

1 A. Depositions. All depositions shall be scheduled to commence
2 at least five (5) working days prior to the discovery cut-off date. All original
3 depositions to be used in trial shall be lodged with the Courtroom Deputy on
4 the day of trial.

5 B. Discovery Motions. Any motion respecting the inadequacy
6 of responses to discovery must have been heard by the discovery cut-off date.
7 Counsel are expected to strictly comply with all local rules and the Federal
8 Rules of Civil Procedure concerning discovery. Whenever possible, the Court
9 expects counsel to resolve discovery problems among themselves in a courteous,
10 reasonable, and professional manner. The Court expects that counsel will
11 strictly adhere to the Civility and Professional Guidelines adopted by the
12 United States District Court for the Central District of California in July of
13 1995.

14 LAW AND MOTION:

15 1. The Court has ordered the above cut-off date for the hearing of
16 motions in this action. All motions must be noticed so that the hearing takes
17 place on or before the motion cut-off date. Counsel is to provide chambers with
18 conformed courtesy copies of any reply documents. Please do not put courtesy
19 copies in envelopes.

20 2. If oral argument is not required, counsel will be advised the week
21 before the hearing date. If oral argument is to be heard, the Court will make
22 every effort to serve by fax a tentative ruling or an outline of issues on which
23 argument should concentrate in advance of the hearing date. Please include
24 your fax number on all pleadings.

25 3. Counsel are to deliver courtesy copies of reply documents to the
26 Judge's office in the drop box located in the corridor by the chambers on the
27 7th floor of the Roybal Federal Building.

28 4. All documents are to comply with Local Rule 11-3.1 and shall be

1 prepared in 14-point font or larger or monospaced typeface with no more than
2 10 ½ characters per inch. Counsel are also directed to adhere to Local Rule 11-
3 3.6, requiring that all documents be double spaced, and Local Rule 11-8,
4 requiring that all briefs that exceed 10 pages in length must have a table of
5 contents and a table of authorities.

6 FINAL PRE-TRIAL CONFERENCE:

7 This case has been placed on calendar for a Final Pre-Trial Conference
8 pursuant to Fed.R.Civ.P. 16 and Local Rule 16-7. Unless excused for good
9 cause, each party appearing in this action shall be represented at the Final Pre-
10 Trial Conference by the attorney who is to have charge of the conduct of the
11 trial on behalf of such party. Counsel should be prepared to discuss
12 streamlining the trial, including presentation of testimony by deposition
13 excerpts or summaries, time limits, stipulations as to undisputed facts, and
14 qualification of experts by admitted resumes.

15 STRICT COMPLIANCE WITH THE REQUIREMENT OF LOCAL
16 RULE 16-1, et seq., IS REQUIRED BY THE COURT. Therefore, carefully
17 prepared Memoranda of Contentions of Fact and Law, Witness List, Exhibit
18 List, and a proposed Final Pre-Trial Conference Order shall be submitted in
19 accordance with the Rules, and the form of the proposed Final Pre-Trial Order
20 shall be in conformity with the format set forth in the Appendix A to the Local
21 Rules.

22 The Memoranda of Contentions of Fact and Law are due twenty-one (21)
23 days before the Final Pre-Trial Conference, and the proposed Final Pre-Trial
24 Conference Order is to be lodged seven (7) days before the Final Pre-Trial
25 Conference.

26 SETTLEMENT PROCEDURES:

27 A settlement procedure is required in every case pursuant to Local Rule
28 16-14, et seq. The Court will normally be guided by counsel's agreement as to

1 what procedure is appropriate for this case and when the optimum time for that
2 procedure is. Counsel are responsible for seeing that the settlement procedures
3 are conducted well before the Final Pre-Trial Conference. Not to the exclusion
4 of other procedures, the following are available:

- 5 (1) a settlement conference before the district judge
6 or magistrate judge assigned to the case;
7 however, the undersigned shall not participate
8 in settlement of a case to be tried without a jury;
- 9 (2) a settlement conference or mediation
10 before an attorney selected from the
11 Attorney Settlement Panel;
- 12 (3) the employment (at the parties' expense)
13 of a private judge, a mediator, or
14 arbitrator.

