

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 MONA ALLEN, et al.,  
5 Plaintiffs,

6 v.

7 COUNTY OF LAKE, et al.,  
8 Defendants.

Case No. 14-cv-03934-TEH

**AMENDED ORDER FOR PRETRIAL  
PREPARATION**

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10 Good cause appearing, IT IS HEREBY ORDERED that:

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12 **1. TRIAL DATE**

13 Trial before the JURY will begin in Courtroom No. 2 on **Tuesday, June 27, 2017**, at  
14 **9:00 AM**. If necessary, this case may trail a case set to begin trial before this Court on June  
15 20, 2017. The Court will further advise the parties of this possibility at the pretrial  
16 conference. The trial shall last for an estimated **6-8** trial days. The trial of liability and  
17 damages issues SHALL NOT be separate.

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19 **2. PRETRIAL CONFERENCE**

20 The Court will hold a pretrial conference on **Monday, June 12, 2017**, at **3:00 PM**.  
21 **Counsel who intend to try the case must attend the pretrial conference.**

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23 **3. PRETRIAL CONFERENCE STATEMENT.**

24 (a) **Required Meeting and Disclosure Prior to Pretrial Conference.** Lead  
25 counsel who will try the case shall meet and confer on or before **May 2, 2017** (at least 30  
26 calendar days before the pretrial conference). At that time, they shall discuss:

27 (1) Prospects for settling the action;

28 (2) The preparation and content of the joint pretrial conference statement;

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(3) The preparation and exchange of pretrial materials to be served and lodged with the Court; and

(4) Resolution of any differences between the parties regarding items (2) and (3) above. To the extent such differences are not resolved, the parties must present the issues in the joint pretrial conference statement so that the Judge may rule on the disputes at the pretrial conference.

Within one week after meeting and conferring, the parties shall file a joint statement, signed by all counsel, stating that they have met and conferred on the above issues.

(b) **Joint Pretrial Conference Statement.** The parties shall file a joint pretrial conference statement no later than 10 calendar days before the pretrial conference. If the parties disagree over the wording of the statement, each party may state its position in its own words. All parties or their counsel must sign the statement. The statement shall contain the following information:

(1) **The Action.**

(A) **Substance of the Action.** A brief description of the substance of claims and defenses that remain to be decided.

(B) **Relief Prayed.** A detailed statement of the relief claimed, including an itemization of all claimed damages, along with a list of witnesses, documents, or other evidentiary material to be presented on the amount of damages.

(2) **The Factual Basis of the Action.**

(A) **Undisputed Facts.** A plain and concise statement of all relevant facts not reasonably disputable. This should include a statement of facts which the parties stipulate may be incorporated into the trial record without supporting testimony or exhibits.

(B) **Disputed Factual Issues.** A plain and concise statement of all disputed factual issues that remain to be decided.

1                   **(C) Agreed Statement.** A statement assessing whether all or part of  
2 the action may be presented upon an agreed statement of facts.

3                   **(D) Stipulations.** A statement of stipulations requested or proposed  
4 for pretrial or trial purposes.

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6                   **(3) Trial Preparation.**

7                   **(A) Estimate of Trial Time.** An estimate of the number of court  
8 days needed for the presentation of each party’s case, indicating possible reductions in  
9 time through proposed stipulations, agreed statements of facts, or expedited means of  
10 presenting testimony and exhibits.

11                   **(B) Witnesses to be Called.** A list of all witnesses likely to be called  
12 at trial, other than solely for impeachment or rebuttal, together with a brief statement  
13 following each name describing the substance of the testimony to be given. Parties must  
14 indicate any objections to the use of the listed witnesses and shall certify that counsel have  
15 met and conferred regarding such objections. No party shall be permitted to call any  
16 witness in their case in chief that is not disclosed in the pretrial conference statement  
17 unless the Court grants leave for good cause shown.

18                   **(C) Use of Discovery Responses.** A list of evidence that may be  
19 presented at trial, other than solely for impeachment or rebuttal, through use of excerpts  
20 from depositions, interrogatory answers, or responses to requests for admission. Parties  
21 must indicate any objections to use of these materials and shall certify that counsel have  
22 met and conferred regarding such objections.

23                   **(D) Exhibits, Schedules, and Summaries.** A list of all documents  
24 and other items to be offered as exhibits at the trial, other than solely for impeachment or  
25 rebuttal, with a brief statement following each item describing its substance or purpose and  
26 the identity of its sponsoring witness. The statement shall include a list of all exhibits that  
27 the parties agree may be admitted into evidence. Parties must indicate any objections to  
28 the receipt in evidence of the listed exhibits and shall certify that counsel have met and

1 conferred regarding such objections. No party shall be permitted to introduce any exhibit  
2 in their case in chief that is not disclosed in the pretrial conference statement unless the  
3 Court grants leave for good cause shown.

4 (E) **Further Discovery or Motions.** A statement of all outstanding  
5 discovery or motions, including motions in limine.

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7 (4) **Trial Alternatives and Options.**

8 (A) **Settlement Discussion.** A statement summarizing the status of  
9 settlement negotiations and indicating whether further negotiations are likely to be  
10 productive.

11 (B) **Consent to Trial Before a Magistrate Judge.** A statement  
12 explaining whether reference of all or part of the action to a special master or magistrate  
13 judge is feasible, including whether the parties consent to a court or jury trial before a  
14 magistrate judge with appeal directly to the Ninth Circuit.

15 (C) **Amendments or Dismissals.** A statement of requested or  
16 proposed amendments to pleadings or dismissals of parties, claims, or defenses.

