IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUIDELINES FOR TRIAL AND FINAL PRETRIAL CONFERENCE IN CIVIL JURY CASES BEFORE THE HONORABLE JEFFREY S. WHITE

FINAL PRETRIAL CONFERENCE PROCEDURES AND REQUIRED FILINGS

Counsel shall not prepare a joint pretrial conference statement. Instead, counsel shall follow the following procedures:

1. In lieu of preparing a joint pretrial conference statement, the parties shall meet and confer in person and prepare a jointly signed proposed final pretrial order to be filed fourteen **(14) calendar** days in advance of the final pretrial conference. This joint pretrial conference order should contain: (i) a brief description of the substance of claims and defenses which remain to be decided; (ii) a statement of all relief sought; (iii) all stipulated facts; (iv) a list of all factual issues that remain to be tried, organized by claims; (v) a joint exhibit list in numerical order, including a brief description of the exhibit and Bates numbers, a blank column for when it will be offered into evidence, a blank column for when it may be received into evidence, and a blank column for any limitations on its use; and (vi) each party's separate witness list for its case-in-chief witnesses (including those appearing by deposition) providing, for all such witnesses other than an individual plaintiff and an individual defendant, a short statement of the substance of his/her testimony and, separately, what, if any, non-cumulative testimony the witness will offer. If non-cumulative testimony is not detailed, the Court will presume the witness is cumulative. For each witness, state an hour/minute time estimate for direct and for cross examination. The Court uses this information to estimate the time limits to be allocated for trial. Items (v) and (vi) should be appendices to the proposed order. The proposed order should also state which issues, if any, are for the Court to decide, rather than the jury. The objective is to convert the proposed order to a final order with the benefit of any discussion at the final pretrial conference.

2. In addition to the joint pretrial order, **fourteen (14)** days in advance of the final pretrial conference, the parties shall file the following materials:

a) A joint set of proposed instructions on substantive issues of law arranged in a logical sequence. If undisputed, an instruction shall be identified as "Stipulated Instruction No. ____ Re _____." The parties must include all modifications to form instructions in their proposals, *i.e.*, if a model instruction includes bracketed language or blanks, the parties must provide the Court with the appropriate language from the brackets and the blanks shall be completed.

Even if stipulated, the instruction shall be supported by citation. If disputed, each version of the instruction shall be submitted together in their logical place in the overall sequence. Each such disputed instruction shall be identified as, for example, "Disputed Instruction No. ____ Re _____ Offered by _____," with the blanks filled in as appropriate. All disputed versions of the same basic instruction shall bear the same number. Citations with pin cites are required. If the

parties modify a form instruction, they must clearly identify, in both or italics, those modifications. Any modifications to a form instruction must be clearly identified, *i.e.* in bold or italics. If a party does not have a counter version and simply contends that no such instruction in any version should be given, then that party should so state (and explain why in the separate memoranda required by paragraph 2(b) on a separate page inserted in lieu of an alternate version.

With respect to form preliminary instructions, general instructions, or concluding instructions, please simply cite to the numbers of the requested instructions in the current edition of the *Ninth Circuit Manual of Model Jury Instructions (Civil)*. Other than citing the numbers, the parties shall not include preliminary, general or concluding instructions in the packet, **but they shall include the full text of these instructions on the CD-ROM required by this Order**. Again, if the form instructions contain bracketed language or blanks, the parties should provide the Court with the appropriate language from the brackets and all blanks should be completed.

b) The parties are encouraged to keep disputed instructions to a minimum. To the extent they are unable to resolve their disputes, the Court requires complete briefing on disputed instructions. Thus, a party supporting an instruction must submit a separate memorandum of law in support of its disputed instructions, organized by instruction number. Counsel shall quote exact, controlling passages from the authorities. The party opposing a given instruction, or instructions, must include a responsive brief to the supporting party's memorandum, organized by instruction number and also shall quote exact, controlling passages from the authorities.

c) A simplified statement of the case to be read to the jury during voir dire and as part of the proposed jury instructions. Unless the case is extremely complex, this statement should not exceed one page.

d) A joint set of proposed voir dire questions supplemented as necessary by separate requests for good cause only. (Keep these to a minimum, please.)

e) A trial brief not to exceed **ten (10)** pages on any controlling issues of law.

