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ORDER FOR PRETRIAL PREPARATION

PRETRIAL CONFERENCE

1. Not less than 28 days prior to the pretrial conference, counsel shall **exchange** (but not file or lodge) the papers described in Civil L.R. 16-10(b)(7),(8),(9), and (10), and their motions in limine.

2. At least 21 days before the final pretrial conference, lead counsel who will try the case shall meet and confer with respect to:

(a) Preparation and content of the joint pretrial conference statement;

(b) Resolution of any differences between the parties regarding the preparation and content of the joint pretrial conference statement and the preparation and exchange of pretrial materials to be served and lodged pursuant to this Order for Pretrial Preparation. To the extent such differences are not resolved, the parties will present the issues in the pretrial conference statement so that the judge may rule on the matter during the pretrial conference; and

(c) Settlement of the action.

3. Not less than 14 days prior to the pretrial conference, counsel shall submit the following.

(a) Pretrial Conference Statement. The parties shall file a joint pretrial conference statement containing the following information:

(1) The Action.

(A) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(B) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed.

(2) The Factual Basis of the Action.

1 (A) Undisputed Facts. A plain and concise statement
2 of all relevant facts not reasonably disputed.

3 (B) Disputed Factual Issues. A plain and concise
4 statement of all disputed factual issues which remain to
5 be decided.

6 (C) Agreed Statement. A statement assessing whether
7 all or part of the action may be presented upon an agreed
8 statement of facts.

9 (D) Stipulations. A statement of stipulations
10 requested or proposed for pretrial or trial purposes.

11 (3) Disputed Legal Issues. Without extended legal
12 argument, a concise statement of each disputed point of
13 law concerning liability or relief.

14 (4) Further Discovery or Motions. A statement of
15 all remaining discovery or motions.

16 (5) Trial Alternatives and Options.

17 (A) Settlement Discussions. A statement summarizing
18 the status of settlement negotiations and indicating
19 whether further negotiations are likely to be productive.

20 (B) Consent to Trial Before a Magistrate Judge. A
21 statement whether the parties consent to a court or jury
22 trial before a magistrate judge, with appeal directly to
23 the Ninth Circuit.

24 (C) Bifurcation, Separate Trial of Issues. A
25 statement of whether bifurcation or a separate trial of
26 specific issues is feasible and desired.

27 (6) Miscellaneous. Any other subjects relevant to
28 the trial of the action, or material to its just, speedy
and inexpensive determination.

(b) Exhibit List and Objections. The exhibit list
shall list each proposed exhibit by its number (see Civil L.R.
30-2(b)), description, and sponsoring witness, followed by
blanks to accommodate the date on which it is marked for
identification and the date on which it is admitted into

1 evidence. **No party shall be permitted to offer any exhibit in**
2 **its case-in-chief that is not disclosed in its exhibit list**
3 **without leave of the Court for good cause shown.** Parties shall
4 also deliver a set of premarked exhibits to the Courtroom
5 Deputy. The exhibit markers shall each contain the name and
6 number of the case, the number of the exhibit, and blanks to
7 accommodate the date admitted and the Deputy Clerk's initials.
8 (Appropriate sample forms are available on the Court's website
9 at www.cand.uscourts.gov). Any objections to exhibits which
10 remain after the pretrial meeting shall be indicated in the
11 pretrial statement.

12 (c) Witness List. In addition to the requirements
13 of FR CivP 26(a)(3)(A), a brief statement describing the
14 substance of the testimony to be given by each witness who may
15 be called at trial. **No party shall be permitted to call any**
16 **witness in its case-in-chief who is not disclosed in its**
17 **pretrial statement without leave of Court for good cause shown.**

18 (d) Use of Discovery Responses. In addition to the
19 requirements of FR CivP 26(a)(3)(B), a designation of any
20 excerpts from interrogatory answers or from responses for
21 admissions intended to be offered at trial. Counsel shall
22 indicate any objections to use of these materials and that
23 counsel have conferred respecting such objections.

24 (e) Trial briefs. Briefs on all significant disputed
25 issues of law, including foreseeable procedural and evidentiary
26 issues, which remain after the pretrial meeting.

27 (f) Motions in Limine. Any motions in limine that
28 could not be settled at the pretrial meeting shall be filed with

1 the pretrial statement. All motions in limine shall be
2 contained within one document, limited to 25 pages pursuant to
3 Civil L.R. 7-2(b), with each motion listed as a subheading.
4 Opposition to the motions in limine shall be contained within
5 one document, limited to 25 pages, with corresponding
6 subheadings, and filed seven (7) days thereafter.

