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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN BARRY,

No. C 11-00847 DMR

Plaintiff(s),

FINAL PRETRIAL ORDER

v.

UNITED STATES OF AMERICA,

Defendant(s).
_____ /

Following the Pretrial Conference held on July 25, 2012, the court hereby ORDERS that:

Court trial shall begin on August 6, 2012 at 9:00 a.m. at the U.S. District Court, 1301 Clay Street, Oakland, California 94612. For courtroom number and floor information, please check the Court's on-line calendar at <http://www.cand.uscourts.gov> (click "Calendars - Judges' Weekly Calendars" link, then select Judge Ryu's calendar) or call Judge Ryu's Courtroom Deputy, Ivy Garcia, at (510) 637-3639, one week prior. The trial shall proceed no longer than five days and shall end at 3:00 p.m. each day. Trial will not be held on Thursday, August 9, 2012.

At the conclusion of each trial day, the parties shall name the witnesses they intend to call, and the exhibits they intend to use, except for impeachment purposes, for each of the next two trial days. A party may not call any witnesses or use any exhibits not disclosed on the list or in the pretrial statement. Plaintiff shall e-file the first list on August 3, 2012.

Defendant shall notify Plaintiff by August 2, 2012 as to which of the following witnesses Defendant will call to testify in person: Page, Gordon, and Mulderig.

If a party's witness is not present when called, the court shall deem the party to have rested that portion of the case (e.g., case in chief, rebuttal).

1 All witnesses, apart from the party or party representative, shall be excluded from the
2 courtroom when not testifying.

3 Based upon the parties' stipulations the following exhibits are admitted into evidence:
4 Plaintiff's Trial Exhibits 1-13, 19-20 and Defendant's Trial Exhibits B, D-F, I-O, Q-Y, AA, and EE.

5 Based upon the parties' stipulations, the following deposition excerpts are admitted into
6 evidence: (1) The deposition excerpts, including deposition exhibits, which were designated by
7 Plaintiff in Docket No. 24, excluding those which were withdrawn by Plaintiff on July 25, 2012, and
8 subject to further narrowing as discussed below; and (2) The deposition excerpts which were
9 designated by Defendant in Docket No. 25, and which were not subject to Plaintiff's filed
10 objections.

11 The court defers ruling on Plaintiff's objections to Defendant's exhibits and deposition
12 excerpts. However, pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure, the court
13 hereby strikes the portions of the Williams Declaration in Defendant's Exhibit Z that specifically
14 refer to Plaintiff, (Williams Decl. 3:7-18, 4:1-16, June 26, 2012).

15 In final preparation for trial, Plaintiff shall further narrow his deposition excerpts and shall
16 file a revised list with the Court by August 1, 2012. By July 31, 2012, Defendant shall attempt to
17 narrow its designations for any deposition excerpts currently exceeding eight pages, and shall file
18 the revised designations. Plaintiff shall file line-specific objections to Defendant's revised
19 deposition excerpts by August 3, 2012, based only upon arguments that Plaintiff presented in his
20 original objections. [See Docket No. 32.]

21 IT IS SO ORDERED.

22
23 Dated: July 27, 2012

