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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADIL HIRAMANNEK, et al.,
Plaintiffs,
v.
L. MICHAEL CLARK, et al.,
Defendants.

Case No. 5:13-cv-00228-RMW

**SUPPLEMENTAL ORDER
REGARDING TRIAL
DEMONSTRATIVE MATERIALS**

The court ordered plaintiff Adil HirananeK to provide defendant Miller and the court with copies of the slides shown during plaintiff’s opening statement on August 2, 2016. Dkt. No. 700. Defendant asserts that the copy of the presentation that plaintiff sent to defendant omitted certain prejudicial slides that were published to the jury. Plaintiff contends that he provided Miller with all of the slides that the jury actually saw. Plaintiff contends that the PowerPoint document he was using contained additional slides but that he skipped prejudicial material when the court told him that he could not present it. He further contends that the slides he skipped—and did not provide to defendant or the court—constitute confidential work product.

What the court believes occurred is that Mr. HirananeK quickly clicked through additional slides of his PowerPoint document that, defendant contends, contained prejudicial material such that these slides were displayed to the jury, albeit only for a short time. Mr. HirananeK’s argument

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that these slides contain confidential work product is unpersuasive in light of the fact that he would have presented these slides to the jury but for the court’s rulings. Accordingly, the court finds that Mr. Hiranek has waived work product protection for the PowerPoint document he was using during his opening statement.

So that the court can evaluate defendant’s contention that plaintiff published prejudicial information to the jury, by 5:00 pm on Thursday, August 4, 2016, plaintiff shall provide a complete copy of his opening PowerPoint document, including any slides he “skipped” to defendant and to the court.

IT IS SO ORDERED.

Dated: August 3, 2016



Ronald M. Whyte
United States District Judge