

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INTRI-PLEX TECHNOLOGIES, INC.,  
Plaintiff,  
v.  
NHK INTERNATIONAL CORPORATION,  
et al.,  
Defendants.

Case No. [17-cv-01097-EMC](#)

**CASE MANAGEMENT AND  
PRETRIAL ORDER FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10, THE FOLLOWING DEADLINES ARE HEREBY ORDERED:

1. TRIAL DATE: 3/25/2019, at 8:30 a.m.  
Courtroom 5, 17th Floor  
Jury () or Court ( )
2. TRIAL LENGTH: Estimated five (5) court days (typical court day for trial is 8:30 a.m. to 2:00 p.m.; **Thursdays are dark**)
3. FINAL PRETRIAL CONFERENCE: 2/26/2019, at 2:30 p.m.  
**LEAD COUNSEL WHO WILL TRY THE CASE MUST ATTEND.**
4. DISPOSITIVE MOTIONS: Last day to be *heard* 12/13/2018 at 1:30 p.m.  
See Civil Local Rules for notice and filing requirements.
5. NON-EXPERT DISCOVERY CUT-OFF: 9/20/2018
6. EXPERT REPORTS: Opening reports by 9/20/2018  
Rebuttal reports by 10/11/2018
7. EXPERT DISCOVERY CUT-OFF: 11/1/2018

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8. DISCOVERY LIMITATIONS:  
(F.R.C.P. applies unless  
otherwise indicated)

Prior to completion of ADR, each party is  
limited to:

Note: Parties may proceed with depositions and written discovery in conformance with the Federal Rules of Civil Procedure. Instead of filing formal discovery motions, parties shall refer to this Court’s standing order to meet and confer and submit joint letter on unresolved issues to the Court for expedited resolution.

Interrogatories \_\_\_\_

Depositions \_\_\_\_

Document Requests \_\_

Requests for Admission \_\_\_\_

After ADR, each party is limited to: FRCP

Interrogatories \_\_\_\_

Depositions \_\_\_\_

Document Requests \_\_\_\_

Requests for Admission \_\_\_\_

9. ADR:

To be completed by: 7/20/2018

Court-sponsored mediation  \_\_\_\_\_

Court-sponsored ENE \_\_\_\_

Mag. Judge Settlement Conf. \_\_\_\_

Private mediation \_\_\_\_

Private arbitration \_\_\_\_

Other : \_\_\_\_\_

10. LAST DAY TO AMEND PLEADING:

N/A

11. FURTHER STATUS CONFERENCE:

9/6/2018 at 10:30 a.m.

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1 PRETRIAL INSTRUCTIONS

2 A. MEET AND CONFER

3 At least forty-two (42) days prior to the final pretrial conference, lead counsel who will try  
4 the case shall meet and confer regarding the following:

- 5 1. Preparation and content of the joint pretrial conference statement, *see* Part B, *infra*;
- 6 2. Preparation and exchange of pretrial materials, *see* Part C, *infra*; and
- 7 3. Settlement of the action.

8 B. JOINT PRETRIAL CONFERENCE STATEMENT

9 At least twenty-one (21) days prior to the final pretrial conference, the parties shall file a  
10 joint pretrial conference statement. The statement shall contain the following information:

11 1. The Action.

- 12 a. Substance of the Action. A brief description of the substance of claims and  
13 defenses which need to be decided.
- 14 b. Relief Prayed. A statement of all relief sought, particularly itemizing all  
15 elements of damages claimed.

16 2. Factual Basis of the Action.

- 17 a. Undisputed Facts. A list of all stipulated facts, *i.e.*, all facts parties to which  
18 the parties will stipulate to for incorporation into the trial record without the  
19 necessity of supporting testimony or exhibits.
- 20 b. Disputed Factual Issues. A list of all factual issues that remain to be tried,  
21 stating the issues with the same generality/specificity as any contested  
22 elements in the relevant jury instructions and organized by counts.

23 3. Disputed Legal Issues. *Without extended legal argument*, a concise statement of  
24 each disputed point of law concerning liability or relief, citing supporting statutes  
25 and decisions.

26 4. Estimate of Trial Time. An estimate of the number of hours needed for the  
27 presentation of each party's case.

28 5. Trial Alternatives and Options.

- 1 a. Settlement Discussion. A statement summarizing the status of settlement  
2 negotiations and indicating whether further negotiations are likely to be  
3 productive.
- 4 b. Consent to Trial Before a Magistrate Judge. A statement whether reference  
5 of all or part of the action to a master or magistrate judge is feasible,  
6 including whether the parties consent to a court or jury trial before a  
7 magistrate judge, with appeal directly to the Ninth Circuit.
- 8 c. Amendments or Dismissals. A statement of requested or proposed  
9 amendments to pleadings or dismissals of parties, claims, or defenses.
- 10 d. Bifurcation or Separate Trial of Issues. A statement of whether bifurcation  
11 or a separate trial of specific issues is feasible and desired.
- 12 6. Witnesses. *The following information should be provided as an appendix to the*  
13 *joint pretrial conference statement.* For each party, a list of all witnesses likely to  
14 be called at trial, including those appearing by deposition. For each witness, there  
15 should be a short statement of the substance of his or her testimony and an estimate  
16 regarding the length of testimony (including direct and cross-examination). If the  
17 witness is an expert witness, the short statement should clearly state the expert's  
18 theories and conclusions and the bases therefor; in addition, the expert's curriculum  
19 vitae and report (if any) should be attached. If there are objections to a live  
20 witness's testimony, whether in whole or in part, that objection should be raised  
21 through a motion in limine. For objections to deposition testimony, *see* Part B.8,  
22 *infra*.
- 23 7. Exhibits. *The following information should be provided as an appendix to the joint*  
24 *pretrial conference statement.* A joint exhibit list in tabular form, with (a) a  
25 column that briefly describes the exhibit; (b) a column that describes for what  
26 purpose the party will offer the exhibit and identifies its sponsoring witness; (c) a  
27 column that states any objections to the exhibit; (d) a column that briefly responds  
28 to the objections; and (e) a blank column for the Court's use. Before this list is

1 filed with the Court, the parties shall meet and confer, in person, to consider exhibit  
2 numbers, to eliminate duplicate exhibits and confusion over exhibits, and to make a  
3 good faith effort to stipulate to admissibility. If stipulation is not possible, the  
4 parties shall make every effort to stipulate to authenticity and foundation absent a  
5 legitimate (not tactical) objection. In addition to the above, a *joint* statement in  
6 which each party identifies fifteen (15) of the opposing party's exhibits for which  
7 the identifying party seeks rulings on objections *in advance* of trial. A party may  
8 identify, *e.g.*, an exhibit that it believes is critical to the case (if admitted or if not  
9 admitted) or an exhibit that it believes is representative of other exhibits such that  
10 the identified exhibit will provide a bellwether as to how the Court will rule on  
11 other exhibits.

- 12 **8. Use of Discovery Responses.** *The following information should be provided as an*  
13 *appendix to the joint pretrial conference statement.* Excerpts of interrogatory  
14 responses, responses to requests for admission, and deposition testimony (with  
15 specific line references identified) that each party intends to present at trial. If there  
16 are objections to the use of written responses, the parties should include a joint  
17 memorandum that briefly states the objecting party's objection and the opposing  
18 party's response. If there is an objection to the general subject matter of a  
19 deponent's testimony, the objection should be made through a motion in limine. If  
20 specific objections were made during the deposition that are still in need of a Court  
21 ruling, the parties should include a joint memorandum that identifies the deposition  
22 testimony at issue and that briefly states the objecting party's objection (including  
23 any counter-designation) and the opposing party's response (including any counter-  
24 designation). The Court expects the parties to meet and confer in good faith in the  
25 attempt to resolve those specific objections regarding deposition testimony before  
26 any memorandum regarding objections are filed.

27 **C. PRETRIAL MATERIALS**

28 At least twenty-one (21) days prior to the final pretrial conference, the parties shall file the

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