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13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
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16 VIASAT, INC., VIASAT
17 COMMUNICATIONS, INC., f/k/a
18 WILDBLUE COMMUNICATIONS,
19 INC.,
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21 vs. Plaintiffs,
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23 SPACE SYSTEMS/LORAL, INC.,
24 LORAL SPACE &
25 COMMUNICATIONS, INC.,
26
27 Defendants.
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CASE NO. 3:12-CV-00260-H
(WVG)

**ORDER TAKING JUDICIAL
NOTICE OF NINTH
CIRCUIT MODEL CIVIL
JURY INSTRUCTION 3.1**

25 The Court takes judicial notice that Ninth Circuit Model Civil Jury Instruction
26 3.1 (2010) reads as follows:

27 When you begin your deliberations, you should elect one member of the
28 jury as your presiding juror. That person will preside over the
deliberations and speak for you here in court.

1 You will then discuss the case with your fellow jurors to reach
2 agreement if you can do so. Your verdict must be unanimous.

3 Each of you must decide the case for yourself, but you should do so only
4 after you have considered all of the evidence, discussed it fully with the
5 other jurors, and listened to the views of your fellow jurors.

6 Do not hesitate to change your opinion if the discussion persuades you
7 that you should. Do not come to a decision simply because other jurors
8 think it is right.

9 It is important that you attempt to reach a unanimous verdict but, of
10 course, only if each of you can do so after having made your own
11 conscientious decision. Do not change an honest belief about the weight
12 and effect of the evidence simply to reach a verdict.

13 See also Ninth Circuit Model Criminal Jury Instruction 7.1 (2010). This language is
14 a standard jury instruction in both civil and criminal cases and is not an Allen charge.

15 See United States v. Beattie, 613 F.2d 762, 765 (9th Cir. 1980).

16 **IT IS SO ORDERED.**

17 DATED: June 20, 2014

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19 MARILYN L. HUFF, District Judge
20 UNITED STATES DISTRICT COURT
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