

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

3 TREMAYNE COLLIER,

No. C 06-01143 CW (PR)

4 Plaintiff,

ORDER APPOINTING COUNSEL
AND SETTING CASE MANAGEMENT
CONFERENCE DATE

5 v.

6 SHERIFF M. HENNESSEY, et al.,

7 Defendants.
8 _____/

9
10 The Court having determined that it would be beneficial to
11 have counsel assist Plaintiff in this matter and volunteer counsel
12 willing to be appointed to represent Plaintiff having been located
13 by the Court,

14 IT IS HEREBY ORDERED THAT Nathan A. Greenblatt, Esq. (SBN
15 262279), Luiz A.S. Arroyo, Esq. (SBN 267682), and Gregory D. Hull,
16 Esq. (SBN 57367) of Weil, Gotshal & Manges LLP, are appointed as
17 counsel for Plaintiff in this matter pursuant to 28 U.S.C.
18 § 1915(e)(1) and the Court's Federal Pro Bono Project guidelines.

19 The Clerk of the Court shall send a copy of this Order to
20 Plaintiff's counsel at Weil, Gotshal & Manges LLP, 201 Redwood
21 Shores Parkway, Redwood Shores, California 94065. The Clerk of the
22 Court shall also send a copy of this Order to Plaintiff, and to
23 Defendants' counsel.

24 IT IS FURTHER ORDERED THAT a case management conference will
25 be held on July 27, 2010, at 2:00 p.m. Counsel shall comply with
26 the attached Order for Pretrial Preparation.

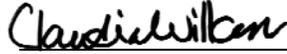
27 In light of the appointment of counsel, Plaintiff's motion for
28 appointment of counsel (docket no. 104) is GRANTED, and his

1 remaining pending motions (docket nos. 74, 86, 87, 88, 89, 90, 93,
2 94, 95, 96, 97, 98, 103) are DENIED WITHOUT PREJUDICE to refiling
3 by counsel if counsel deems it advisable.

4 This Order terminates Docket nos. 74, 86, 87, 88, 89, 90, 93,
5 94, 95, 96, 97, 98, 103 and 104.

6 IT IS SO ORDERED.

7 DATED: 6/30/2010



CLAUDIA WILKEN
United States District Judge

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NOTICE

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2 **Case Management Conferences and Pretrial Conferences** are
3 conducted on **Tuesdays** at 2:00 p.m. **Criminal Law and Motion**
4 calendar is conducted on **Wednesdays** at 2:00 p.m. for defendants in
5 custody and 2:30 p.m. for defendants not in custody. **Civil Law and**
6 **Motion** calendar is conducted on **Thursdays** at 2:00 p.m. Order of
7 call is determined by the Court. Counsel need not reserve a
8 hearing date for civil motions; however, counsel are advised to
9 check the legal newspapers or the Court's website at
10 www.cand.uscourts.gov for unavailable dates.

11 Motions for Summary Judgment: All issues shall be contained
12 within one motion of 25 pages or less, made on 35 days notice.
13 (See Civil L.R. 7-2). Separate statements of undisputed facts in
14 support of or in opposition to motions for summary judgment will
15 not be considered by the Court. (See Civil Local Rule 56-2(a)).
16 The motion and opposition should include a statement of facts
17 supported by citations to the declarations filed with respect to
18 the motion. Evidentiary and procedural objections shall be
19 contained within the motion, opposition or reply; separate motions
20 to strike will not be considered by the Court. Any cross-motion
21 shall be contained within the opposition to any motion for summary
22 judgment, shall contain 25 pages or less, and shall be filed 21
23 days before the hearing. The reply to a motion may contain up to
24 15 pages, shall include the opposition to any cross-motion, and
25 shall be filed 14 days before the hearing. (See Civil Local Rule
26 7-3). The Court may, *sua sponte* or pursuant to a motion under
27 Civil L.R. 6-3, reschedule the hearing so as to give a moving party
28 time to file a reply to any cross-motion.

17 All discovery motions are referred to a Magistrate Judge to be
18 heard and considered at the convenience of his/her calendar. All
19 such matters shall be noticed by the moving party for hearing on
20 the assigned Magistrate Judge's regular law and motion calendar, or
21 pursuant to that Judge's procedures.