15 TRIAL PREPARATION FOR JURY TRIAL - MOTIONS, INSTRUCTIONS
16 AND EXHIBITS:

17 THE COURT ORDERS that all counsel comply with the following in
18 their preparation for trial:

19 1. MOTIONS IN LIMINE

20 All motions in limine must be filed at least three weeks prior to the
21 Final Pre-Trial Conference. The Court will rule on all motions in limine at the
22 Final Pre-Trial Conference.

23 2. JURY INSTRUCTIONS/SPECIAL VERDICT FORMS

24 Thirty-five (35) days before trial, plaintiff shall serve plaintiff's
25 proposed jury instructions and special verdict forms on defendant. Twenty-
26 eight (28) days before trial, defendant shall serve on plaintiff defendant's
27 objections to plaintiff's instructions together with any additional instructions
28 defendant intends to offer. Twenty-one (21) days before trial, counsel are
ordered to meet and confer to attempt to come to agreement on the proposed
jury instructions.

1 Seven (7) days before trial, counsel shall file with the Court a JOINT set
2 of jury instructions on which there is agreement.

3 Reference to the instructions in the *Manual of Model Jury Instructions for*
4 *the Ninth Circuit* or the *California Book of Approved Jury Instructions Civil* shall be
5 by number only. The Court requests only a list of those numbered instructions
6 which the Court has accessible on its computer. Do not provide written copies
7 of those instructions.

8 Defendant's counsel has the burden of preparing the joint set of jury
9 instructions. At the same time each party shall file its proposed jury
10 instructions which are objected to by any other party, accompanied by points
11 and authorities in support of those instructions and in support of any
12 objections.

13 The Court prefers the use of the *Manual of Model Jury Instructions for the*
14 *Ninth Circuit* or applicable *BAJI* instructions as modified and supplemented to
15 fit the circumstances of this case. With respect to the parties' special
16 instructions, each requested instruction shall be set forth in full; be on a
17 separate page; be numbered; cover only one subject or principle of law; not
18 repeat principles of law contained in any other requested instruction.

19 During the trial and before argument, the Court will meet with counsel
20 and settle the instructions. **Failure of counsel to strictly follow the provisions**
21 **of this section may subject the non-complying party and/or its attorney to**
22 **sanctions and constitute a waiver of jury trial.**

23 3. TRIAL EXHIBITS

24 Counsel are to prepare their exhibits for presentation at the trial by
25 placing them in binders which are indexed by exhibit number with tabs or
26 dividers on the right side. Counsel shall submit to the Court an original and
27 two copies of the binders. The exhibits shall be in a three-ring binder labeled
28 on the spine portion of the binder as to the volume number and contain an

1 index of each exhibit included in the volume. Exhibits must be numbered in
2 accordance with Local Rule 16.5.

3 The Court requires that the following be submitted to the Courtroom
4 Deputy Clerk on the first day of trial:

5 a. The original exhibits with the Court's exhibit tags, yellow
6 tags for plaintiff and blue tags for defendant, shall be stapled to the front of the
7 exhibit on the upper right-hand corner with the case number, case name, and
8 exhibit number placed on each tag.

9 b. One bench book with a copy of each exhibit tabbed with
10 numbers as described above for use by the Court. (Court's exhibit tags not
11 necessary.)

12 c. Three (3) copies of exhibit lists.

13 d. Three (3) copies of witness lists in the order in which the
14 witnesses may be called to testify.

15 In jury cases where a significant number of exhibits are to be admitted,
16 the Court encourages counsel, preferably by agreement, to consider ways in
17 which testimony about exhibits may be made intelligible to the jury while it is
18 being presented. Counsel may consider such devices as overhead projectors,
19 jury notebooks for admitted exhibits, or blow-ups of important exhibits. The
20 Central District has Elmo equipment which may be available for your use
21 during trial. Call the Courtroom Deputy if you wish to reserve it. Do not plan
22 to pass exhibits up and down the jury box while court is in session.

23 All counsel are to meet not later than ten (10) days before trial and to
24 stipulate, so far as is possible, to foundation, waiver of the best evidence rule,
25 and to those exhibits which may be received into evidence at the start of the
26 trial. The exhibits to be so received will be noted on the extra copies of the
27 exhibit lists.

28 4. JOINT STATEMENT OF THE CASE

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV FMC(x)

Plaintiff(s),
vs.
Defendant(s).

WITNESS LIST

SAMPLE FORMAT

WITNESSES FOR PLAINTIFF	DATES OF TESTIMONY
	(to be filled in during trial)
WITNESSES FOR DEFENDANT	