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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

CHROMADEX, INC.,)	
)	Case No.: SACV 16-02277-CJC(DFMx)
Plaintiff,)	
v.)	ORDER REGARDING TRIAL,
)	PRETRIAL CONFERENCE, AND
ELYSIUM HEALTH, INC., and MARK)	PRETRIAL DOCUMENTS
MORRIS,)	
Defendants.)	
<hr/>		
)	
ELYSIUM HEALTH, INC.,)	
)	
Counterclaimant,)	
v.)	
)	
CHROMADEX, INC.,)	
)	
Counter-Defendant.)	
)	
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1 Plaintiff ChromaDex, Inc. (“ChromaDex”) filed this case against Defendant
2 Elysium Health, Inc. (“Elysium”) on December 29, 2016. (Dkt. 1.) The operative
3 pleadings are ChromaDex’s Fifth Amended Complaint against Elysium and Mark Morris
4 (Dkt. 153), and Elysium’s and Mark Morris’ Third Amended Counterclaims (Dkt. 103).

5
6 The Court hereby schedules a pretrial conference for **Monday, April 20, 2020 at**
7 **3:00 p.m.** and a jury trial for **Tuesday, May 12, 2020 at 8:30 a.m.** As discussed at the
8 January 21, 2020 hearing, the Court will impose time limits in this case. Each side will
9 have **fourteen** hours to present, not including jury selection, opening statements, or
10 closing arguments. The parties’ allotted time includes the time spent on direct and re-
11 direct examination of its own witnesses as well as cross-examination and re-cross-
12 examination of the other party’s witnesses.

13
14 The following trial documents shall be filed by **Monday, April 6, 2020**:

- 15 1. Joint statement of the case
- 16 2. Joint witness list containing only the heading “Witness List” and a list of names
17 (with no titles, time expectation, or other information). This list will be shown
18 to the jury.
- 19 3. Joint exhibit list
- 20 4. Jury instructions
 - 21 a. This includes jury instructions at the beginning of trial, any instructions
22 during trial, and instructions at the close of trial.
 - 23 b. This includes both jointly-proposed jury instructions, and any
24 instructions upon which the parties cannot agree (including the parties’
25 positions regarding those disputed instructions, meaning the parties will
26 have to exchange copies of proposed jury instructions substantially in
27 advance of the April 6 date).
- 28 5. Verdict form

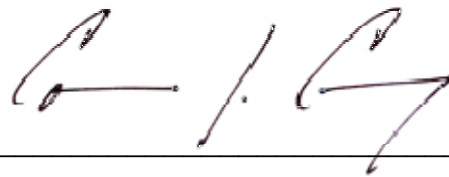
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2 This order supersedes any conflicting deadlines reflected on the Court's
3 Procedures page on the Central District of California website
4 (<https://www.cacd.uscourts.gov/honorable-cormac-j-carney>). The Court directs the
5 parties to that website for additional information regarding the Court's requirements and
6 expectations for these documents and trial preparation in general.

7
8 As discussed at the January 21, 2020 hearing, the Court strongly discourages the
9 parties from filing motions in limine. Such motions should be unnecessary given the
10 extensive motion practice in this case and the time limits to be imposed at trial. To the
11 extent either side files any motions in limine, those motions must be filed and served in
12 compliance with Local Rule 6-1 (and oppositions in compliance with Local Rule 7-9, and
13 replies in compliance with Local Rule 7-10), and will be heard at the Pretrial Conference.

14
15 The Court takes this opportunity to remind the parties of the limited purposes of a
16 motion in limine. A motion in limine is a procedural tool to expedite trial and prevent
17 anticipated prejudicial evidence before it is offered. *Luce v. United States*, 469 U.S. 38,
18 40 n.2 (1984); *see also* Fed. R. Civ. P. 16(a)(1) (permitting pretrial conference judge to
19 consider matters that will aid in the disposition of the action); Fed. R. Evid. 403
20 (authorizing exclusion of probative evidence that is “substantially outweighed by the
21 danger of unfair prejudice, confusion of the issues, or misleading the jury, or by
22 considerations of undue delay, waste of time, or needless presentation of cumulative
23 evidence”); Fed. R. Evid. 104(c) (authorizing hearing on a preliminary question outside
24 the hearing of the jury). The advantage of a motion in limine is “to avoid the futile
25 attempt to unring the bell in the event a motion to strike is granted in the proceedings
26 before the jury.” *Amtower v. Photon Dynamics, Inc.*, 158 Cal. App. 4th 1582, 1593
27 (2008) (citation and quotes omitted). It is improper to use motions in limine as a
28 substitute for dispositive motions prescribed by statutes. Doing so circumvents

1 procedural protections that statutory motions provide, blindsides the nonmoving party,
2 and may infringe on the litigant’s right to a jury trial. *Id.* at 1593–94. Nor may a party
3 use a motion in limine to sterilize the other party’s presentation of the case. It is also a
4 misuse of motions in limine to attempt to compel a witness or a party to conform his or
5 her trial testimony to a preconceived factual scenario based on testimony given during
6 pretrial discovery or to base motions in limine on matters of day-to-day logistics and
7 common professional courtesy.

8
9 DATED: January 22, 2020



CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE