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FILED  
13 MAY 28 AM 8:26  
DUFFY, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
✓ DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ANDREW CONTASTI, an individual;  
ANNETTE CONTASTI, an  
individual; JOE HERNÁNDEZ, an  
individual,  
  
Plaintiffs,  
  
vs.  
  
CITY OF SOLANA BEACH,  
  
Defendant.

CASE NO. 09cv1371 WQH  
(BLM)  
**ORDER**

HAYES, Judge:

On May 24, 2013, the Court conducted a pretrial conference in this case.

IT IS HEREBY ORDERED:

1. A jury trial in this matter is set for **December 10, 2013 at 9:00 A.M.** in Courtroom 14B.
2. The briefing schedule for the parties' motions in limine and/or *Daubert* motions is as follows: the parties shall file and serve their moving papers on or before **August 5, 2013**; the parties shall file and serve their responses on or before **August 19, 2013**; and the parties shall file and serve their replies on or before **August 26, 2013**. The Court will hear oral argument on the motions in limine and/or *Daubert* motions on **September 6, 2013 at 1:30 P.M.** in Courtroom 14B.
3. The parties shall file their jury instructions as follows:

1 a. On or before **July 22, 2013**, the parties shall serve their proposed  
2 jury instructions on each other. The parties shall then meet, confer, and  
3 jointly file a complete set of agreed-upon instructions on or before  
4 **August 5, 2013**.

5 b. If the parties cannot agree upon one complete set of instructions,  
6 they are required to file, on or before **August 5, 2013**, a set of the agreed-  
7 upon instructions, and a supplemental set of instructions which are not  
8 agreed upon.

9 c. The agreed-upon instructions and any supplemental instructions not  
10 agreed upon shall state the number of the proposed instruction, the  
11 instruction itself, and any authority supporting the instruction. If any  
12 instructions are pattern instructions, the instruction shall cite the source  
13 of the instruction.

14 d. The parties shall clearly indicate any modifications of instructions  
15 from statutory authority, Ninth Circuit pattern instructions, or CACI  
16 pattern instructions and include any authority supporting the modification.

17 e. In the event that the parties file a supplemental set of instructions  
18 not agreed upon, the party opposing the not-agreed-upon instructions shall  
19 file its objections to the instructions in writing on or before **August 19,**  
20 **2013**. Any objection shall contain a concise statement of argument  
21 concerning the objection, including citations to authority.

22 f. On or before **August 5, 2013**, the parties shall email the agreed-  
23 upon instructions and any supplemental instructions not agreed upon in  
24 WordPerfect or Word format to efile\_hayes@casd.uscourts.gov.

25 g. At the motion in limine hearing on **September 6, 2013**, counsel  
26 shall be prepared to discuss the instructions.

27 4. The parties shall jointly file a proposed verdict form on or before **August**  
28 **5, 2013**. If the parties cannot agree on a joint proposed verdict form, each party shall

1 file a separate verdict form along with written objections to the other party's proposed  
2 verdict form on or before **August 5, 2013**.

3 5. The parties shall file proposed voir dire questions on or before **August 5,**  
4 **2013**.

5 6. The parties shall file a joint statement of the case on or before **August 5,**  
6 **2013**. The statement should be brief and concise, as the Court will read it to the jury  
7 at the outset of the trial.

8 7. The parties shall notify the law clerk at least **seven (7) days** prior to the  
9 date of any hearing or trial if they intend to use any special equipment, such as video  
10 projectors, slide projectors, or tape recorders. The parties shall prepare and e-mail to  
11 the Court a proposed order listing all such equipment and the dates that such equipment  
12 will be brought into the Courtroom. The parties must bring a copy of the signed order  
13 allowing extra equipment to present to Court security on the day of the hearing/trial.  
14 Without a copy of the signed order, counsel will not be allowed to enter the Court with  
15 the equipment.

16 8. The parties shall file and serve trial briefs on or before **November 29,**  
17 **2013**. The trial briefs shall summarize the parties' theories of the case and what they  
18 expect the evidence to show.

19 9. On or before **November 29, 2013**, the parties shall provide the Court with  
20 a copy of each exhibit. The parties shall maintain the original exhibits. On the first  
21 day of trial, each party shall provide the Courtroom Deputy with its witness and exhibit  
22 lists in the form specified in Civil Local Rule 16.1(f)(2)(c) and (d).

23 11. Counsel for Plaintiffs and Defendant shall personally appear for a Final  
24 Pretrial Conference on **December 6, 2013 at 10:00 A.M.** in Courtroom 14B.

25  
26 DATED:           8/24/13          

  
27 **WILLIAM Q. HAYES**  
28 United States District Judge