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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff(s),) Case No. CV - CT
v.)
Defendant(s))
(SEE LAST PAGE FOR FORM RE:
PRETRIAL AND TRIAL DATES)

This case has been assigned to the calendar of Magistrate Judge Carolyn Turchin, and the parties have agreed to the magistrate judge's exercise of jurisdiction in cases randomly assigned pursuant to General Order 08-09.

The magistrate judge is located in Courtroom 590, which is on the 5th floor of the Edward R. Roybal Federal Building and Courthouse, 255 E. Temple Street, Los Angeles, CA 90012. The courtroom deputy clerk ("CRD"), Ms. Deborah Malone, can be reached at (213) 894-6513. The magistrate judge expects full compliance with the Federal Rules of Civil Procedure, the Local Rules for the Central District of California ("the Local Rules"), and the scheduling order in this case. Ambiguities, if any, will

1 be construed to secure the just, speedy, and inexpensive
2 determination of each action.

3 The purpose of this order is to enable counsel¹ to know well
4 in advance the schedule and requirements to which they will be
5 expected to adhere.

6 **I. SCHEDULING CONFERENCE AND/OR ORDER**

7 The magistrate judge may set a scheduling conference or
8 issue a scheduling order without a scheduling conference. In
9 either event, at least twenty-one (21) days in advance of the
10 time limits set forth in Fed. R. Civ. P. 16(b)(2), counsel shall
11 file the joint report required by Fed. R. Civ. P. 26(b) and Local
12 Rule 26. A form for suggested pre-trial and trial dates is
13 attached to this order. **Counsel must jointly complete this form
14 and attach it to the joint report.**

15 At the time of the filing of the joint report, counsel shall
16 also file a separate document entitled "joint notice of
17 scheduling status conference," which shall schedule the
18 conference on the magistrate judge's calendar on the first Monday
19 three weeks thereafter at 2:00 p.m. If that Monday is a holiday,
20 the joint notice shall designate the immediately following
21 Tuesday. The magistrate judge will consider the dates suggested
22 by counsel on the form attached to the joint report. A
23 scheduling order with specific dates for pre-trial events and
24 trial will be issued after the magistrate judge's review of the
25 completed form and, if necessary, a scheduling conference.

27 ¹ "Counsel" as used in this order also applies to persons
28 appearing in propria persona.

1 **II. DISCOVERY CUTOFF**

2 All discovery shall be completed by the discovery cutoff
3 date. **THIS IS NOT THE DATE BY WHICH DISCOVERY REQUESTS MUST BE**
4 **SERVED; IT IS THE DATE BY WHICH ALL DISCOVERY, INCLUDING EXPERT**
5 **DISCOVERY, IS TO BE COMPLETED.**

6 Any motion challenging the adequacy of responses to
7 discovery must be filed timely, served, and calendared
8 sufficiently in advance of the discovery cutoff date to permit
9 additional discovery to be obtained before that date, if the
10 motion is granted. The magistrate judge requires compliance with
11 Local Rule 37-1 and 37-2 in the preparation and filing of
12 discovery motions. Except in the case of an extreme emergency
13 which was not created by the lawyer briefing the motion,
14 discovery motions may not be heard on ex parte application.
15 Discovery motions are frequently decided on the papers without a
16 hearing.

17 **III. MOTIONS AND MOTION CUTOFF DATE**

18 **A. GENERAL PROVISIONS**

19 All law and motion matters, except for discovery motions
20 (which are subject to the time limits set forth in the preceding
21 paragraph) and motions in limine, must be set for hearing (not
22 filing) by the motion cutoff date specified on the attached
23 schedule of trial and pre-trial dates after this schedule is
24 approved by the magistrate judge.

25 The parties must adhere to the requirements of the Local
26 Rules. See Local Rules 7-1 et seq. If any party does not oppose
27 a motion, that party shall submit a written statement in
28 accordance with Local Rule 7-16 that it does not oppose the

1 motion. The parties should note that failure to meet the time
2 limits set forth in Local Rule 7 may be deemed consent to the
3 granting of the motion. Local Rule 7-12.

4 To insure that the magistrate judge receives oppositions and
5 replies in a timely fashion, chambers copies conformed to reflect
6 that they have been e-filed should be delivered to the CRD by
7 leaving them in the courtesy/chambers copy box located outside
8 the Roybal Terrace Clerk's Office, Room 181L, in accordance with
9 the Local Rules.