f) Excerpts of any deposition designations that are to be used in a parties' case-in-chief as to which there are objections. The parties should include with these excerpts the basis for the objection and the response thereto. If the parties do not have objections to deposition designations, they should follow the procedures set forth in Paragraph 29.

g) Excerpts of responses to interrogatories and requests for admissions that are to be used in a party's case-in-chief as to which there are objections. The parties should include with these excerpts the basis for the objection and the response thereto. If the parties do not have objections to responses to interrogatories or requests for admissions, they should follow the procedures set forth in Paragraph 30.

h) A list of objections to each exhibit, in tabular form. The first column should describe the exhibit, the second column should set briefly set forth the basis of the objection, the third column should set forth a brief response thereto, and the fourth column should provide a space for the Court's ruling.

The parties shall meet and confer, in person, in an attempt to resolve objections to the exhibits before this list is filed with the Court, to consider exhibit numbers, and to eliminate duplicate exhibits and confusion over the precise exhibit. Unless there is a genuine issue as to the authenticity of exhibits, a party that has produced documents should not object to the other party offering those documents as exhibits on the basis of authenticity or the best evidence rule. Finally, the Court normally will not entertain routine objections to exhibits on the basis of a lack of foundation.

If there are exhibits to which the parties' object, the parties shall submit to chambers, but not file, a joint binder that contains the disputed exhibits and the list of objections.

i) Any motions *in limine*, as to which the parties should follow the following procedure:

The motions *in limine* and all oppositions thereto must be filed no later than **fourteen (14)** calendar days prior to the Final Pretrial Conference, and shall be submitted to the Court collated and in a binder, as set forth below. In order to ensure that motions *in limine* and oppositions are timely filed, at least **thirty (30)** calendar days before the Final Pretrial Conference, the moving party shall serve, but not file, the opening brief and at least **twenty (20)** calendar days before the Final Pretrial Conference, the responding party shall serve, but not file, the opposition. The Court does not permit reply briefs. Each motion should be presented in a separate memo and properly identified, for example, "Plaintiff's Motion in Limine No. 1 to Exclude . . . ."

Please limit motions *in limine* to circumstances that require an advance ruling. No more than five motions per side will be allowed. If a party seeks to file more than five motions *in limine*, **they must file an administrative motion at least fourteen (14) days before the motions *in limine* are due to served on opposing counsel demonstrating extraordinarily good cause for allowing the excess motions**. The administrative motion should summarize the subject matter of each proposed additional motion in limine.

Each motion *in limine* should address a single, separate topic, and contain no more than seven pages of briefing per side. Leave of Court will be required to exceed the page limitations. A joint binder containing all motions *in limine* should be submitted to the Clerk's office in an envelope clearly marked with the case number and "JSW chambers copy."

j) If the parties intend to use special verdict forms, they should meet and confer in an effort to submit a joint proposed special verdict form. If the parties cannot agree on a proposed special verdict form, they may submit separate proposals.

3. The joint proposed final pretrial order, the jury instructions, proposed voir dire, the statement of the case required by Paragraph 2(c) of this Order, objections to exhibits required by Paragraph 2(h) of this Order, and any proposed special verdict forms, shall be submitted to chambers in either WordPerfect 10.0 or Microsoft Word format on a CD-ROM, as well as in hard copies. All hard-copy submissions should be submitted in a binder to the Clerk's office in an envelope clearly marked with the case number and "JSW chambers copies."

4. At the final pretrial conference, the above submissions shall be considered and, if necessary, the Court shall hear oral argument.

PRETRIAL ARRANGEMENTS

5. Should a daily transcript and/or real-time reporting be desired, the parties shall make arrangements with Odile Hansen, at 510-637-3534 or Odile_Hansen@cand.uscourts.gov, at least **fourteen (14)** calendar days prior to the trial date.

6. During trial, counsel may wish to use the technology available in the Courtroom. If that is the case, the parties shall refer to the Court's Website regarding Courtroom Technology at: https://cand.uscourts.gov/courtroomtech. If the parties prefer to use the Court's equipment rather than their own, they shall contact the Court's Courtroom Deputy to coordinate.

