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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),
v.
Defendant(s).

No. C __-____ WDB
PRETRIAL ORDER
(Jury Trial)

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On _____, the court held a case management conference in the above-captioned case. For reasons set forth on the record, the court hereby ORDERS the following:

1. The jury trial shall begin on _____, at ____ **a.m.**, in Courtroom 4, Third Floor, United States Courthouse, 1301 Clay Street, Oakland, California.

2. By no later than _____ at _____, the court will hold a hearing on any dispositive motions.

3. On _____ at _____, the court will hold the final pretrial conference. Lead trial counsel for each party must participate in the conference. The conference may be held telephonically if the parties desire, in which case plaintiff must notify the court by 4:00 p.m. the day before the conference. Plaintiff must initiate a conference call at the time noticed and call the court at (510) 637-3326 when all parties are on the line.

1 excerpts after the deadline set herein for exchanging this material, except upon the
2 express permission of the court. The court will permit the testimony of persons not
3 designated in the witness list or the use of deposition excerpts not timely disclosed only
4 upon a substantial showing that: (a) no party will be prejudiced or suffer undue hardship,
5 (b) the failure to timely designate the witness or testimony was clearly justified, and (c)
6 the interests of justice otherwise warrant permitting the testimony.

7 10. Counsel ordinarily will be permitted at trial to present foundational matter and
8 factual evidence describing the educational and employment background of witnesses in
9 summary, leading form.

11 EXHIBITS

12 11. No less than **15 court days** before the final pretrial conference, counsel must
13 **exchange** all exhibits (premarked), including demonstrative exhibits, that they intend to
14 use as part of their case-in-chief at trial.

15 12. Except for purposes of impeachment, the parties will be precluded from
16 offering in evidence, using as demonstrative evidence, or examining any of their
17 witnesses concerning any exhibit not exchanged by this deadline, except upon the express
18 permission of the court. The court will permit supplementation of exhibits after the
19 exchange date only upon a substantial showing that: (a) no party will be prejudiced or
20 suffer undue hardship, (b) the failure to timely designate the exhibit was clearly justified,
21 and (c) the interests of justice otherwise warrant the supplemental designation.

22 13. The court has attached to this Order the form of exhibit labels to be used by
23 each side. Each side should label their exhibits prior to trial. Plaintiffs must label their
24 exhibits numerically as follows: “_____,**[insert initials -1, -2, etc]** ...” Defendants
25 must label their exhibits numerically as follows: “_____, ...**[insert initials -1, -2, etc]**”
26 Counsel must not write in the space provided for “date entered” or “signature.” The court
27 has also attached to this Order an example of an “Exhibit List.” Each party must create
28 an Exhibit List that is substantially similar to the attached form and, prior to trial, must

1 list the number of each exhibit the party intends to offer at trial and briefly describe each
2 such exhibit.

3 14. No less than **2 court days** before the start of **trial**, each party must deliver to
4 chambers, in looseleaf binders, a sufficient number of complete sets of all documentary
5 exhibits to ensure that the judge, his law clerk, and each juror will have their own set of
6 documentary exhibits during trial. These sets are in addition to exhibits counsel will
7 officially submit to the courtroom deputy at trial and any copies of exhibits counsel will
8 want to show witnesses on the stand. All exhibits must be premarked for identification
9 according to the system set forth herein.

10 **EVIDENTIARY MOTIONS**

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12 15. No less than **12 court days** before the final pretrial conference, counsel must
13 meet and confer to resolve any objections to the use of witnesses, deposition excerpts,
14 and/or exhibits.

15 16. The court will entertain foundational objections as to any document only if (1)
16 the document is of real significance in adjudicating the merits of the case and (2)
17 objecting counsel articulates a principled basis for believing that the document is not what
18 it purports to be.

19 17. If, **after meeting and conferring**, a party continues to object to the admission
20 of evidence on either of the following foundational grounds: (1) the authenticity of a
21 document or exhibit, or (2) the qualifications of expert witnesses, the objecting party may
22 file a motion to exclude the evidence, along with any other motions in limine.

23 18. All motions in limine, including those referred to in paragraph [**paragraph**
24 **number preceding this one**], must be filed, served and lodged separately with chambers
25 no less than **10 court days** before the final pretrial conference. Failure to file a timely
26 objection may waive a party's right to challenge the admissibility of evidence at trial.

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1 generate a joint proposal with respect to what amount of time will be necessary to present
2 this case, and must be prepared to justify their proposal(s) at the final pretrial conference.

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4 **SETTLEMENT**

5 28. The court strongly suggests that the parties continue discussing settlement of
6 the case, exploring in good faith all reasonable settlement options. If the parties are
7 interested, the undersigned will refer the case to an administrator who will seek to
8 identify a mediator or a settlement judge who would be available to facilitate
9 negotiations.

10 IT IS SO ORDERED.

11
12 DATED: _____

Wayne D. Brazil
United States Magistrate Judge

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14 Copies to:
15 All parties
16 WDB, Stats
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