10 Motions are heard on Mondays at 2:00 p.m. unless otherwise
11 ordered by the magistrate judge. Even if a motion is still
12 necessary after a good faith pre-filing conference, counsel
13 should have sufficiently discussed the issues so that the
14 briefing will be directed to those substantive issues which
15 require resolution by the magistrate judge. Minor procedural or
16 other non-substantive matters should be resolved by counsel
17 during the course of the conference.

18 Unless clearly justified under the circumstances of the
19 case, "motions to dismiss or in the alternative for summary
20 adjudication" are discouraged. These composite motions tend to
21 blur the legitimate distinction[s] between the two motions, which
22 have different purposes. Moreover, Fed. R. Civ. P. 12(b)(6)
23 motions are discouraged unless counsel has a legitimate belief
24 after a good faith conference that such motion will likely result
25 in dismissal, without leave to amend, of all or at least some of
26 the claims under applicable law. In most cases, the prospective
27 moving party should agree to any amendment that would cure the
28 defect.

1 **B. EX PARTE APPLICATIONS**

2 Ex parte practice is strongly discouraged. See Mission
3 Power Eng. Co. v. Continental Casualty Co., 883 F. Supp. 488
4 (C.D. Cal. 1995). Counsel must adhere to proper ex parte
5 procedures for any ex parte application filed with the magistrate
6 judge. Id., at 492; see also Local Rule 7-19.

7 **C. SIZE OF PLEADINGS AND CITATION**

8 Memoranda of points and authorities in support of or in
9 opposition to any motion **shall not exceed 25 pages**. Replies
10 **shall not exceed 12 pages**. Only in rare instances and for good
11 cause shown will the magistrate judge grant an application to
12 extend these page limitations. Citations to case law must
13 identify not only the case cited, but the specific page
14 referenced. Statutory and other references should identify with
15 specificity the sections and subsections referenced.

16 **D. APPLICATIONS AND STIPULATIONS TO EXTEND TIME**

17 Extensions of time are rarely granted and no stipulations
18 extending the magistrate judge's scheduling dates shall be
19 effective unless approved by the magistrate judge. Applications
20 to extend the time to file any required document or to continue
21 any pre-trial or trial date must set forth:

22 (i) the existing due date or hearing date;
23 (ii) specific, concrete reasons supporting good cause for
24 granting the extension. This information must be presented in a
25 sworn declaration;

26 (iii) whether there have been prior requests for extensions,
27 and whether these were granted or denied by the magistrate judge.

28 The party(ies) requesting the extension must provide the

1 magistrate judge with a proposed order setting forth the proposed
2 new dates and/or proposed new schedule.

3 **E. SUMMARY JUDGMENT MOTIONS**

4 No party may file more than one motion pursuant to Fed. R.
5 Civ. P. 56 regardless of whether such motion is denominated as a
6 motion for summary judgment or summary adjudication.

7 To increase efficiency and to assist counsel in structuring
8 and focusing these motions, the following requirements apply when
9 filing motions for summary judgment.

10 1. Separate Statement of Undisputed Facts and Statement of
11 Genuine Issues

12 The separate statement of undisputed facts is to be prepared
13 in a two-column format. The left-hand column should set forth
14 the allegedly undisputed fact. The right-hand column should set
15 forth the evidence that supports the factual statement. The fact
16 statements should be set forth in sequentially numbered
17 paragraphs. Each paragraph should contain a narrowly focused
18 statement of fact. Each numbered paragraph should address a
19 single subject in as concise a manner as possible.

20 The opposing party's statement of genuine issues must be in
21 two columns and track the moving party's separate statement
22 exactly as prepared. The document must be in two columns; the
23 left-hand column must restate the allegedly undisputed fact, and
24 the right-hand column must indicate either undisputed, or
25 disputed. The opposing party may dispute all or only a portion
26 of the statement, but if disputing only a portion, must clearly
27 indicate what part is being disputed. Where the opposing party
28 is disputing the fact in whole or part, the opposing party must,

1 in the right-hand column, label and restate the moving party's
2 evidence in support of the fact, followed by the opposing party's
3 evidence controverting the fact. Where the opposing party is
4 disputing the fact on the basis of an evidentiary objection, the
5 party must cite to the evidence alleged to be objectionable and
6 state the ground of the objection and nothing more. **No argument**
7 **should be set forth in this document.**

8 The opposing party may submit additional material facts that
9 bear on or relate to the issues raised by the moving party, which
10 shall follow the format described above for the moving party's
11 separate statement. These additional facts shall follow the
12 moving party's facts, shall continue in sequentially numbered
13 paragraphs (e.g., if the moving party's last statement of fact
14 was set forth in paragraph 30, then the first new fact will be
15 set forth in paragraph 31), and shall set forth in the right hand
16 column the evidence that supports that statement.

17 The moving party, in its reply, shall respond to the
18 additional facts in the same manner and format that the
19 opposition party is required adhere to in responding to the
20 statement of undisputed facts, as described above.

21 2. Supporting Evidence

22 No party should submit any evidence other than the specific
23 items of evidence or testimony necessary to support or controvert
24 a proposed statement of undisputed fact. Thus, for example, the
25 entire transcript of a deposition, entire sets of interrogatory
26 responses, and documents that do not specifically support or
27 controvert material in the separate statements, should not be
28 submitted in support or opposition to a motion for summary

1 judgment.

2 Evidence submitted in support or opposition to a motion
3 should be submitted either by way of stipulation or as exhibits
4 to declarations sufficient to authenticate the proffered evidence
5 and should not be attached to the memorandum of points and
6 authorities. The magistrate judge will accept counsel's
7 authentication of deposition transcript, of written discovery
8 responses, and of the receipt of documents in discovery if the
9 fact that the document was in the opponent's possession is of
10 independent significance. Documentary evidence as to which there
11 is no stipulation regarding foundation must be accompanied by the
12 testimony, either by declaration or properly authenticated
13 deposition transcript, of a witness who can establish its
14 authenticity.

15 3. Objections to Evidence

16 If a party disputes a fact based in whole or in part on an
17 evidentiary objection, the ground of the objection, as indicated
18 above, should be stated in the separate statement but not argued
19 in that document. Evidentiary objections are to be addressed in
20 a separate memorandum to be filed with the opposition or reply
21 brief of the party. This memorandum should be organized **to track**
22 **the paragraph numbers of the separate statement in sequence.** It
23 should identify the specific item of evidence to which objection
24 is made, identify the ground of the objection, and make a very
25 brief argument with citation to authority as to why the objection
26 is well taken. The following is an example of the format
27 contemplated by the magistrate judge:

28 Separate Statement Paragraph 1: Objection to the

1 supporting deposition transcript of Jane Smith at
2 60:1-10 on the grounds that the statement
3 constitutes inadmissible hearsay and no exception
4 is applicable. To the extent it is offered to
5 prove her state of mind, it is irrelevant since
6 her state of mind is not in issue. Fed. R. Evid.
7 801, 802.

8 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE OPPONENT'S**
9 **STATEMENTS OF UNDISPUTED FACT: THESE WILL BE DISREGARDED AND**
10 **OVERRULED.**

11 4. The Memorandum of Points and Authorities

12 The moving party's memorandum of points and authorities
13 should be in the usual form required under Local Rule 7 and
14 should contain a narrative statement of facts as to those aspects
15 of the case that are before the magistrate judge. All facts
16 should be supported with citation to the paragraph number in the
17 separate statement that supports the factual assertion and not to
18 the underlying evidence.

19 Unless the case involves some unusual application of Fed. R.
20 Civ. P. 56, the motion need only contain a brief statement of the
21 Fed. R. Civ. P. 56 standard. The argument should be organized to
22 focus on the pertinent elements of the claim(s) or defense(s) in
23 issue, with the purpose of showing the existence or non-existence
24 of a genuine issue of material fact for trial on that element of
25 the claim or defense.

26 Likewise, the opposition memorandum of points and
27 authorities should be in the usual form required by Local Rule 7,
28 and where the opposition memorandum sets forth facts, the

1 memorandum should cite to paragraphs in the separate statement if
2 they are not in dispute, to the evidence that contravenes the
3 fact where the fact is in dispute, or, if the fact is contravened
4 by an additional fact in the statement of genuine issues, the
5 citation should be to such fact by paragraph number.

6 5. Timing

7 The magistrate judge expects that the moving party will
8 provide more than the minimum twenty-one (21) day notice for such
9 motions. The moving party should deliver to the CRD a copy of a
10 diskette or USB flash drive, in WordPerfect format (9.0 or
11 earlier versions), containing the statement of uncontroverted
12 facts and conclusions of law.

13 **F. ORAL ARGUMENT**

14 If the magistrate judge concludes that a motion can be
15 resolved without argument, the magistrate judge will notify the
16 parties in advance.