7 (g) Joint Proposed Voir Dire. The attached voir dire
8 questionnaire will be given to the venire members, and copies
9 of the responses will be made available to counsel at the
10 beginning of voir dire. Counsel may submit a set of additional
11 requested voir dire, to be included in the questionnaire or
12 posed by the Court, to which they have agreed at the pretrial
13 meeting. Any voir dire questions on which counsel cannot agree
14 shall be submitted separately. Counsel may be allowed brief
15 follow-up voir dire after the Court's questioning.

16 (h) Joint Proposed Jury Instructions. As applicable,
17 jury instructions §1.1A, §1.1C, §1.2 through §1.17, §1.19, §2.1
18 through §2.13, §3.1 through §3.3 from the Manual of Model Civil
19 Jury Instructions for the Ninth Circuit (most recent edition)
20 will be given absent objection. Counsel shall jointly submit
21 one set of additional proposed jury instructions, to which they
22 have agreed at the pretrial meeting. The instructions shall be
23 ordered in a logical sequence, together with a table of
24 contents. Any instruction on which counsel cannot agree shall
25 be marked as "disputed," and shall be included within the
26 jointly submitted instructions and accompanying table of
27 contents, in the place where the party proposing the instruction
28 believes it should be given. Argument and authority for and

1 against each disputed instruction shall be included as part of
2 the joint submission, on separate pages directly following the
3 disputed instruction.

4 The parties shall email to cwpo@cand.uscourts.gov a copy
5 of their proposed jury instructions in WordPerfect or Word
6 format. The subject of the email should include the name of the
7 parties, the case number and a description of the document.

8 (i) Proposed Verdict Forms, Joint or Separate.

9 (j) Proposed Findings of Fact and Conclusions of Law
10 (Court Trial only). The Court requests that the parties
11 hyperlink each proposed Finding of Fact to any supporting
12 evidence. The parties shall email to cwpo@cand.uscourts.gov a
13 copy of their proposed findings of fact and conclusions of law
14 in WordPerfect or Word format. The subject of the email should
15 include the name of the parties, the case number and a
16 description of the document.

17 JURY SELECTION

18
19 The Jury Commissioner will summon 20 to 25 prospective
20 jurors. The Courtroom Deputy will select their names at random
21 and seat them in the courtroom in the order in which their names
22 are called. Copies of their questionnaires will be provided to
23 counsel.

24
25 Voir dire will be asked of sufficient venire persons so
26 that eight (or more for a lengthy trial) will remain after all
27 peremptory challenges and an anticipated number of hardship
28 dismissals and cause challenges have been made.

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The Court will then take cause challenges, and discuss hardship claims from the individual jurors, outside the presence of the venire. The Court will inform the attorneys which hardship claims and cause challenges will be granted, but will not announce those dismissals until the process is completed. Each side may then list in writing up to three peremptory challenges. The attorneys will review each other's lists and then submit them to the Courtroom Deputy.

Then, from the list of jurors in numerical order, the Court will strike the persons with meritorious hardships, those excused for cause, and those challenged peremptorily, and call the first eight people in numerical sequence remaining. Those people will be the jury.

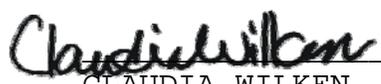
All jurors remaining at the close of the case will deliberate. There are no alternates.

SANCTIONS

Failure to comply with this Order is cause for sanctions under Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Dated: _____



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

JUROR QUESTIONNAIRE

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Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. Thank you for your cooperation.

1. Your name: _____

2. Your age: _____

3 The city where you live: _____

How long have you lived there: _____

4. Your place of birth: _____

5. Do you rent or own your own home? _____

6. Your marital status: (circle one)

single married live with partner separated divorced widowed

7. What is your occupation, and how long have you worked in it? (If you are retired, please describe your main occupation when you were working).

8. Who is (or was) your employer?

9. How long have you worked for this employer? _____

10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

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12. Please describe your educational background:
Highest grade completed: _____
College and/or vocational schools you have attended:

Major areas of study: _____

13. Have you ever served on a jury before? _____ How many
times? _____
If yes: State/County Court _____ Federal Court _____
When? _____
Was it a civil or criminal case? _____
Did the jury(ies) reach a verdict? _____

14. Attached is a list of the parties in this case, the law
firms representing the parties, attorneys in this case, and
persons who are potential witnesses in this case. Do you
know, or think you know, any of the persons listed?

Yes: _____ No: _____

If so, make a check next to their name.