22 Pursuant to General Order 45, § VI.G, "In all cases subject to
23 ECF, in addition to filing papers electronically, the parties are
24 required to lodge for chambers **no later than noon on the business**
25 **day following the day that the papers are filed electronically**, one
26 paper copy of each document that is filed electronically."

26 (rev. 10/10/07)
27 (order attached rev. 6/29/10)

1 (A) Undisputed Facts. A plain and concise
statement of all relevant facts not reasonably disputed.

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

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

6 (D) Stipulations. A statement of stipulations
7 requested or proposed for pretrial or trial purposes.

8 (3) Disputed Legal Issues. Without extended legal
9 argument, a concise statement of each disputed point of
10 law concerning liability or relief.

11 (4) Further Discovery or Motions. A statement of
12 all remaining discovery or motions.

13 (5) Trial Alternatives and Options.

14 (A) Settlement Discussions. A statement
15 summarizing the status of settlement negotiations and
indicating whether further negotiations are likely to be
productive.

16 (B) Consent to Trial Before a Magistrate Judge. A
17 statement whether the parties consent to a court or jury
trial before a magistrate judge, with appeal directly to
18 the Ninth Circuit.

19 (C) Bifurcation, Separate Trial of Issues. A
20 statement of whether bifurcation or a separate trial of
specific issues is feasible and desired.

21 (6) Miscellaneous. Any other subjects relevant to
22 the trial of the action, or material to its just, speedy
23 and inexpensive determination.

24 (b) Exhibit List and Objections. The exhibit list
25 shall list each proposed exhibit by its number (see Civil L.R.
26 30-2(b)), description, and sponsoring witness, followed by
27 blanks to accommodate the date on which it is marked for
28 identification and the date on which it is admitted into

1 evidence. **No party shall be permitted to offer any exhibit in**
2 **its case-in-chief that is not disclosed in its exhibit list**
3 **without leave of the Court for good cause shown.** Parties
4 shall also deliver a set of premarked exhibits to the
5 Courtroom Deputy. The exhibit markers shall each contain the
6 name and number of the case, the number of the exhibit, and
7 blanks to accommodate the date admitted and the Deputy Clerk's
8 initials. (Appropriate sample forms are available on the
9 Court's website at www.cand.uscourts.gov). Any objections to
10 exhibits which remain after the pretrial meeting shall be
11 indicated in the pretrial statement.

12 (c) Witness List. In addition to the requirements
13 of FR CivP 26(a)(3)(A), a brief statement describing the
14 substance of the testimony to be given by each witness who may
15 be called at trial. **No party shall be permitted to call any**
16 **witness in its case-in-chief that is not disclosed in its**
17 **pretrial statement without leave of Court for good cause**
18 **shown.**

19 (d) Use of Discovery Responses. In addition to the
20 requirements of FR CivP 26(a)(3)(B), a designation of any
21 excerpts from interrogatory answers or from responses for
22 admissions intended to be offered at trial. Counsel shall
23 indicate any objections to use of these materials and that
24 counsel have conferred respecting such objections.

25 (e) Trial briefs. Briefs on all significant
26 disputed issues of law, including foreseeable procedural and
27 evidentiary issues, which remain after the pretrial meeting.

28 (f) Motions in Limine. Any motions in limine that

1 could not be settled at the pretrial meeting shall be filed
2 with the pretrial statement. All motions in limine shall be
3 contained within one document, limited to 25 pages pursuant to
4 Civil L.R. 7-2(b), with each motion listed as a subheading.
5 Opposition to the motions in limine shall be contained within
6 one document, limited to 25 pages, with corresponding
7 subheadings, and filed seven (7) days thereafter.

8 (g) Joint Proposed Voir Dire. The attached voir
9 dire questionnaire will be given to the venire members, and
10 copies of the responses will be made available to counsel at
11 the beginning of voir dire. Counsel may submit a set of
12 additional requested voir dire, to be posed by the Court, to
13 which they have agreed at the pretrial meeting. Any voir dire
14 questions on which counsel cannot agree shall be submitted
15 separately. Counsel may be allowed brief follow-up voir dire
16 after the Court's questioning.