17 **G. MOTIONS IN LIMINE**

18 The parties must file motions in limine addressing the
19 admissibility of evidence in accordance with Local Rule 7-3 by
20 the date specified in the scheduling order, guidelines for which
21 are on the last page. The parties shall file their opposing and
22 reply papers in accordance with Local Rules 7-9 and 7-10
23 respectively.

24 **IV. PRE-TRIAL CONFERENCE**

25 **A. GENERAL PROVISIONS**

26 The pre-trial conference ("PTC") will be held at 2:00 p.m.
27 on the date on the last page, unless the magistrate judge
28 expressly waived a PTC at the status conference. (In the rare

1 cases where the magistrate judge waives a PTC, the parties must
2 follow Local Rule 16-10.)

3 The lead trial attorney on behalf of each party shall attend
4 both the PTC and all meetings of the parties in preparation of
5 the PTC, unless excused for good cause shown in advance of the
6 PTC.

7 At the PTC, the parties should be prepared to discuss means
8 of streamlining the trial, including, but not limited to:
9 bifurcation; presentation of foundational and non-critical
10 testimony and direct testimony by deposition excerpts; narrative
11 summaries and/or stipulations as to the content of testimony;
12 presentation of testimony on direct examination by affidavit or
13 by declaration subject to cross-examination; and, qualification
14 of experts by admitted resumes.

15 **B. FORM OF PRE-TRIAL CONFERENCE ORDER ("PTCO")**

16 The proposed PTCO shall be lodged fourteen (14) calendar
17 days before the PTC. Adherence to this time requirement is
18 necessary for in-chambers preparation of the matter. The form
19 of the proposed PTCO shall comply with Appendix A to the Local
20 Rules.

21 **C. LOCAL RULE 16 FILINGS, MEMORANDA, WITNESS LISTS,**
22 **EXHIBIT LISTS**

23 The parties must comply fully with the requirements of Local
24 Rule 16. They shall file carefully prepared memoranda of
25 contentions of fact and law (which may also serve as the trial
26 brief), along with their respective witness lists and exhibit
27 lists, all in accordance with Local Rules 16-3, 16-4, 16-5 and
28 16-6.

1 **D. JURY INSTRUCTIONS, VERDICT FORMS, SPECIAL**
2 **INTERROGATORIES**

3 1. Thirty (30) days before the Fed. R. Civ. P. 16 meeting,
4 the parties shall exchange proposed jury instructions, verdict
5 forms, and special interrogatories. Twenty-one (21) days before
6 the meeting, counsel shall exchange written objections, if any,
7 to proposed jury instructions, verdicts, and special
8 interrogatories. At the meeting, the parties shall confer with
9 the objective of submitting one set of agreed upon substantive
10 instructions, verdict forms and, if necessary, special
11 interrogatories. "Substantive jury instructions" means all
12 instructions relating to the elements of all claims and defenses
13 in the case. The magistrate judge would appreciate the parties
14 delivering to the CRD a courtesy copy of these filings in an
15 electronic format compatible with WordPerfect at the time the
16 documents are filed.

17 2. If the parties cannot agree upon one complete set of
18 substantive instructions, verdict forms, and/or special
19 interrogatories, they shall file two documents with the
20 magistrate judge: a joint document reflecting the agreed upon
21 instructions, verdict forms, and/or special interrogatories, and
22 a second document in the form of a joint statement regarding the
23 disputed instructions, verdicts, and interrogatories in the
24 following format for each instruction, verdict, or interrogatory
25 in issue:

- 26 (a) A separate page containing the text of the disputed
27 language with an identification of the party proposing
28 it;

1 (b) Following the instruction, the opposing party's
2 statement of objections to the instruction along with
3 legal authority in support of the argument (**not to**
4 **exceed one page**) and proposed alternative language
5 where appropriate;

6 (c) The proposing party's response to the objection
7 with legal authority supporting the proposed language
8 (**not to exceed one page**).

9 Both the agreed on set, and the joint statement re disputed
10 instructions are to be filed with the pre-trial conference order
11 and other Fed. R. Civ. P. 16 documents fourteen (14) days before
12 the pre-trial conference.

13 3. All proposed jury instructions shall be in the format
14 specified by Local Rule 51-2.

15 4. A table of contents shall be included with all jury
16 instructions submitted to the magistrate judge. The table of
17 contents shall set forth the following:

- 18 (a) The number of the instruction;
19 (b) A brief title of the instruction;
20 (c) The source of the instruction; and,
21 (d) The page number of the instruction.