If the parties intend to use their own equipment, or intend to use equipment in addition to the equipment available through the Court, it should be shared by all counsel to the maximum extent possible. In addition, the United States Marshal requires a court order to allow equipment into the courthouse. For electronic equipment, parties should be prepared to maintain the equipment or have a technician available at all times. The Court will not grant continuances due to equipment failure. The parties shall be prepared to disassemble and store all equipment in the courtroom at the end of each court day.

SCHEDULING

7. Trial normally will be conducted from 8:00 a.m. to 1:30 p.m. Mondays, Wednesdays, and Thursdays, and from 8:00 a.m. to 12:30 p.m. on Tuesdays, with two fifteen-minute breaks. The Court will not hold trial on federal holidays. Counsel must arrive by 7:45 a.m. The jury will be called at 8:00 a.m. If there are issues that must be addressed outside the presence of the jury, the Court shall address those issues at 1:30 p.m. or immediately following the close of testimony for the day. This schedule may be modified at the discretion of the Court.

Subject to the Court's availability, the jury shall be chosen the Wednesday preceding the first day of trial at 8:00 a.m.

THE JURY

8. The Court will usually conduct the voir dire.

9. In civil cases, there are no alternate jurors and the jury is selected as follows: The jurors will be given consecutive numbers and shall be seated by juror number. Jurors 1 through 18 are seated in the jury box. The remaining venire will be seated in the public benches. Hardship excuses will usually be considered at this point. The Court will then ask questions to the entire venire. The lawyers, at a side bar conference, will then advise if there are follow-up questions. For good cause, counsel may also ask questions of jurors at side bar. Challenges for cause will then be addressed.

After a short recess, each side may exercise its allotment of peremptory challenges. Challenges must be made simultaneously in writing by each side (without knowing how the other side is exercising its challenges). The parties will write down the names and numbers of the candidates to be stricken. The eight (or other such size as will constitute the jury) jurors that survive the challenge process with the lowest numbers become the final jury. For example, if the plaintiff strikes jurors 1, 5 and 7 and the defendant strikes jurors 2, 4 and 9, then jurors 3, 6, 8, 10, 11, 12, 13 and 14 become the final jury. If both sides strike one or more of the same jurors, then the eight unstruck jurors with the lowest numbers will be seated. If more than eight jurors (or fewer) are to be seated, then the starting number will be adjusted. So too if more than a total of six peremptories is allowed. Once the jury selection is completed, the jurors' names will be read again and they will be seated in the jury box and sworn. The Court may alter this procedure in its discretion.

10. Jurors may take notes. Note pads will be distributed at the beginning of each trial. The note pads will be collected at the end of each day. Jurors will be instructed on the use of notes both in the preliminary and final jury instructions.

11. With the consent of the parties, the Court may permit the jurors to discuss the case during the trial. *See* Ninth Circuit Model Civil Jury Instructions 1.12, Comment and 1.15.

GENERAL DECORUM

12. A trial is a rational and civilized inquiry to seek a just result. Counsel are expected to conduct themselves with dignity and decorum at all times. Disruptive tactics or appeals to prejudice are not acceptable.

13. Colloquy between counsel on the record is not permitted. All remarks are to be addressed to the Court.

14. Vigorous advocacy does not preclude courtesy to opposing counsel and witnesses and respect for the Court. Addressing witnesses or parties by first names or the Court by "Judge" or "Sir" on the record is not appropriate.

15. Counsel shall not engage in activity at counsel table or move about the courtroom while opposing counsel is arguing or questioning witnesses, or in other ways cause distraction. Neither counsel nor client should indicate approval, disapproval or otherwise react to any testimony or argument.

OPENING STATEMENTS

16. Each side will have a predetermined time limit for its opening statement. Counsel must cooperate and meet and confer to exchange any visuals, graphics or exhibits to be used in the opening statements, allowing for time to work out objections and any reasonable revisions. Opening statements should be limited to an objective summary of what counsel expects the evidence to show; no argument or discussion of the law is permissible.

WITNESSES

17. At the close of each trial day, all counsel shall exchange a list of witnesses for the next two full court days and the exhibits that will be used during direct examination (other than for impeachment of an adverse witness). Within 24 hours of such notice, all other counsel shall provide any objections to such exhibits and shall provide a list of all exhibits to be used with the same witness on cross-examination (other than for impeachment). The first notice shall be exchanged prior to the first day of trial. All such notice should be provided in writing.

