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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN K. BUSTER,

No. C 16-01146 WHA

Plaintiff,

v.

**FINAL PRETRIAL ORDER**

MECHANICS BANK, *et al.*,

Defendants.

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**FOR GOOD CAUSE** and after a final pretrial conference, the following constitutes the final pretrial order and rulings on motions *in limine*:

1. This case shall go to a **BENCH TRIAL** on **MAY 22 AT 7:30 A.M.**, and shall continue until completed on the schedule discussed at the conference. The issues to be tried shall be those set forth in the joint proposed pretrial order except to the extent modified by orders *in limine*. This final pretrial order supersedes the complaint, answer, counterclaim, and answer to counterclaim. Only issues expressly identified for trial remain in the case.

2. Rulings on the motions *in limine* were made on the record at the final pretrial conference and are summarized later in this order.

3. Except for good cause, each party is limited to the witnesses and exhibits disclosed in the joint proposed pretrial order less any excluded or limited by orders *in limine*. Materials or witnesses used solely for impeachment need not be disclosed and may be used, subject to the rules of evidence.

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4. The stipulations of facts set forth in the joint proposed pretrial order are approved and binding on all parties.

5. Each side shall have **SIX HOURS** to examine witnesses (including direct examination, cross-examination, re-direct examination, re-cross examination, etc.). Each side shall also have **FIFTEEN MINUTES** to present opening statements. Any time allocated for closing arguments shall not count against the limit. If, despite being efficient, non-duplicative, and non-argumentative in the use of the allotted time, one side runs out of time and it would be a miscarriage of justice to hold that side to the limit, then more time will be allotted.

6. The parties shall follow the Court's current *Guidelines for Trial and Final Pretrial Conference*, separately provided and available on the Internet at <http://www.cand.uscourts.gov>, which guidelines are incorporated as part of this order.

**RULINGS ON DEFENDANTS' MOTIONS *IN LIMINE***

**1. EXCLUDE EVIDENCE RE FINANCIAL BENEFIT FROM REVERSAL OF SERP ACCRUAL.**

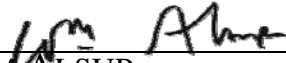
This motion is **DENIED**.

**2. EXCLUDE EXPERT TESTIMONY OF FRANK WISEHART.**

This motion is **GRANTED**. Plaintiff may, however, reserve this expert for use on rebuttal if developments at trial warrant such use, subject to objections on a question by question basis.

**IT IS SO ORDERED.**

Dated: May 18, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE