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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 GRANITE STATE INSURANCE
7 COMPANY,

Case No. [14-cv-00881-JSC](#)

8 Plaintiff.

CIVIL PRETRIAL ORDER

9 v.

10 HELLMANN WORLDWIDE LOGISTICS,
11 INC., et al.,

12 Defendants.

13 Upon review of the parties' Joint Case Management Conference Statement (Dkt. No. 30),
14 the Court VACATES the initial case management conference scheduled for July 3, 2014 at 1:30
15 p.m. and orders as follows.

16 **I. SETTLEMENT**

17 The parties are directed to participate in Court-sponsored mediation by **September 11,**
18 **2014.** According to the CMC Statement, the parties produced initial disclosures on June 26,
19 2014. The parties are ordered to informally exchange any additional discovery that is needed to
20 have a meaningful mediation, keeping in mind the amount of money at stake in this litigation. In
21 other words, rather than propound formal written discovery, if there are particular documents a
22 party believes are necessary for mediation, the party shall telephone the relevant counsel and ask
23 for the informal production of such documents. In all other respects discovery is stayed.
24 Discovery shall not formally open until the mediator certifies that the case did not settle.

25 **II. CASE MANAGEMENT SCHEDULE**

26 Further Case Management Conference: October 16, 2014 1:30 p.m.
27 Close of Non-expert discovery: February 20, 2015
28 Disclosure of expert witnesses: March 20, 2015

1 Close of expert discovery: April 17, 2015

2 Last day to hear dispositive motions: April 16, 2015

3 (Motions must be filed 35 days before hearing)

4 **I. TRIAL DATE**

5 A. A bench trial will begin on **May 26, 2015, at 8:30 a.m.**, in Courtroom F, 15th
6 Floor, U.S. District Court, 450 Golden Gate, San Francisco, California.

7 B. The Court is expecting the length of the trial to not exceed 3 court days.

8 **III. PRETRIAL CONFERENCE**

9 A Final Pretrial Conference shall be held on **May 14, 2015, at 2:00 p.m.**, in Courtroom F,
10 15th Floor. Lead trial counsel for each party shall attend.

11 A. At least seven days prior to date of the Final Pretrial Conference the parties shall
12 do the following:

13 1. In lieu of preparing a Joint Pretrial Conference Statement, the parties shall
14 meet and confer in person, and then prepare and file a jointly signed Proposed Final Pretrial Order
15 that contains: (a) a brief description of the substance of claims and defenses which remain to be
16 decided; (b) a statement of all relief sought; (c) all stipulated facts; (d) a joint exhibit list in
17 numerical order, including a brief description of the exhibit and Bates numbers, a blank column
18 for when it will be offered into evidence, a blank column for when it may be received into
19 evidence, and a blank column for any limitations on its use; and (e) each party's separate witness
20 list for its case-in-chief witnesses (including those appearing by deposition), including, for all
21 such witnesses (other than party plaintiffs or defendants), a short statement of the substance of
22 his/her testimony and, separately, what, if any, non-cumulative testimony the witness will offer.
23 For each witness, state an hour/minute time estimate for the direct examination (only). Items (d)
24 and (e) should be submitted as appendices to the proposed order.

25 2. File trial briefs on any controlling issues of law.

26 3. File and serve any objections to exhibits.

27 B. Any motions in limine shall be submitted as follows: at least twenty (20) calendar
28 days before the conference, the moving party shall serve, but not file, the opening brief. At least

1 ten (10) calendar days before the conference, the responding party shall serve the opposition.
2 There will be no reply. When the oppositions are received, the moving party should collate the
3 motion and the opposition together, back-to-back, and then file the paired sets at least seven (7)
4 calendar days before the conference. Each motion should be presented in a separate memorandum
5 and properly identified, for example, "Plaintiff's Motion in Limine No. 1 to Exclude" Each
6 party is limited to bringing five motions in limine. The parties are encouraged to stipulate where
7 possible, for example, as to the exclusion of witnesses from the courtroom. Each motion should
8 address a single, separate topic, and contain no more than seven pages of briefing per side.

9 C. Hard-copy courtesy copies of the above documents shall be delivered by NOON
10 two days after filing. The Joint Proposed Final Pretrial Order shall be submitted via e-mail as
11 attachments to JSCpo@cand.uscourts.gov. The Court requests that all hard-copy submissions be
12 three-hole-punched.