22 For example:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
23 1	Burden of Proof	9th Cir. 12.2	5

24 5. The magistrate judge directs counsel to use the
25 instructions from the Manual of Model Jury Instructions for the
26 Ninth Circuit (West 1997) where applicable. Where California law
27 is to be applied and the above instructions are not applicable,
28

1 the magistrate judge prefers counsel to use the Judicial Council
2 of California Civil Jury Instructions ("CACI") forms. If neither
3 of these sources is applicable, counsel are directed to use the
4 instructions in Devitt, Blackmar and Wolff, Federal Jury Practice
5 and Instructions.

6 6. Modifications of instructions from the foregoing
7 sources (or any other form instructions) must specifically state
8 the modification made to the original form instruction and the
9 authority supporting the modification.

10 **E. JOINT STATEMENT OF THE CASE AND REQUESTS FOR VOIR DIRE**

11 At the pre-trial conference, the parties shall lodge their
12 proposed voir dire questions and their joint statement of the
13 case which the magistrate judge shall read to all prospective
14 jurors prior to the commencement of voir dire. The statement
15 should be not longer than two or three paragraphs.

16 The magistrate judge conducts voir dire of all prospective
17 jurors. The parties need not submit requests for standard voir
18 dire questions, such as education, current occupation, marital
19 status, prior jury service, etc., but should include only
20 proposed questions specifically tailored to the parties and
21 issues of the case.

22 **F. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

23 For a non-jury trial, the parties shall lodge their proposed
24 findings of fact and conclusions of law in accordance with Local
25 Rule 52-1 not later than one week before trial. The magistrate
26 judge would appreciate the parties delivering to the CRD a copy
27 of these findings on disk or USB flash drive in WordPerfect 9.0
28 format.

1 **V. SETTLEMENT**

2 Local Rule 16-15.2 provides that the settlement conference
3 shall be concluded not later than forty-five (45) days before the
4 pre-trial conference. In any event, the parties must file a
5 status report re settlement at the time that they lodge the
6 proposed PTCO, indicating that they have conducted the Local Rule
7 16 settlement conference.

8 The magistrate judge will not conduct settlement conferences
9 in non-jury cases that are tried before the magistrate judge. In
10 jury cases, the magistrate judge will conduct a settlement
11 conference at the parties' joint request if three conditions
12 exist:

13 1. The parties are satisfied that the fact issues in the
14 case will be tried to a jury;

15 2. All significant pre-trial rulings which the magistrate
16 judge must make have been made; and,

17 3. The parties desire the magistrate judge to conduct the
18 conference, understanding that if settlement fails, the
19 magistrate judge will preside over trial of the case.

20 **VI. SERVICE OF THIS ORDER**

21 Counsel for plaintiff(s), in an action commenced in this
22 court, and counsel for defendant(s) in a removed action, shall
23 serve a copy of this order on all other parties or their counsel
24 at the earliest possible time. Counsel, or any party required to
25 give notice of this order, shall file proof of service of such
26 notice within 48 hours of the service of such notice.

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1 **VII. CONCLUSION**

2 The magistrate judge thanks the parties and their counsel
3 for their anticipated cooperation in carrying out these
4 requirements.

5 **IT IS SO ORDERED.**

6 DATED:

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CAROLYN TURCHIN
UNITED STATES MAGISTRATE JUDGE

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SUGGESTED SCHEDULE OF PRETRIAL AND TRIAL DATES

CASE NAME:

CASE NO.:

Matter	Time	Weeks before trial	Plaintiff(s) Request	Defendant(s) Request	Court Order
Trial (jury) (court) (length ____ days) (Tuesday)	9:00				
<u>For Court Trial</u> Lodge findings of fact and conclusions of law, LR 52 , and summaries of direct testimony		3			
Pretrial conference, LR 16; hearing on motions in limine	2:00	4			
<u>For Jury Trial</u> Lodge pretrial conference order, LR 16-7; File agreed set of jury instructions and verdict forms; File statement regarding disputed instructions, verdicts, etc.; File oppositions to motions in limine		6			
<u>For Jury Trial</u> File memo of contentions of fact and law, LR 16-4; Exhibit and witness Lists, LR 16-5, 6; File status report regarding settlement; File motions in limine		7			
Last date to conduct settlement conf., LR 16-15		12			
Last day for hearing motions, LR 7		14			
Non-expert discovery cut-off					
Expert disclosure (initial)					
Expert disclosure (rebuttal)					
Expert discovery cut-off					
Last date to amend pleadings or add parties					

LR 16-15 Settlement Choice

1. ____ Attorney Settlement Panel
2. ____ Outside ADR
3. ____ Judge Turchin