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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
STEPHEN DOUGAN,
Defendant.

No. 2:16-cr-00145-MCE

FINAL PRETRIAL ORDER

TRIAL DATE: July 2, 2018
TIME: 9:00 a.m.

A Trial Confirmation Hearing was held on May 17, 2018. Michael Beckwith, Matthew Yelovich, and Amy Hitchcock appeared as counsel for the United States. Patrick Hanly appeared as counsel for the Defendant, Stephen Dougan. After hearing, the Court makes the following findings and orders:

I. DATE AND LENGTH OF TRIAL

A trial is scheduled for July 2, 2018, at 9:00 a.m. in courtroom 7. The estimated length of trial is ten (10) days. The Court will permit each side up to one (1) hour for closing arguments unless otherwise specifically ordered by the Court. The United States will be permitted to reserve time for rebuttal purposes, but will be required to monitor any time so reserved.

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1 II. MOTIONS IN LIMINE

2 Any motions in limine shall be filed by June 7, 2018. Any opposition(s) to those
3 motions in limine shall be filed by June 14, 2018. Any reply(ies) shall be filed by
4 June 21, 2018. Hearing on motions in limine is scheduled for June 28, 2018, at 10:00
5 a.m. in courtroom 7.

6 III. AGREED STATEMENTS - JOINT STATEMENT OF CASE

7 It is mandatory the parties file a short, jointly-prepared statement concerning the
8 nature of this case that will be read to the jury at the commencement of trial. The joint
9 statement of the case shall include in plain concise language the claims of the United
10 States of America and claims of other parties, if any. The purpose of the joint statement
11 of the case is to inform the jury at the outset what the case is about. The statement must
12 be filed by June 14, 2018.

13 IV. TRIAL BRIEFS

14 The parties shall file trial briefs not later than June 14, 2018.

15 V. WITNESSES

16 The parties are ordered to file their witness lists on or before June 14, 2018.
17 Each party may call a witness designated by the other. The parties must expressly
18 reserve the right to call additional witnesses at trial.

19 VI. EXHIBITS - SCHEDULES AND SUMMARIES

20 The parties are ordered to file their exhibit lists on or before June 14, 2018. The
21 parties must expressly reserve the right to offer additional exhibits at trial.

22 The United States' exhibits shall be listed numerically. Defendant's exhibits shall
23 be listed alphabetically. After A-Z is exhausted, defense counsel is to use 2A through
24 2Z, then begin with 3A through 3Z, and so on. Each page in all multi-page exhibits shall
25 be marked for identification and all photographs must be marked individually.

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1 The parties are directed to the Court’s website for information and use of the
 2 approved digital exhibit stamp. (www.caed.uscourts.gov – select “Judges” – select
 3 “Judge England” – select “Digital Exhibit Stamp” located within the Case Management
 4 Procedures section).

5 Each party may use an exhibit designated by the other. In the event the United
 6 States and the Defendant offer the same exhibit during trial, that exhibit shall be referred
 7 to by the designation the exhibit is first identified. The Court cautions the parties to pay
 8 attention to this detail so that all concerned, including the jury, will not be confused by
 9 one exhibit being identified by both the United States and the Defendant.

10 Exhibit lists must be in Microsoft Word, filed in the table format shown below, and
 11 emailed to mceorders@caed.uscourts.gov by June 14, 2018.

EXHIBIT IDENTIFICATION	EXHIBIT DESCRIPTION	DATE OFFERED	DATE ADMITTED

17 The parties are ordered to provide an electronic version of exhibits and their
 18 exhibit lists to the Courtroom Deputy on a jump drive (also known as, among other
 19 things, a flash drive, USB drive, etc.) by June 14, 2018. Unless otherwise ordered by the
 20 Court, the parties shall retain custody of any physical exhibits incapable of being
 21 submitted electronically and shall remain responsible for the custody of those exhibits
 22 throughout the duration of the trial.

23 The Court shall be presented with one copy of the exhibit(s) in a 3-ring binder(s)
 24 with a side tab identifying each exhibit by number or letter by June 14, 2018. Each
 25 binder shall be no larger than three inches in width and have an identification label on
 26 the front and side panel.

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1 VII. PROPOSED JURY INSTRUCTIONS, VOIR DIRE, VERDICT FORM

2 A. Jury Instructions

3 The parties shall primarily use the Ninth Circuit Model Jury Instructions and any
4 revisions. However, instructions or authority may be submitted to the Court for approval.
5 Attached for review are the Court's standard opening and closing instructions for your
6 use, taken from the Ninth Circuit's Model Jury Instructions. If counsel has no objections
7 to the Court's use of these opening and closing instructions, counsel need not submit
8 their own opening and closing instructions.

9 The proposed instructions must be filed by June 14, 2018, and shall be identified
10 as "Jury Instructions Without Objection" and/or "Jury Instructions With Objection,"
11 respectively.

12 All proposed instructions shall be, to the extent possible, concise, understandable,
13 and free from argument. See Local Rule 163(c). Parties shall also note that any
14 modifications of instructions from statutory authority, case law or from any form of
15 pattern instructions must specifically state the modification by underlining additions and
16 bracketing deletions.

17 B. Verdict Form

18 The parties are ordered to file their proposed verdict forms on or before
19 June 14, 2018.

20 C. Voir Dire

21 The parties are ordered to file their proposed voir dire on or before
22 June 14, 2018. The Court reserves the right to conduct all examination of prospective
23 jurors. Notwithstanding this reservation, the Court will permit each side up to ten (10)
24 minutes to conduct further voir dire, if desired.

25 D. Submission of Documents to the Court

26 At the time of filing their proposed jury instruction(s), verdict form(s) and witness
27 list(s), counsel shall also electronically mail these filings to the Court, in Microsoft Word
28 format. **These documents MUST be sent to:** mceorders@caed.uscourts.gov.

1 VIII. CHOICE NOT TO FILE DOCUMENTS

2 Should either party choose not to file a trial brief, witness list, exhibit list, proposed
3 voir dire, proposed jury instructions, or proposed verdict forms, that party must notify the
4 Court in writing by June 14, 2018, that it will not be filing such documents.

5 IX. AUDIO/VISUAL EQUIPMENT

6 The parties are required to file electronically a joint request to the Courtroom
7 Deputy by June 7, 2018, if they wish to reserve and arrange for orientation with all
8 parties on the Court's mobile audio/visual equipment for presentation of evidence. There
9 will be one date and time for such orientation.

10 X. OBJECTIONS TO FINAL PRETRIAL ORDER

11 Each party is granted five (5) court days from the date of this Final Pretrial Order
12 to object to any part of this Order or to request augmentation to it. The Final Pretrial
13 Order will be modified only upon a showing of manifest injustice. If no objection or
14 modifications are made, this Order will become final without further order of the Court
15 and shall control the subsequent course of the action.

16 Dated: May 22, 2018

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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