18. It is the Court's preference that where the parties identify the same witness, the parties should call that witness once during the trial, unless either party can show that they would be prejudiced by this procedure. When the Court follows this procedure, the Court allows a defendant to reserve the right to move for judgment as a matter of law, and the Court will only consider evidence presented by the plaintiff as part of the plaintiff's case-in-chief when evaluating that motion.

19. The parties shall have all upcoming witnesses on the same day available in the courthouse and ready to testify. Failure to have the next witness ready or to be prepared to proceed with the evidence may be deemed to constitute resting. If counsel plans to read in a transcript of a deposition, counsel must have a deposition prepared and vetted beforehand to read into the record.

20. A witness or exhibit not listed in the joint pretrial order may not be used without good cause. This rule does not apply to true rebuttal witnesses (other than rebuttal experts who must be listed). Defense witnesses are considered case-in-chief witnesses, not "rebuttal" witnesses.

21. When there are multiple parties, counsel are responsible for coordination of cross-examination to avoid duplication. If there are multiple parties on a side, counsel for only one party may cover a subject matter; reiteration of the examination, whether direct or cross, will not be permitted.

22. Counsel shall stand at or near the podium to ask questions, straying only to point out material on charts or overheads. If counsel wish to approach the witness or the bench, they must request permission from the Court and clearly identify the reason for the request.

23. Counsel shall treat witnesses, including parties, with courtesy and respect, and not become familiar with the witnesses, *e.g.*, they should avoid the use of first or nick-names.

24. Counsel shall pose brief, direct and simply stated questions, covering one point at a time. Leading questions may be used for background, routine, or foundational matters.

25. Cross-examination similarly should consist of brief, simple questions. Cross-examination should not be a restatement of the direct examination and should not be used for discovery.

EXPERTS

26. At trial, direct testimony of experts will be limited to the matters disclosed in their reports. Omitted material may not ordinarily be added on direct examination. Illustrative animations, diagrams, charts and models may be used on direct examination only if they were part of the expert report, with the exception of simple drawings and tabulations that plainly illustrate the content of the report, which can be drawn by the witness at trial or otherwise shown to the jury. If cross-examination fairly opens the door, however, an expert may go beyond the written report on cross-examination and/or re-direct examination. By written stipulation, all parties may relax these requirements. The Court will not permit Federal Rule of Evidence 703 to be used to admit otherwise inadmissible evidence through the expert (*i.e.*, through the "back door"). At its discretion, the Court may require the parties' expert witnesses on a particular subject matter to testify immediately following one another, with appropriate explanatory instructions to the jury.

27. As to damages studies, the cut-off date for *past damages* will be as of the expert report (or such earlier date as the expert may select). In addition, the experts may try to project *future damages* (*i.e.*, after the cut-off date) if the substantive standards for future damages can be met. With timely leave of Court or by written stipulation, the experts may update their reports (with supplemental reports) to a date closer to the time of trial.

USE OF DEPOSITION DESIGNATIONS AND USE OF DEPOSITIONS FOR IMPEACHMENT OR SHORT READ-INS

28. Depositions can be used at trial to impeach a witness testifying at trial or, in the case of a party deponent, "for any purpose." For depositions to be used for impeachment purposes, the parties shall abide by the following procedure:

a) On the first day of trial, counsel shall bring the original and clean copies of any deposition(s) intended to be used during the course of the trial. Any corrections must be readily available. If counsel need to use the deposition during a witness examination, they shall provide the Court with a copy and with any corrections at the outset of the examination. This will minimize delay between the original question and the read-ins of the impeaching material. Opposing counsel should have their copy immediately available.

b) When counsel reads a passage into the record, counsel should seek permission from the Court. For example, counsel should state: "I wish to read in page 210, lines 1 to 10 from the witness' deposition." A brief pause will be allowed for any objection.

c) The first time a deposition is read, counsel shall state the deponent's name, the date of the deposition, the name of the lawyer asking the question, and if it was a Federal Rule of Civil Procedure 30(b)(6) deposition. The first time a deposition is read, the Court will give an appropriate instruction to the jury about depositions. Counsel shall not embellish the deposition testimony with follow-on questions.

d) When reading in the passage, counsel shall state "question" and then read the question exactly, followed by, "answer" and then read the answer exactly. Stating "question" and "answer" is necessary so the jury and the court reporter can follow who was talking at the deposition. Once the passage is on the record, counsel shall proceed. Opposing counsel may then immediately ask to read such additional testimony as is necessary to complete the context.

e) To avoid mischaracterizing the record, counsel should not ask, "Didn't you say XYZ in your deposition?" It is unnecessary to ask a witness if he "recalls" the testimony or otherwise to lay a foundation.

f) Subject to Federal Rule of Evidence 403, party depositions may be read into the record whether or not they contradict (and regardless of who the witness is on the stand). For example, a short party deposition excerpt may be used as foundation for questions for a different witness on the stand.

