Fridays, although juries may continue to deliberate on Fridays.

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27 **7. Motions in limine:** Defendants filed 6 motions in limine. Docket Nos. 218. The  
28 Court has previously ruled on these motions. See Docket No. 235.

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**8. Other Matters:** One of defendants' witnesses, Dr. Kenneth Blumenfeld, has an out-of-town commitment beginning June 8, 2017. Accordingly, it was agreed that Dr. Blumenfeld may testify beginning at 8:30 am on Wednesday, June 7, 2017, even if that requires that he be called out of order. 3

**IT IS SO ORDERED.**

Dated: May 24, 2017



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SUSAN ILLSTON  
United States District Judge