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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

Plaintiff(s), ) SA CV \_\_\_\_\_ ( x )  
)  
) I. ORDER FOR JURY TRIAL  
) SETTING DATES FOR:  
)  
) Discovery Cutoff:  
) \_\_\_\_\_  
)  
) Final Pretrial  
) Conference:  
) \_\_\_\_\_  
) at 2:00 p.m.  
)  
) Trial:  
) \_\_\_\_\_  
) at 9:00 a.m.  
)  
) II. ORDER FOR PREPARATION  
) FOR JURY TRIAL AND JURY  
) INSTRUCTIONS AND SETTING  
) EXHIBIT CONFERENCE  
) FRIDAY BEFORE TRIAL  
)  
) III. ORDER GOVERNING ATTORNEY  
) AND PARTY CONDUCT AT  
) TRIAL  
\_\_\_\_\_ )

I.

ORDERS FOR PRETRIAL PROCEEDINGS

A. Scheduling

1. **Parties and Pleadings:** All motions to join other parties or to amend the pleadings shall be filed and served within **sixty (60) days of the date of this order**. All unserved parties shall be dismissed no later than the date on which the Final Pretrial Conference is held.

2. **Motions for Summary Judgment or Partial Summary Judgment:** No motions for summary judgment or partial summary judgment may be filed later than **fourteen (14) days after the discovery cutoff date**, unless otherwise ordered by Court.

3. **Discovery Cutoff:** All discovery is to be completed on, or before, the discovery cutoff date. The following discovery schedule shall apply to this case.

a. **Depositions:** All depositions shall be scheduled to commence at least **seven (7) days** before the discovery cutoff date. All depositions to be used in trial shall be lodged with the Courtroom Deputy Clerk at least **seven (7) days** before trial or such earlier date as the Court may order.

b. **Interrogatories:** All interrogatories must be served at least **forty-five (45) days** before the discovery cutoff date.

c. **Production of Documents, etc., as Among Parties:** All requests for production, etc., among parties, shall be served at least **forty-five (45) days** before the discovery cutoff date.

d. **Requests for Admissions:** All requests for

1 admissions shall be served at least **forty-five (45) days** before  
2 the discovery cutoff date.

3 **e. Discovery Motions:** Any motion respecting the  
4 inadequacy of responses to discovery must be filed and served **not**  
5 **later than fourteen (14) days** after the discovery cutoff date.  
6 Counsel are reminded to adhere to the Civility and Professional  
7 Guidelines adopted by the United States District Court for the  
8 Central District of California.

9 **f. Disclosure of Expert Testimony:** The above  
10 discovery cutoff date includes expert discovery, unless otherwise  
11 ordered by Court.

12 **B. Final Pretrial Conference**

13 This case has been placed on calendar for a Final  
14 Pretrial Conference pursuant to Fed. R. Civ. P. 16. The Court  
15 requires strict compliance with the requirements of the Federal  
16 Rules of Civil Procedure and the Local Rules, including use of  
17 the format in Appendix A.

18 **II.**

19 **ORDER FOR PREPARATION FOR JURY TRIAL AND JURY INSTRUCTIONS AND**  
20 **SETTING EXHIBIT CONFERENCE FRIDAY BEFORE TRIAL**

21 **A. Counsel shall comply with the following orders in**  
22 **preparing for trial by jury.**

23 **1. Motions in Limine:** All motions *in limine* must be  
24 filed and served a minimum of forty-two (42) days before the  
25 originally scheduled trial date. Each motion should be  
26 separately filed and numbered. All opposition documents must be  
27 filed and served at least twenty-one (21) days before the  
28 scheduled trial date. All reply documents must be filed and

1 served at least fourteen (14) days before the scheduled trial  
2 date.

3 All motions *in limine* will be heard on the first day of  
4 trial, unless the parties proceed under the noticed motion  
5 provisions of Local Rule 7, or the Court otherwise orders.

6 **2. Jury Instructions, Verdict Forms, and Voir Dire:**

7 Plaintiff shall serve proposed jury instructions and a  
8 proposed verdict form on defendant. Defendant shall serve  
9 objections to plaintiff's instructions and verdict form, together  
10 with any alternative verdict form and any additional instructions  
11 defendant intends to offer. Counsel shall confer in an effort to  
12 reach agreement on the proposed jury instructions and verdict  
13 forms.