29. The following procedure applies to the manner in which deposition designations shall be presented to the jury. The parties shall have met in conferred sufficiently in advance of trial to ensure that they will be able to submit their objections to the Court at the pretrial conference. (*See* Paragraph 2(f) of this Order.) In addition, the parties must have met and conferred regarding counter-designations, and shall submit any objections to counter-designations in accordance with Paragraph 2(f) of this Order. It does not apply to live witnesses whose depositions are read into the record while they are on the stand.

a) To prepare designated deposition testimony to be read to the jury, counsel shall photocopy the cover page, the page where the witness is sworn, and then each page containing any testimony to be proffered, with lines through portions of such pages not proffered. In addition, counsel shall line through objections or colloquy unless they are needed to understand the question. Any corrections must be interlineated and references to exhibit numbers must conform to the trial exhibit numbers. Such interlineations should be done by hand. The finished packet should then be the actual script and should smoothly present the identification and swearing of the witness and testimony desired.

b) When the packet is read to the jury, the examiner shall read the questions (and any relevant colloquy) from the lectern while a colleague sits in the witness stand and reads the answers. While reading the deposition the reader and "witness" shall refrain from undue emoting, emphasis or other dramatization. The same procedure shall be followed when a video-taped deposition is to be played instead, in order to facilitate

rulings on objections. The video should omit any dead time, long pauses, and objections/colloquy not necessary to understand the answers.

REQUESTS FOR ADMISSIONS AND INTERROGATORIES

30. Please prepare responses to requests for admissions and interrogatory answers in the same manner for presentation to the jury in the same manner as deposition designations.

EXHIBITS

31. Use numbers only, not letters, for exhibits, preferably the same numbers as were used in depositions. Blocks of numbers should be assigned to fit the need of the case (*e.g.*, Plaintiff has 1 to 100, Defendant A has 101 to 200, Defendant B has 201 to 300, *etc.*). A single exhibit should be marked only once, just as it should have been marked only once in discovery pursuant to this Court's discovery guidelines. If the plaintiff has marked an exhibit, then the defendant should not re-mark the exact document with another number. Different *versions* of the same document, *e.g.*, a copy with additional handwriting, must be treated as different exhibits with different numbers. To avoid any party claiming "ownership" of an exhibit, all exhibits shall be marked and referred to as "Trial Exhibit No. _____," not as "Plaintiff's Exhibit" or "Defendant's Exhibit." If an exhibit number differs from that used in a deposition transcript, then the latter transcript must be conformed to the new trial number if and when the deposition testimony is read to the jury (so as to avoid confusion over exhibit numbers). The jury should always hear any given exhibit referred to by its unique number. There should be no competing versions of the same exhibit number; any discrepancies must be brought to the Court's attention promptly.

32. The exhibit tag shall be in the following form:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIAL EXHIBIT 100

CASE NO. _____

DATE ENTERED_____

BY _____
DEPUTY CLERK

Counsel preferably will make the tag up in a color that will stand out (yet still allow for photocopying) but that is not essential. Place the tag on or near the lower right-hand corner or, if

a photograph, on the back. Counsel should fill in the tag but leave the last two spaces blank. The parties must jointly prepare a *single* set of all trial exhibits that will be the official record set to be used with the witnesses and on appeal. Each exhibit must be tagged and in a separate folder (not in notebooks). Deposit the exhibits with the deputy clerk on the first day of trial. The tags can be adhesive or stapled on.

33. Counsel must consult with each other and with the deputy clerk at the end of each trial day and compare notes as to which exhibits are in evidence and any limitations thereon. If there are any differences, counsel should bring them promptly to the Court's attention.