13 **IV. PRETRIAL ARRANGEMENTS**

14 A. Should a daily transcript and/or real-time reporting be desired, the parties shall
15 make arrangements with Debra Campbell, Supervisor of the Court Reporting Services, at (415)
16 522-2079, at least ten (10) calendar days prior to the trial date.

17 B. During trial, counsel may wish to use overhead projectors, laser-disk/computer
18 graphics, poster blow-ups, models, or specimens of devices. Equipment should be shared by all
19 counsel to the maximum extent possible. The Court provides no equipment other than an easel.
20 The United States Marshal requires a court order to allow equipment into the courthouse. For
21 electronic equipment, parties should be prepared to maintain the equipment or have a technician
22 handy at all times. The parties shall tape extension cords to the carpet for safety. The parties may
23 work with the deputy clerk, Ada Means (415-522-2015), on all courtroom-layout issues.

24 **SCHEDULING**

25 Trial will be conducted from 8:30 a.m. to 2:30 or 3:00 p.m., depending on the availability
26 of witnesses, Monday through Friday.

27 **WITNESSES**

28 At the close of each trial day, all counsel shall exchange a list of witnesses for the

1 next two full court days and the exhibits that will be used during direct examination (other than
2 for impeachment of an adverse witness). Within 24 hours of such notice, all other counsel shall
3 provide any objections to such exhibits and shall provide a list of all exhibits to be used with the
4 same witness on cross-examination (other than for impeachment). The first notice shall be
5 exchanged prior to the first day of trial. All such notices shall be provided in writing.

6 **EXHIBITS**

7 A. Prior to the Final Pretrial Conference, counsel must meet and confer in person to
8 consider all exhibit numbers and objections and to eliminate duplicate exhibits and confusion over
9 the precise exhibit.

10 B. Use numbers only, not letters, for exhibits, preferably the same numbers as were
11 used in depositions. Blocks of numbers should be assigned to fit the need of the case (e.g.,
12 Plaintiff has 1 to 100, Defendant A has 101 to 200, Defendant B has 201 to 300, etc.). A single
13 exhibit should be marked only once. If the plaintiff has marked an exhibit, then the defendant
14 should not re-mark the exact document with another number. Different versions of the same
15 document, e.g., a copy with additional handwriting, must be treated as different exhibits with
16 different numbers. To avoid any party claiming “ownership” of an exhibit, all exhibits shall be
17 marked and referred to as “Trial Exhibit No. _____,” not as “Plaintiff’s Exhibit” or “Defendant’s
18 Exhibit.”

19 C. The exhibit tag shall be in the following form:

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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
TRIAL EXHIBIT 100
Case No. _____
Date Entered _____
By _____ Deputy Clerk

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Counsel preferably will make the tag up in a color that will stand out (yet still allow for photocopying), but that is not essential. Place the tag on or near the lower right-hand corner or, if a photograph, on the back. Counsel should fill in the tag but leave the last two spaces blank. The parties must jointly prepare a single set of all trial exhibits that will be the official record set to be used with the witnesses and on appeal. Each exhibit must be tagged, three-hole-punched, separated with a label divider identifying the exhibit number, and placed in 3-ring binders. Spine labels should indicate the numbers of the exhibits that are in the binders. Each set of exhibit binders should be marked as “Original.” Deposit the exhibits with the deputy clerk seven (7) days before the Pretrial Conference.

D. Counsel must consult with each other and with the deputy clerk at the end of each trial day and compare notes as to which exhibits are in evidence and any limitations thereon. If there are any differences, counsel should bring them promptly to the Court’s attention.

E. In addition to the official record exhibits, three sets of bench binders containing copies of the exhibits must be provided to the Court seven (7) days before the Pretrial Conference, one should be marked as “Chambers Copies”, and the other two as “Clerk’s Copies.” Each exhibit must be separated with a label divider identifying the exhibit number. (An exhibit tag is unnecessary for the bench set.) Spine labels should indicate the numbers of the exhibits that are in the binders.

IT IS SO ORDERED.

Dated: June 30, 2014



JACQUELINE SCOTT CORLEY
United States Magistrate Judge