17 (h) Joint Proposed Jury Instructions. As
18 applicable, jury instructions §1.1A, §1.1C, §1.2 through
19 §1.17, §1.19, §2.1 through §2.13, §3.1 through §3.3 from the
20 Manual of Model Civil Jury Instructions for the Ninth Circuit
21 (2007 Edition) will be given absent objection. Counsel shall
22 jointly submit one set of additional proposed jury
23 instructions, to which they have agreed at the pretrial
24 meeting. The instructions shall be ordered in a logical
25 sequence, together with a table of contents. Any instruction
26 on which counsel cannot agree shall be marked as "disputed,"
27 and shall be included within the jointly submitted
28 instructions and accompanying table of contents, in the place

1 where the party proposing the instruction believes it should
2 be given. Argument and authority for and against each
3 disputed instruction shall be included as part of the joint
4 submission, on separate pages directly following the disputed
5 instruction.

6 The parties shall email to cwpo@cand.uscourts.gov a copy
7 of their proposed jury instructions in WordPerfect or Word
8 format. The subject of the email should include the name of
9 the parties, the case number and a description of the
10 document.

11 (i) Proposed Verdict Forms, Joint or Separate.

12 (j) Proposed Findings of Fact and Conclusions of
13 Law (Court Trial only). The parties shall email to
14 cwpo@cand.uscourts.gov a copy of their proposed findings of
15 fact and conclusions of law in WordPerfect or Word format.
16 The subject of the email should include the name of the
17 parties, the case number and a description of the document.

18 JURY SELECTION

19 The Jury Commissioner will summon 20 to 25 prospective
20 jurors. The Courtroom Deputy will select their names at
21 random and seat them in the courtroom in the order in which
22 their names are called.

23 Voir dire will be asked of sufficient venire persons so
24 that eight (or more for a lengthy trial) will remain after all
25 peremptory challenges and an anticipated number of hardship
26 dismissals and cause challenges have been made.

27 The Court will then take cause challenges, and discuss
28 hardship claims from the individual jurors, outside the

1 presence of the venire. The Court will inform the attorneys
2 which hardship claims and cause challenges will be granted,
3 but will not announce those dismissals until the process is
4 completed. Each side may then list in writing up to three
5 peremptory challenges. The attorneys will review each other's
6 lists and then submit them to the Courtroom Deputy.

7 Then, from the list of jurors in numerical order, the
8 Court will strike the persons with meritorious hardships,
9 those excused for cause, and those challenged peremptorily,
10 and call the first eight people in numerical sequence
11 remaining. Those people will be the jury.

12 All jurors remaining at the close of the case will
13 deliberate. There are no alternates.

14 SANCTIONS

15 Failure to comply with this Order is cause for sanctions
16 under Federal Rule of Civil Procedure 16(f).

17 IT IS SO ORDERED.

18
19 Dated: _____



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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JUROR QUESTIONNAIRE

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Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3. The city where you live: _____

How long have you lived there: _____

4. Your place of birth: _____

5. Do you rent or own your own home? _____

6. Your marital status: (circle one)
single married live with partner separated divorced
widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? _____

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

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12. Please describe your educational background:

Highest grade completed: _____

College and/or vocational schools you have attended:

Major areas of study: _____

13. Have you ever served on a jury before? _____ How many
times? _____

If yes: State/County Court _____ Federal Court _____

When? _____

Was it a civil or criminal case? _____

Did the jury(ies) reach a verdict? _____

14. Attached is a list of the parties in this case, the law
firms representing the parties, attorneys in this case,
and persons who are potential witnesses in this case. Do
you know, or think you know, any of the persons listed?

Yes: _____ No: _____

If so, make a check next to their name.

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TREMAYNE COLLIER,
Plaintiff,

Case Number: CV06-01143 CW
CERTIFICATE OF SERVICE

v.

M HENNESSY, SHERIFF et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 30, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Tremayne Collier V-60930
Kern Valley State Prison
P.O. Box 5102
A6-208
Delano, CA 93216

Nathan A. Greenblatt, Esq.
Luis A.S. Arroyo, Esq.
Gregory D. Hull, Esq.
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065

Dated: June 30, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk