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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION

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7 MARK LEE TAYLOR, et al.,  
8 Plaintiffs,

9 v.

10 HONEYWELL INTERNATIONAL INC,  
11 et al.,  
12 Defendants.

Case No. [10-cv-04659-SBA](#)

**ORDER FOR PRETRIAL  
PREPARATION**

13 Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure ("FRCP"), IT IS  
14 HEREBY ORDERED AS FOLLOWS:

15 **A. MANDATORY SETTLEMENT CONFERENCES**

16 All parties are ordered to participate in a mandatory settlement  
17 conference with Magistrate Judge Corley within 60 days of the Case Management  
18 Conference held on June 4, 2015, subject to Judge Corley and the parties' availability. (July  
19 7, 2015 has been tentatively reserved.)

20 **B. PRETRIAL CONFERENCE**

21 All Counsel who will try the case shall appear for a pretrial conference  
22 on November 18, 2015 at 1:00 p.m. All Counsel shall be fully prepared to discuss all  
23 aspects of the trial. The pretrial conference will take place at 1300 Clay Street, 2nd Floor,  
24 Courtroom 210, Oakland, California, 94612 (located inside the U.S. Bankruptcy  
25 Courthouse). Failure to file the requisite pretrial documents in advance of the pretrial  
26 conference may result in vacation of the pretrial conference and/or the imposition of  
27 sanctions. ***ALL PARTIES WITH SETTLEMENT AUTHORITY ARE REQUIRED TO  
28 ATTEND THE PRETRIAL CONFERENCE.***

**C. PRETRIAL PREPARATION DUE: October 7, 2015**

Prior to the date pretrial preparation is due, Counsel shall meet and confer in good faith in advance of complying with the following pretrial requirements in order to clarify and narrow the issues for trial, arrive at stipulations of facts, simplify and

1 shorten the presentation of proof at trial, and explore possible settlement. In addition,  
2 Counsel shall meet and confer regarding anticipated motions in limine, objections to  
3 evidence, jury instructions, and any other matter which may require resolution by the Court.  
4 The following items 1 through 8 below shall be filed and served by the above-referenced  
5 date.

6 **1. Joint Pretrial Statement**

7 Counsel are required to file a pretrial conference statement  
8 containing the following information:

9 **(a) The Action**

10 **(i) Substance of the Action.** A brief description of the  
11 substance of claims and defenses which remain to be decided

12 **(ii) Relief Prayed.** A detailed statement of all the relief  
13 claimed, particularly itemizing all elements of damages claimed as well as witnesses,  
14 documents or other evidentiary material to be presented concerning the amount of those  
15 damages.

16 **(b) The Factual Basis of the Action**

17 **(i) Undisputed Facts.** A plain and concise statement of  
18 all relevant facts not reasonably disputable, as well as which facts parties will stipulate for  
19 incorporation into the trial record without the necessity of supporting testimony or exhibits.

20 **(ii) Disputed Factual Issues.** A plain and concise  
21 statement of all disputed factual issues which remain to be decided.

22 **(iii) Agreed Statement.** A statement assessing whether  
23 all or part of the action may be presented upon an agreed statement of facts.

24 **(iv) Stipulations.** A statement of stipulations requested or  
25 proposed for pretrial or trial purposes.

26 **(c) Disputed Legal Issues**

27 **(i) Points of Law.** Without extended legal argument, a  
28 concise statement of each disputed point of law concerning liability or relief, citing  
supporting statutes and decisions. Unless otherwise ordered, parties should cite to briefs  
served and lodged setting forth briefly the nature of each party's contentions concerning each  
disputed point of law, including procedural and evidentiary issues.

**(ii) Proposed Conclusions of law.** If the case is to be

1 tried without jury, unless otherwise ordered, parties should briefly indicate objections to  
2 proposed conclusions of law lodged with this Court.

3 **2. Trial Briefs**

4 Each party shall serve and file a trial brief which shall briefly  
5 state their contentions, the relevant facts to be proven at trial, and the law on the issues  
6 material to the decision.

7 **3. Findings of Fact**

8 In non-jury cases, each party shall serve and lodge with the  
9 Court proposed findings of fact and conclusions of law on all material issues. Findings shall  
10 be brief, clear, written in plain English and free of pejorative language, and argument.

11 **4. Witnesses**

12 Each party shall serve and file with the Court a list of all persons  
13 who may be called as witnesses. The list shall include a summary of the substance of each  
14 witness' proposed testimony.

15 **5. Designation of Discovery Excerpts**

16 Each party expecting to use discovery excerpts as part of its case  
17 in chief shall serve and lodge with the Court a statement identifying (1) by witness and page  
18 and line, all deposition testimony and (2) by lodged excerpt, all interrogatory answers and  
19 request for admissions to be used as part of its direct case. Each interrogatory answer  
20 intended to be offered as an exhibit shall be copied separately and marked as an exhibit. The  
21 original of any deposition to be used at trial must be produced at the time of trial, as well as  
22 a copy for the Court. Counsel shall indicate any objections to the use of these materials and  
23 advise the Court that counsel has conferred respecting such objections.

24 **6. Jury Instructions**

25 The parties shall file a joint set of proposed jury instructions as  
26 to those instructions on which the parties have reached agreement. As to any disputed  
27 instructions, each party shall separately submit its "proposed" instruction(s) supported by a  
28 memorandum setting forth the authority for its use. Responses or objections to any  
"proposed" jury instruction shall be filed no later than the date of the pretrial conference.  
All instructions shall be written in plain English which is comprehensible to jurors, concise  
and free of argument, and shall be organized in a logical fashion so as to aid jury  
comprehension, and are also to be provided on a CD in a word format. The Court's practice  
is to utilize, whenever possible, instructions found in the Ninth Circuit Manual of Model  
Jury Instructions.

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**7. Jury Voir Dire and Verdict Forms**

Each party shall submit proposed questions for jury voir dire and a proposed form of verdict.

**8. Exhibits**

Each party shall provide every other party one set of all exhibits, charts, schedules, summaries and diagrams and other similar documentary materials to be used at the trial together with a complete list of all such exhibits. The Court requires one original version of exhibits (as described above) for the Clerk and two copies (one for the Bench and one for the witness stand). All such versions of the exhibits, including the originals, should be indexed into a binder for easy and quick reference by all parties. The first page of each binder should have a copy of the exhibit list (see attached) appropriately completed with each exhibit description and its designated number. Plaintiffs shall refer to their exhibits numerically and Defendants shall label theirs alphabetically. Exhibit labels are also attached for your convenience. Exhibits should be brought to Court on the first day of trial.

**9. Motions in Limine and Objections to Evidence**

Each party anticipating making motion(s) in limine and/or objection(s) to any testimony or exhibits expected to be offered shall file and serve a statement briefly identifying each item objected to and the grounds for the objection. The parties must meet and confer prior to filing any motion in limine and objection to evidence. The movant shall certify to the Court in its moving papers that it has complied with this requirement.

**NOTE:** All motions in limine submitted by each party shall be set forth *in a single memorandum*, not to exceed **ten (10) pages** in length. Responses to the motions in limine shall be set forth in a single memorandum, not to exceed **ten (10) pages** in length. Reply briefs shall not exceed **six (6) pages**. No motions in limine will be considered unless the parties certify that they met and conferred prior to the filing of such motion. Any request to exceed the page limit must be submitted prior to the deadline for these briefs and must be supported by a showing of good cause, along with a certification that the applicant has met and conferred with the opposing party.

**(a) Motions/Objections due: October 14, 2015**

**(b) Opposition due: October 21, 2015**

**(c) Reply due: October 28, 2015**

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**D. TRIAL DATE**

Trial before the Jury will begin on December 7, 2015, at 8:30 a.m., for an estimated 8 trial days, or as soon thereafter as the Court may designate. The parties are advised that they must be prepared to go to trial on a trailing basis. The trial will take place at 1300 Clay Street, 2nd Floor, Courtroom 210, Oakland, California, 94612 (located inside the U.S. Bankruptcy Courthouse). The Court's trial hours are from 8:30 a.m. to 2:00 p.m., with two fifteen-minute breaks, on Monday, Wednesday, Thursday and Friday. *On the first day of trial all parties are required to have someone in Court with full Settlement Authority.*

**E. TRANSCRIPTS**

If transcripts will be requested during or immediately after the trial, arrangements must be made with the Court Reporter Coordinator (Telephone No. 510-637-3534) at least one week prior to the commencement of trial commences.

**F. STATUS AND DISCOVERY CONFERENCES**

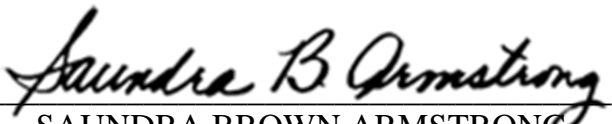
Any party desiring to confer with the Court may, upon notice to all other parties, arrange a conference through the courtroom deputy (Telephone No. 415-522-4158). Conferences may be conducted telephonically, upon request (preferably in writing).

**G. SANCTIONS**

Failure to comply with this order may result in the imposition of sanctions pursuant to FRCP 16(f).

**IT IS SO ORDERED.**

Dated: June 5, 2015

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge