

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10

11 DON GAYNOR; NANCY GAYNOR,  
12 Plaintiffs,  
13 v.  
14 CHAD SLADE; LINDA McCRAKEN;  
15 and DOES 1 through 30, inclusive,  
16 Defendants.

Case No.: 21cv777-NLS

**ORDER FOLLOWING FINAL  
PRETRIAL CONFERENCE**

17  
18 On November 16, 2022, the Court held the final pretrial conference in this matter.  
19 In accordance with the discussion at the conference, the Court **ORDERS** as follows:

20 **1. Trial Scheduling**

- 21 a. Trial is set to begin **January 23, 2023** (courtroom to be determined).  
22 b. **Trial Day:** For each day of trial, the parties shall be ready to address  
23 administrative matters at 8:45 a.m. Trial will begin promptly at 9:00  
24 a.m. The Court will recess for 15 minutes at 10:15a.m. and 3:00  
25 p.m. and will take a lunch break from 12:00 until 1:00. The trial day  
26 will conclude at 4:00pm.  
27 c. **Time Limits:** Each party will have 10 hours to put on their case and  
28 oppose the other party's case. Time limits include opening

1 statements, direct and cross-examination, and closing argument.

2 Regarding evidentiary objections, the Court will charge time against  
3 the party losing the objection.

- 4 d. **Motions in Limine:** Before filing any motions in limine, parties  
5 must meet and confer and attempt to resolve their disputes. All  
6 motions in limine shall be filed no later than **January 6, 2023**.  
7 Written opposition to in limine motions shall be filed no later than  
8 **January 13, 2023**. The Court will hold a hearing on the motions in  
9 limine on **January 18, 2023** at **10:00 a.m.** (courtroom to be  
10 determined).
- 11 e. **Trial briefs:** no longer than 20 pages, shall be served and filed no  
12 later than **January 6, 2023**.

13 **2. Final Exhibit List**

- 14 a. No later than **January 17, 2023**, the parties shall lodge a final list of  
15 all exhibits they plan to introduce at trial (except those to be used  
16 solely for impeachment). Counsel must meet and confer regarding a  
17 sequential numbering system that will be used for these exhibits  
18 throughout the trial. Exhibits shall be marked as “Court Exhibit No.  
19 \_\_\_ as opposed to Plaintiff’s or Defendant’s No. \_\_\_”. Plaintiff shall  
20 choose a number range based on the number of exhibits they plan to  
21 introduce (e.g., 1-50) and defendants shall begin their number range  
22 beyond that range, (e.g., at 100). If the pages of an exhibit are not  
23 numbered internally and it is necessary to identify pages of an  
24 exhibit, then each page must receive a page number designation  
25 preceded by the exhibit number (e.g., Exhibit No. 100-2, 100-3).

26 **3. Final Witness List**

- 27 a. No later than **January 17, 2023**, the parties shall lodge the final list  
28 of witnesses they expect to call at trial.

1           **4. Revised Final Pretrial Order**

2           a. No later than **January 17, 2023**, the parties shall lodge a revised  
3           pretrial conference order, in conformance with the Court’s Orders at  
4           the Pretrial Conference.

5           **5. Conduct of the Trial**

6           a. **The Court expects counsel and witnesses to be on time.**

7           b. **Witnesses:** Counsel must have their witnesses at court on the date  
8           they are expected to testify. Absent extraordinary circumstances, the  
9           court will not delay a trial because a witness is not present. The  
10          Court will permit witnesses to testify out of sequence, if necessary.  
11          Counsel shall promptly alert the court to any scheduling problems  
12          involving witnesses.

13          c. **Authentication of Documents:** Counsel should waive  
14          authentication evidence of documents where authentication is not an  
15          issue.

16          d. **Discovery Materials:** If depositions, requests for admission,  
17          interrogatory responses or any other discovery responses are to be  
18          used in lieu of live testimony at trial, the parties shall submit the  
19          excerpts to be used to opposing counsel. Such excerpts must be  
20          included in the parties’ Final Exhibit list.

21          e. **Damages:** Each party seeking monetary damages shall prepare a  
22          summary of the documentary evidence supporting the damages  
23          sought, which shall be included in the exhibit list and submitted at  
24          rial in lieu of the underlying documentary evidence.

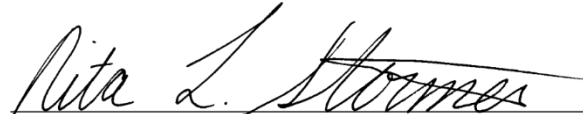
25          f. **Organization of Exhibits:** In document intensive cases, counsel  
26          should put all documents in a tabbed notebook for easy reference by  
27          the witness and the Court.  
28

1 g. **Courtesy:** Be courteous and respectful at all times. Counsel may  
2 expect such from the Court, and the Court expects such from  
3 Counsel. Please be familiar with and abide by Civil Local Rule 2.1.

4 All non-conflicting provisions of the Court's August 4, 2021, Scheduling Order  
5 Regulating Discovery and Other Pretrial Proceedings shall remain in full force and effect.

6 **IT IS SO ORDERED.**

7 Dated: November 17, 2022

8 

9 Hon. Nita L. Stormes  
10 United States Magistrate Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28