

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED: July 19, 2013

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMIL CARTER,

No. C12-01968 HRL

Plaintiff,

v.

FURTHER PRETRIAL ORDER

THE CITY OF SAN JOSE; THE SAN JOSE
POLICE DEPARTMENT (“SJPD”); MICHAEL
SULLIVAN, individually and in his official
capacity as Lieutenant, SJPD; AND KEITH
COTTRELL, individually and in his official
capacity as Sergeant, SJPD,

Defendants.

There being no objection by defendants, plaintiff’s proposed exhibits (in binder) are admitted.

Since there is no objection by plaintiff, defendants’ chart re plaintiff’s overtime is admitted.

There being no objection to plaintiff’s amended proposed Exhibit 2 (Dkt. No. 57) re defendants’ interrogatory responses, defendants’ Motion in Limine No. 3 is denied as moot.

As discussed at the June 10 further pretrial conference, plaintiff’s request for reconsideration of the court’s ruling on defendants’ Motion in Limine No. 8 is denied. Plaintiff has not shown that reconsideration is warranted. See Civ. L.R. 7-9(b). However, depending on what defendants present at trial, the court may consider allowing Thomas Correa to testify as a

1 rebuttal witness solely on the subject of badging and whether the department destroys the
2 badges of officers who leave the airport division. Before any such testimony will be allowed,
3 plaintiff must lay a foundation for Correa's knowledge of defendants' practices with respect to
4 that subject matter.

5 Plaintiff having advised that she no longer plans to use her intended chronology chart at
6 trial, defendants' Motion in Limine No. 10 is denied as moot.

7 Because plaintiff agrees that she cannot seek punitive damages against a public entity,
8 the court finds that issue to be moot.

9 Plaintiff's request for a special instruction re pretext, in addition to the relevant Ninth
10 Circuit pattern instructions, is denied.

11 The parties shall meet-and-confer re a jury verdict form and submit one that is agreeable
12 to both sides. The proposed verdict form shall be submitted by **August 2, 2013**.

13 Additionally, each side is to submit a letter brief, not exceeding 3 pages, explaining their
14 "disagreement" over 5 jury instructions on plaintiff's state law claims, if any disagreement
15 remains. The parties' respective letter briefs shall be filed no later than **August 2, 2013**.

16 SO ORDERED.

17 Dated: July 19, 2013

18 
19 _____
20 HOWARD R. LLOYD
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

1 5:12-cv-01968-HRL Notice has been electronically mailed to:

2 Christian Bayard Nielsen CAO.Main@sanjoseca.gov

3 Nkia Desiree Richardson cao.main@sanjoseca.gov

4 Thomas Kevin Bourke TallTom2@aol.com

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28