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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,  
Plaintiff,

v.

Maricopa, County of, et al.,  
Defendants.

No. CV-12-00981-PHX-ROS

**ORDER SETTING BENCH TRIAL**

The Court will issue its order resolving the parties' cross-motions for summary judgment in the near future. Because that order will not end this case, a trial must be scheduled. Accordingly, the Court enters the following orders.

**IT IS ORDERED** trial to the court is set for August 10, 2015 at 1:00 p.m. Estimated length of trial is **15** days to be held Monday (1-5 PM) and Tuesday through Friday (9-5 PM), unless otherwise directed by the Court. Any notices of conflict regarding the trial date shall be filed no later than **June 12, 2015** and shall give the reason for the conflict(s) as well as propose alternative dates when the parties are available. No final pretrial conference will be scheduled.

**IT IS FURTHER ORDERED** the joint Proposed Pretrial Order is due **July 10, 2015**. The parties shall follow the sample order available on the Court's website at [www.azd.uscourts.gov/Judges' Information/Orders, Forms & Procedures for the Hon. Roslyn O. Silver](http://www.azd.uscourts.gov/Judges%20Information/Orders, Forms & Procedures for the Hon. Roslyn O. Silver). The parties shall email the joint proposed pretrial order in Word format

1 to chambers mailbox at silver\_chambers@azd.uscourts.gov.

2 In determining their plans for trial, the parties are reminded to adhere to the  
3 strictures of Federal Rule of Civil Procedure 1 and avoid needless consumption of the  
4 Court's time. They are to avoid the presentation of duplicative witnesses and evidence,  
5 and may use evidentiary summaries, where appropriate under Federal Rule of Evidence  
6 1006. The parties shall stipulate to the time allotted for each witness's questioning, as  
7 well as to the authenticity of exhibits, wherever possible.

8 **IT IS FURTHER ORDERED** all Motions in Limine are due **July 10, 2015**.  
9 Responses are due **July 24, 2015**. No replies are permitted unless ordered by the Court.  
10 The fact that this is a bench trial means the motions in limine are of limited use. *See, e.g.,*  
11 *United States v. Heller*, 551 F.3d 1108, 1111-12 (9<sup>th</sup> Cir. 2009) ("It would be, in effect,  
12 'coals to Newcastle,' asking the judge to rule in advance on prejudicial evidence so that  
13 the judge would not hear the evidence."). Motions in limine are, therefore, strongly  
14 discouraged.

15 **IT IS FURTHER ORDERED** the parties shall separately file their Proposed  
16 Findings of Fact and Conclusions of Law no later than **July 17, 2015**. The parties shall  
17 email these documents in Word format to the chambers mailbox.

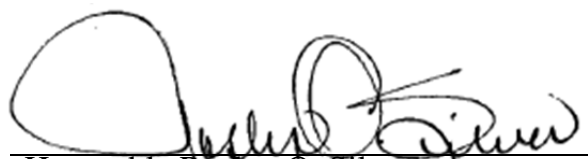
18 **IT IS FURTHER ORDERED** no later than **July 17, 2015**, the parties shall  
19 deliver to chambers excerpts of the deposition testimony they propose to present at trial,  
20 in compliance with the procedures available on the Court's website (found in Deposition  
21 Designation Procedure for Judge Silver), including but not limited to: Plaintiffs  
22 highlighting in yellow the portions they wish to offer and Defendants highlighting in blue  
23 those portions they wish to offer. If either party objects to the proposed testimony, a  
24 specific and concise objection (e.g., "Relevance, Rule 402") shall be placed in the margin  
25 adjacent to the proposed testimony.

26 **IT IS FURTHER ORDERED** the parties shall file a joint proposed trial schedule  
27 no later than **July 17, 2015**. The schedule shall include witnesses, exhibits and any  
28 deposition testimony to be presented each day.

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**IT IS FURTHER ORDERED** the parties shall comply with the Exhibit Procedures found on the Court's website at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) / Judges' Information /Orders, Forms & Procedures for Hon. Roslyn O. Silver.

Dated this 10th day of June, 2015.



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Honorable Roslyn O. Silver  
Senior United States District Judge