

United States District Court  
For the Northern District of California

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

RUBEN ODELL BOULWARE,  
Plaintiff,  
v.  
D. M. DUNSTAN,  
Defendant.

No. C 09-02792 CW  
ORDER SETTING TRIAL  
DATE

\_\_\_\_\_ /

IT IS ORDERED that a jury trial will be held on Monday, January 9, 2012, at 8:30 a.m. in Courtroom 2, Fourth Floor, 1301 Clay Street, Oakland, CA. Plaintiff and counsel for the Defendant shall comply with the attached Order for Pretrial Preparation. No pretrial conference will be held; the Court will decide the pretrial matters on the papers.

Dated: 8/15/2011



\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge



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

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

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

8 In addition, each party shall submit the following:

9 a. Exhibit List and Objections. The exhibit list required  
10 by Civil L.R. 16-10(b)(7) shall list each proposed exhibit by its  
11 number (see Civil L.R. 30-2(b)), description, and sponsoring witness,  
12 followed by blanks to accommodate the date on which it is marked for  
13 identification and the date on which it is admitted into evidence.  
14 No party shall be permitted to offer any exhibit in its case-in-chief  
15 that is not disclosed in its exhibit list without leave of the Court  
16 for good cause shown. Parties shall also deliver a set of premarked  
17 exhibits to the Courtroom Deputy. The exhibit markers shall each  
18 contain the name and number of the case, the number of the exhibit,  
19 and blanks to accommodate the date admitted and the Deputy Clerk's  
20 initials. Appropriate sample forms are attached and are also  
21 available on the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

22 b. Witness List. No party shall be permitted to call any  
23 witness in its case-in-chief that is not disclosed in its pretrial  
24 conference statement without leave of the Court for good cause shown.  
25 **Each party must arrange to subpoena and produce the witnesses they**  
26 **wish to call.**

1 c. Use of Discovery Responses. In addition to the  
2 requirements of Federal Rule of Civil Procedure 26(a)(3)(B), a  
3 designation of any excerpts from interrogatory answers or from  
4 responses to requests for admissions intended to be offered at trial.  
5 The parties shall indicate any objections to use of these materials.

6 d. Trial briefs. Briefs on all significant disputed issues  
7 of law, including foreseeable procedural and evidentiary issues.

8 e. Motions in Limine. Any motions in limine shall be filed  
9 with the pretrial conference statement. All motions in limine shall  
10 be contained within one document, limited to 25 pages pursuant to  
11 Civil L.R. 7-2(b), with each motion listed as a subheading.  
12 Opposition to the motions in limine shall be contained within one  
13 document, limited to 25 pages, with corresponding subheadings, and  
14 filed fourteen (14) days thereafter.

15 f. Proposed Voir Dire. The attached voir dire  
16 questionnaire will be given to the venire members, and copies of the  
17 responses will be made available to parties at the beginning of voir  
18 dire. Each party may submit a set of additional requested voir dire.

19 g. Joint Proposed Jury Instructions. As applicable, jury  
20 instructions §1.1A, §1.1C, §1.2 through §1.17, §1.19, §2.1 through  
21 §2.13, §3.1 through §3.3 from the Manual of Model Civil Jury  
22 Instructions for the Ninth Circuit (2007 Edition) will be given absent  
23 objection. Parties shall each submit one set of additional proposed  
24 jury instructions. The instructions shall be ordered in a logical  
25 sequence, together with a table of contents. Authority for each  
26 instruction shall be included as part of the submission.

27 If possible, the parties shall email to cwpo@cand.uscourts.gov  
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1 a copy of their proposed jury instructions in WordPerfect or Word  
2 format. The subject of the email should include the name of the  
3 parties, the case number and a description of the document.

4 h. Proposed Verdict Forms.

5 i. Proposed Findings of Fact and Conclusions of Law (Court  
6 Trial only). If possible, the parties shall email to  
7 cwpo@cand.uscourts.gov a copy of their proposed findings of fact and  
8 conclusions of law in WordPerfect or Word format. The subject of the  
9 email should include the name of the parties, the case number and a  
10 description of the document.

11 JURY SELECTION

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

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

19 The Court will then take cause challenges, and discuss hardship  
20 claims from the individual jurors, outside the presence of the venire.  
21 The Court will inform the parties which hardship claims and cause  
22 challenges will be granted, but will not announce those dismissals  
23 until the process is completed. Each party may then list in writing  
24 up to three peremptory challenges. The parties will review each  
25 other's lists and then submit them to the Courtroom Deputy.

26 Then, from the list of jurors in numerical order, the Court will  
27 strike the persons with meritorious hardships, those excused for  
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1 cause, and those challenged peremptorily, and call the first eight  
2 people in numerical sequence remaining. Those people will be the  
3 jury.

4 All jurors remaining at the close of the case will deliberate.  
5 There are no alternates.

6 SANCTIONS

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

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10 IT IS SO ORDERED.



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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. Your place of birth: \_\_\_\_\_

4. Do you rent or own your own home? \_\_\_\_\_

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

6. 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).

\_\_\_\_\_  
\_\_\_\_\_

7. Who is (or was) your employer?  
\_\_\_\_\_

8. How long have you worked for this employer? \_\_\_\_\_

9. Please list the occupations of any adults with whom you live.  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Please describe your educational background:

1 Highest grade completed: \_\_\_\_\_

2 College and/or vocational schools you have attended:

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 Major areas of study: \_\_\_\_\_

7 12. Have you ever served on a jury before? \_\_\_\_\_ How many  
8 times? \_\_\_\_\_

9 If yes: State/County Court \_\_\_\_\_ Federal Court \_\_\_\_\_

10 When? \_\_\_\_\_

11 Was it a civil or criminal case? \_\_\_\_\_

12 Did the jury(ies) reach a verdict? \_\_\_\_\_

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

17 Yes: \_\_\_\_\_ No: \_\_\_\_\_

18 If so, make a check next to their name.

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21 Rev. 6/28/10

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5  
6 RUBEN ODELL BOULWARE,

Case Number: CV09-02792 CW

7 Plaintiff,

**CERTIFICATE OF SERVICE**

8 v.

9 D M DUNSTAN et al,

10 Defendant.  
11 \_\_\_\_\_/

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

13 That on August 15, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

16  
17 Ruben Odell Boulware  
18 5558 Dairy Avenue  
Long Beach, CA 90805

19 Dated: August 15, 2011

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