17 (D) **Bifurcation of Issues.** A statement of whether bifurcation (i.e.,  
18 separate trials) of specific issues is feasible and desired.

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20 (5) **Miscellaneous.** Any other subjects relevant to the just, speedy, and  
21 inexpensive resolution of this action.

22 (c) **Pretrial Order.** The Court may, as appropriate, make pretrial orders at or  
23 following the pretrial conference. Such orders shall control the subsequent course of the  
24 action as provided in Federal Rule of Civil Procedure 16.

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26 **4. TRIAL PREPARATION DEADLINES.**

27 (a) **Motions in Limine.** The only appropriate purpose for a motion in limine is to  
28 obtain, in advance of trial, an evidentiary ruling on the admissibility of a specific piece of

1 evidence. Unless otherwise allowed by the Court, all motions in limine shall be filed no  
2 later than 21 calendar days before the scheduled trial date, and written opposition to such  
3 motions shall be filed no later than 14 calendar days before the trial date. **All motions in  
4 limine must be accompanied by a declaration stating that counsel have met and  
5 conferred in good faith regarding the motions prior to their filing, and that the  
6 parties are unable to resolve informally any remaining disputes.**

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8 (b) **Exhibits.** Two sets of all exhibits to be offered at trial, together with a list of  
9 exhibits, shall be lodged with the Court no later than 7 calendar days before the scheduled  
10 trial date. Exhibits must be placed in three-ring binders of no more than three inches each  
11 and must be pre-marked in accordance with the attached forms.

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13 (c) **Objections to Evidence.** Counsel shall meet and confer with respect to any  
14 evidentiary objections in advance of the pretrial conference. They shall advise the Court at  
15 the pretrial conference if any objections contained in their joint pretrial conference  
16 statement have been subsequently resolved.

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18 (d) **Jury Instructions.** If a jury trial has been demanded, the parties shall meet and  
19 confer to discuss proposed jury instructions. The Court uses its own set of standard  
20 instructions regarding the role of jurors, organization of the jury, communication with the  
21 Court, etc., and the parties need not discuss such instructions during their meeting and  
22 conferring. No later than 10 calendar days before the pretrial conference, the parties shall  
23 file (a) proposed jury instructions upon which all parties have agreed and (b) jury  
24 instructions upon which any other party does not agree. The proposed jury instructions  
25 must be accompanied by a declaration stating that the parties have met and conferred in  
26 good faith in an attempt to agree upon as many jury instructions as possible. The  
27 chambers copies of all proposed jury instructions shall be accompanied by an electronic  
28 copy of the instructions in Word or Word Perfect format.

1 For each disputed instruction, the offering party shall indicate the corresponding  
2 instruction(s), if any, being proposed by other parties. The parties shall file written  
3 objections to all disputed instructions no later than 7 calendar days before the scheduled  
4 trial date.

5 All proposed jury instructions shall be concise and free from argument; cover only  
6 one subject to be indicated in the caption; show the identity of the offering party; be  
7 typewritten out in full on a separate page or pages; be consecutively numbered; and set  
8 forth specific citations to supporting authority. Case citations must include pinpoint  
9 citations to the exact page or pages that support the proposed instruction.

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11 (e) **Voir Dire.** If a jury trial has been demanded, the parties may, at their option,  
12 submit proposed questions for voir dire. Any such questions must be filed no later than 10  
13 calendar days before the pretrial conference.

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15 (f) **Special Verdict Forms.** If a jury trial has been demanded, the parties shall  
16 meet and confer to discuss any desired special verdict forms. The parties shall follow the  
17 procedure outlined in paragraph 4(d) in filing their proposed verdict forms.

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19 **5. TRANSCRIPTS.** Arrangements must be made with the Courtroom Deputy at least  
20 14 calendar days before the scheduled trial date if the parties desire daily transcripts and/or  
21 realtime reporting.

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**6. PROCEDURE FOR AMENDING THIS ORDER.** No provision of this order may be changed except by written order of this Court. The Court may enter such an order upon its own motion or upon motion of one or more of the parties. The parties must make any such motion in accordance with the Civil Local Rules and with a demonstration of very good cause. The mere fact that the parties have stipulated to a change does not constitute good cause, nor does a conflict with a court date set after the date of this order.

**IT IS SO ORDERED.**

Dated: 1/25/2017



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THELTON E. HENDERSON  
United States District Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. CR -           TEH   DATE:  
\_\_\_\_\_ v. \_\_\_\_\_

EXHIBIT LIST

Plaintiff

Defendant

EXHIBIT NUMBER	MARKED	ADMITTED	DESCRIPTION OF EXHIBIT

United States District Court  
Northern District of California



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Case No. _____ <b>PLTF</b> Exhibit No. <u>1</u> Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. <u>A</u> Date Admitted _____ Signature _____
Case No. _____ <b>PLTF</b> Exhibit No. <u>2</u> Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. <u>B</u> Date Admitted _____ Signature _____
Case No. _____ <b>PLTF</b> Exhibit No. <u>3</u> Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. <u>C</u> Date Admitted _____ Signature _____
Case No. _____ <b>PLTF</b> Exhibit No. <u>4</u> Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. <u>D</u> Date Admitted _____ Signature _____
Case No. _____ <b>PLTF</b> Exhibit No. <u>5</u> Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. <u>E</u> Date Admitted _____ Signature _____
Case No. _____ <b>PLTF</b> Exhibit No. <u>6</u> Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. <u>F</u> Date Admitted _____ Signature _____