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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.

MECHANICS BANK, *et al.*,

**ORDER RE PROPOSED
FINDINGS OF FACT**

Defendants.

By **JUNE 1 AT NOON**, each side shall file and serve by email proposed findings of fact. Each proposed finding should be concise, identified by number, and limited to one or two or (at most) three lines of text (exclusive of any block quotes from trial exhibits) followed by exact trial record cites fully supporting the proposed finding. The proposals should be at a level of specificity or generality so as to fit within the page limit set forth below. As a rule of thumb, less controverted subjects may be captured in more generalized proposed findings; more controversial subjects, however, usually require greater specificity and more proposed findings. Block quotes and record cites may be single-spaced (and indented) but otherwise the proposals should be double-spaced. For example:

1. When defendant went through the intersection of Hayes and Gough, the light was red in his direction.

Jones at RT 97:1-3
Young at RT 15:11-12

1 The same submission should also set forth proposed conclusions of law. Each proposed
2 conclusion of law must briefly identify the proposed findings of fact supporting the conclusion
3 *and* the legal authority therefor (quoting the key language of said authority). The overall length
4 of the submission must be **30 PAGES OR LESS**.

5 By **JUNE 5 AT NOON**, the opposing side must file and serve by email a response that
6 states, separately as to each proposed finding, whether the responding party agrees and if not in
7 full agreement, then the full extent to which, considering the duty of good faith and candor, the
8 responding party admits the proposed finding. To the extent that the responding side objects in
9 any respect to the proposed finding, it must state (i) the extent to which the opposition is based
10 on a failure of the record cites to support the proposal (explaining why they do not support it)
11 and (ii) the extent to which the objection is based on contrary evidence (citing the contrary
12 evidence) or lack of credibility (citing relevant evidence). For example:

13 1. Agree that the light was red but the light had just changed a
14 split second before.

15 Mack RT 42:17-18

16 The submission shall similarly state the extent to which the responding party agrees with
17 each conclusion of law proposed by the other side. If there is any disagreement, the responding
18 side must state (i) the extent to which the disagreement is based on a failure of the supporting
19 findings, (ii) the extent to which the disagreement is based on a failure of the cited authorities to
20 support the conclusion, and (iii) the extent to which contrary authorities contradict the legal
21 basis for the proposed conclusion. The responding submission should reproduce each original
22 finding or conclusion and then, immediately after each, supply the responsive information. It
23 may not exceed twice the overall number of pages used by the submission to which it responds.

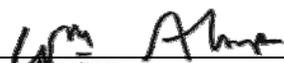
24 Please do not ask for an extension.

25 **IT IS SO ORDERED.**

26

27 Dated: May 24, 2017.

28


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE