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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEDRO GARCIA,
Plaintiff,

v.

U.S DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT, et al.,
Defendants.

Case No. 4:17-cv-04441-KAW

CASE MANAGEMENT AND PRETRIAL
ORDER FOR JURY TRIAL

1. TRIAL DATE

a. Bench trial will begin on August 5, 2019 at 9:00 a.m. at the U.S. District Court, 1301 Clay Street, Oakland, California. For courtroom number and floor information, please check the Court's on-line calendar at www.cand.uscourts.gov/judgeswkcal one week prior to trial, or call Susan Imbriani (Judge Westmore's Courtroom Deputy) at (510) 637-3525.

b. The length of the trial will be not more than five days. The Court may shorten the allotted time as it deems appropriate, and may also allocate a fixed number of hours for each side. Court hours for trial are normally 9:00 a.m. to 3:00 p.m., subject to the Court's availability.

2. DISCOVERY AND EXPERT DISCLOSURES

- a. All non-expert discovery shall be completed by February 8, 2019.
- b. Experts shall be disclosed and reports provided by February 8, 2019.
- c. Rebuttal experts shall be disclosed and reports provided by March 8, 2019.
- d. All discovery from experts shall be completed by March 29, 2019.

3. PRETRIAL MOTIONS

- a. The last day for hearing dispositive motions shall be May 2, 2019.
- b. Only one summary judgment motion may be filed by each side, absent leave of court. Leave of court may be sought if multiple parties comprise one or both sides.

United States District Court
Northern District of California

1 Leave of court may be obtained by filing a motion for administrative relief pursuant
2 to Civ. L. R. 7-11, or by requesting a case management conference or informal
3 telephone conference.

4 c. Separate statements of undisputed facts in support of or in opposition to motions
5 for summary judgment shall NOT be filed. See Civil L. R. 56-2. The parties may
6 file a truly joint statement of undisputed facts only if all parties agree that the facts
7 are undisputed.

8 d. Objections to evidence may no longer be filed separately but must be contained
9 within the opposition or reply brief or memorandum. Civil L. R. 7-3.

10 e. Each party filing or opposing a motion shall also serve and file a proposed order
11 which sets forth the relief or action sought and a short statement of the rationale of
12 decision, including citation of authority that the party requests the court to adopt.

13 f. Chambers copies of each electronically-filed dispositive motion must include on
14 each page the running header created by the ECF system and must be delivered to
15 the Clerk's Office by noon the day following its filing. All documents must be
16 stapled or bound by a two-pronged fastener, and all exhibits to declarations or
17 requests for judicial notice must be tabbed.

18 g. In addition, counsel shall email copies of all motions for summary judgment in
19 standard Word format (.doc or .docx, and not .pdf format) to
20 kawpo@cand.uscourts.gov.

21 4. LAST DAY TO SEEK LEAVE TO AMEND PLEADINGS

22 The last day to seek leave to amend the pleadings is September 7, 2018, specifically,
23 Plaintiff is allowed to amend the complaint by September 7, 2018.

24 5. ALTERNATIVE DISPUTE RESOLUTION/SETTLEMENT CONFERENCE

25 The parties have already participated in settlement discussions and completed mediation on
26 June 29, 2018.

27 6. PRETRIAL CONFERENCE

28 a. A pretrial conference shall be held on July 24, 2019 at 2:00 p.m. Lead counsel who

1 will try the case (or the party if pro se) must attend. The timing of disclosures required by Federal
2 Rule of Civil Procedure 26(a)(3) and other pretrial disclosures shall be governed by this order.

3 b. By June 21, 2019, thirty (30) days prior to the date of the pretrial conference, lead
4 counsel shall meet and confer regarding:

- 5 (1) Preparation and content of the joint pretrial conference statement;
- 6 (2) Preparation and exchange of pretrial materials to be served and lodged
7 pursuant to paragraph 5(c) below; and
- 8 (3) Settlement of the action.

9 c. By July 2, 2019, twenty (20) days prior to the pretrial conference, counsel and/or
10 parties shall:

- 11 (1) Serve and file a joint pretrial statement that includes the pretrial disclosures
12 required by Federal Rule of Civil Procedure 26(a)(3) as well as the
13 following supplemental information:
 - 14 (a) The Action.
 - 15 (i) Substance of the Action. A brief description of the substance
16 of claims and defenses which remain to be decided.
 - 17 (ii) Relief Prayed. A detailed statement of all the relief claims,
18 particularly itemizing all elements of damages claimed as
19 well as witnesses, documents or other evidentiary material
20 to be presented concerning the amount of those damages.
 - 21 (b) The Factual Basis of the Action.
 - 22 (i) Undisputed Facts. A plain and concise statement of all
23 relevant facts not reasonably disputable, as well as which
24 facts parties will stipulate for incorporation into the trial
25 record without the necessity of supporting testimony or
26 exhibits.
 - 27 (ii) Disputed Factual Issues. A plain and concise statement of all
28 disputed factual issues which remain to be decided.

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- (iii) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.
- (iv) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.
- (c) **Disputed Legal Issues.**
Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions.
- (d) **Trial Preparation.**
 - (i) Witnesses to Be Called. With regard to witnesses disclosed pursuant to Federal Civil Rule of Civil Procedure 26(a)(3)(A), a brief statement describing the substance of the testimony to be given.
 - (ii) Estimate of Trial Time. An estimate of the number of hours needed for the presentation of each party's case, indicating possible reductions in time through proposed stipulations, agreed statements of facts, or expedited means of presenting testimony and exhibits.
 - (iii) Use of Discovery Responses. Designate excerpts from discovery that the parties intend to present at trial, other than solely for impeachment or rebuttal, from depositions specifying the witness page and line references, from interrogatory answers, or from responses to requests for admission.
- (e) **Trial Alternatives and Options.**
 - (i) Settlement Discussion. A statement summarizing the status of settlement negotiations and indicating whether further

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negotiations are likely to be productive.

(ii) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.

(f) Miscellaneous.

Any other subjects relevant to the trial of the action or material to its just, speedy and inexpensive determination.

(2) Serve and file trial briefs (not to exceed 25 pages), which shall specify each cause of action and defense remaining to be tried along with a statement of the applicable legal standard (no opposition shall be filed);

(3) Serve and file no more than ten motions in limine, which shall be filed in one document not to exceed 25 pages;

(4) Serve and file proposed voir dire questions, jury instructions, verdict forms and excerpts from discovery that will be offered at trial (include a copy of the deposition testimony or admission). The parties shall submit proposed jury instructions **jointly**. If there are any instructions on which the parties cannot agree, those instructions may be submitted separately. The parties shall submit a **jointly prepared** proposed form of verdict, or, if the parties cannot agree, their respective proposals;

(5) Serve and file an exhibit setting forth the qualifications and experience for each expert witness;

(6) Serve and file a list of each party's exhibits by number (plaintiff) or letter (defendant), including a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

(7) Exchange exhibits which shall be premarked with an exhibit sticker tabbed and in binders. Plaintiff shall use numbers (1, 2, 3, etc.) and defendant shall use numbers preceded by a letter (A-1, A-2, A-3, etc.). Additional parties shall also use a letter preceding numbers (B-1, B-2, B-3, or C-1, C-2, C-3,

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etc.); and

- (8) Deliver three sets of all premarked exhibits to chambers, tabbed and in binders (exhibits are not to be filed). The exhibits shall be marked with the following tag (or similar):

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
Case No. _____
Trial Exhibit _____
Date Admitted _____
By: _____ Susan Imbriani Deputy Clerk

No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in its pretrial statement, exchanged with opposing counsel, and delivered to the Court, twenty (20) days prior to the pretrial conference, without leave of the Court and for good cause. Furthermore, all parties are reminded of their disclosure duties under Federal Rule of Civil Procedure 26. Any document or witness that should have been disclosed under Rule 26 will not be introduced at trial.

d. By July 12, 2019, ten (10) days prior to the pretrial conference, after meeting and conferring in a good faith attempt to resolve any objections, counsel and/or parties shall serve and file: (1) any objections to exhibits or to use of deposition excerpts or other discovery; (2) any objections to witnesses, including the qualifications of an expert witness; (3) any objection to proposed voir dire questions, jury instructions and verdict forms that the parties have been unable in good faith to resolve; (4) any opposition to a motion in limine. No replies to motions in limine shall be filed, but responses to objections may be filed within five days. The parties shall not file separate objections, apart from those contained in the motions in limine, to the opposing party's witness list, exhibit list or discovery designations.

e. All motions shall be heard at the pretrial conference unless otherwise ordered.

1 7. In addition to electronic filing, Counsel shall email copies of all motions in limine and trial
2 briefs in standard Word format (.doc or .docx, not .pdf format) to kawpo@cand.uscourts.gov.

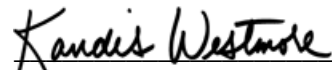
3 8. SUMMARY OF DATES

4 Trial	August 5, 2019
5 Pretrial Conference	July 24, 2019
6 Objections; Oppositions to Motions in Limine	July 12, 2019
7 Joint Pretrial Statement; Motions in Limine	July 2, 2019
8 Meet and Confer	June 21, 2019
9 Last Day to Hear Dispositive Motions	May 2, 2019
10 Close of Expert Discovery	March 29, 2019
11 Rebuttal Expert Disclosure and Reports Provided	March 8, 2019
12 Expert Disclosure and Reports Provided	February 8, 2019
13 Non-Expert Discovery Cut-off	February 8, 2019
14 ADR Completion	N/A
15 Amended Pleading Deadline 16 (Deadline to Amend Complaint)	September 7, 2018

17 A further Case Management Conference is scheduled for January 8, 2019 at 1:30 p.m.

18 IT IS SO ORDERED.

19 Dated: August 17, 2018

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21 KANDIS A. WESTMORE
22 United States Magistrate Judge
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