34. In general, in addition to the official record exhibits, the Court requires one set of bench binders that contain copies of the exhibits. Counsel shall provide these binders to the Court on the first day of trial. Each exhibit must be separated with a label divider (an exhibit tag is unnecessary for the bench set). In large letters, the labels should identify the range of exhibit numbers contained in a binder.

35. Before the closing arguments, counsel must confer with the Courtroom Deputy Clerk to make sure the exhibits in evidence are in good order. Before the case goes to the jury, counsel shall prepare an easy-to-read index of admitted exhibits, which should include all exhibits actually in evidence (and no others) stating the exhibit number and a brief, non-argumentative description (*e.g.*, letter from A. B. Case to D. E. Frank, dated August 17, 1999).

36. Exhibit notebooks for the jury will not be permitted. Publication must be by poster blow-up, overhead projection, or such other method as is allowed in the circumstances. Poster blow-ups should be about 4' x 6' to be seen by all jurors. Any overhead projector should have a powerful light to help in jury viewing. Counsel must have a practical means for all important documents to be published to the jury. It is permissible to highlight, circle or underscore in the enlargements so long as it is clear that it was not on the original.

OBJECTIONS

37. Counsel shall stand when making objections and shall not make speaking objections.

38. There can only be one lawyer per witness per party for all purposes, including objections. Only one lawyer will be permitted to make the opening statement and closing argument unless the Court has given prior approval to more than one lawyer doing so.

39. Side bar conferences are discouraged. The procedure described above should eliminate the need for most side bar conferences.

40. To maximize jury time, counsel must alert the Court in advance of any problems that will require discussion outside the presence of the jury, so that the conference can be held after the jury leaves for the day.

STIPULATIONS

41. You must read all stipulations to the jury (slowly) in order for them to become a part of the record.

TIME LIMITS

42. Ordinarily, the Court shall set fixed time limits at the final pretrial conference. All of counsels' examination time (whether direct, cross, re-direct or re-cross) for all witnesses and side bar conference time (as specified above) must fit within the time limits and may be allocated as counsel wish. The time limits for opening statements and closing arguments shall be considered separately. Counsel must keep track of everyone's usage. At the end of each day, counsel must confer over the time used and the time remaining for all parties and advise the Court daily. If a party requests a side bar to argue an objection, and the Court overrules that party's objection, the Court may charge the time spent at side-bar to that party.

CHARGING CONFERENCE

43. As the trial progresses and the evidence is heard, the Court will fashion a comprehensive set of jury instructions to cover all issues actually being tried. Prior to the close of the evidence, the Court will provide proposed final instructions to the parties. After a reasonable period for review, the Court may hold one, or more, charging conferences, at which each party may object to any passage, ask for modifications, or ask for additions. If the Court does not hold a formal charging conference, it will permit the parties to make any objections to the jury instructions in writing or on the record. If a party wishes to request an instruction that the Court has chosen to omit, it must affirmatively re-request it either on the record or in writing in order to give the Court a fair opportunity to correct any error.

SETTLEMENTS AND CONTINUANCES

44. Shortly before trial or the final pretrial conference, counsel occasionally wish jointly to advise the Court or the Courtroom Deputy Clerk that a settlement has been reached and to take the pretrial conference or trial off calendar. Cases cannot be taken off calendar in this manner. Unless and until a stipulated dismissal, judgment, or request for continuance is filed or placed on the record, all parties must be prepared to proceed with the final pretrial conference as scheduled and to proceed to trial on the trial date, or face dismissal of the case for lack of prosecution or entry of default judgment. Only an advance continuance expressly approved by the Court will release counsel and the parties from their obligation to proceed. If counsel expect that a settlement will be final by the time of trial or the final pretrial conference, they should notify the Court immediately in writing or, if it occurs over the weekend before the trial or conference, by voice mail to the Courtroom Deputy Clerk. The Court will attempt to confer with counsel as promptly as circumstances permit to determine if a continuance will be in order. Pending such a conference, however, counsel must prepare and make all filings and be prepared to proceed with the trial.

45. Local Rule 40-1 provides that jury costs may be assessed as sanctions for failure to provide the Court with timely written notice of a settlement. Please be aware that any settlement reached on the day of trial, during trial, or at any time after the jury or potential jurors have been summoned without sufficient time to cancel, will normally require the parties to pay juror costs.

IT IS SO ORDERED.

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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