

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KYLE CHRISTOPHER ZOELLNER,
Plaintiff,
v.
ERIC LOSEY,
Defendant.

Case No. [18-cv-04471-JSC](#)

**ORDER DENYING PLAINTIFF’S
REQUEST FOR MORE TIME**

Re: Dkt. No. 366

Plaintiff’s last-minute request to give him an additional 1.5 hours for direct and cross examination is DENIED.

At the pretrial conference on September 15, 2022, the Court advised the parties that each would have 9 hours for direct and cross examination. The hours limit was memorialized in an order the following day. (Dkt. No. 306 at 12.) Plaintiff did not object. Trial commenced on October 3, 2022. After non-party Maggie Fleming testified, the Court *sua sponte* gave Plaintiff, but not Defendant, an additional 30 minutes in light of the difference between Ms. Fleming’s deposition testimony and trial testimony. During trial the Court repeatedly advised Plaintiff how much time he had used and warned that he was running out of time. Further, Plaintiff’s insistence that the additional time will not impact the trial schedule is wrong. If the Court were to give Plaintiff the additional time sought, the case could not get to the jury on October 11, 2022 as planned. Such delay enhances the risk of mistrial as one juror already had to be excused due to a positive Covid test.

As stated on October 7, 2022, Plaintiff has 25 minutes remaining.

//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: October 10, 2022


JACQUELINE SCOTT CORLEY
United States District Judge