14 **a. Joint Jury Instructions**

15 Counsel shall file with the Court a JOINT set of jury  
16 instructions on which there is agreement. Defendant's counsel is  
17 charged with the preparation of the joint set of jury  
18 instructions. At the same time, each party shall file its  
19 proposed jury instructions to which there are objections,  
20 accompanied by a memorandum of points and authorities in support  
21 of those instructions.

22 **b. Filing Jury Instructions**

23 Jury instructions are to be filed and served on  
24 opposing counsel in compliance with Local Rule 51-1.

25 **c. Objections to Jury Instructions**

26 Objections to proposed jury instructions must be filed  
27 and served in compliance with Local Rules 51-5 and 51-5.1.

28 **3. Voir Dire:** At least seven (7) days before trial,

1 as recommended in Appendix A to the Local Rules, each counsel  
2 shall file and serve on opposing counsel any special questions  
3 that counsel requests to be asked of prospective jurors on voir  
4 dire.

5 **4. Joint Statement of the Case:** No later than seven  
6 (7) days before the trial date or by the time of the Exhibit  
7 Conference, whichever is later, counsel must confer and agree on  
8 a joint statement of the case, not to exceed one page, to be  
9 submitted to the Courtroom Deputy Clerk.

10 **5. Stipulations:** All counsel shall confer no later  
11 than seven (7) days before trial and stipulate so far as is  
12 possible as to foundation, waiver of the best evidence rule, and  
13 to those exhibits which may be received into evidence at the  
14 start of trial.

15 **B. Counsel Shall Attend an Exhibit Conference**

16 A special conference regarding trial exhibits and other  
17 trial matters, which requires the attendance of trial counsel,  
18 will be held on the FRIDAY BEFORE THE SCHEDULED TRIAL DATE AT  
19 3:00 P.M. IN COURTROOM 10A, UNLESS THE COURT OTHERWISE ORDERS.  
20 The Court requires the following submitted to the Courtroom  
21 Deputy Clerk at the time of the Exhibit Conference:

22 **1. Trial Exhibits:** Counsel shall prepare the  
23 original trial exhibits in either three-ring binders indexed by  
24 exhibit number with right-sided divider tabs, or in separately  
25 marked file folders inserted within redwells. Original exhibits  
26 must have affixed to the upper right-hand corner of the first  
27 page of each exhibit the Court's exhibit tag. If using binders,  
28 counsel shall label the front and spine of each binder with the



1 **B. Objections to Questions**

2 1. Counsel must not use objections for the purpose of  
3 making a speech, recapitulating testimony, or attempting to guide  
4 the witness.

5 2. When objecting, counsel must rise and state only  
6 that counsel objects and the legal grounds for the objection.

7 **C. General Decorum**

8 1. Please keep the trial low-key. It is to be a  
9 dignified search for the truth.

10 2. Counsel must not approach the Courtroom Deputy  
11 Clerk or the witness box without specific permission. When  
12 permission is given, please return to the lectern when the  
13 purpose of the permission is completed. Counsel must not  
14 question a witness while at the witness stand.

15 3. Please rise when addressing the Court and when the  
16 jury enters or leaves the courtroom.

17 4. Counsel must address all remarks to the Court.  
18 Counsel are not to address the Courtroom Deputy Clerk, the  
19 reporter, persons in the audience, or opposing counsel. If  
20 counsel wishes to speak with opposing counsel, counsel must ask  
21 permission to talk off the record. Any request for the re-  
22 reading of questions or answers shall be addressed to the Court.

23 5. Counsel must not address or refer to witnesses or  
24 parties by first names alone. Young witnesses (under 14) may  
25 properly be addressed and referred to by first names.

26 6. Counsel must not make an offer of stipulation  
27 unless counsel has conferred with opposing counsel and has reason  
28 to believe the stipulation is acceptable.

1           7. While Court is in session, counsel must not leave  
2 counsel table to confer with investigators, secretaries,  
3 witnesses or other persons in the back of the courtroom unless  
4 permission has been granted in advance.

5           8. Counsel should not by facial expression, nodding,  
6 or other conduct, exhibit any opinion, adverse or favorable,  
7 concerning any testimony being given by a witness. Counsel must  
8 admonish counsel's own clients and witnesses to avoid such  
9 conduct.

10           9. Where a party has more than one lawyer, only one  
11 may object to the testimony or conduct the direct or cross-  
12 examination of a given witness.

13 **D. Promptness of Counsel and Witnesses**

14           1. The Court makes every effort to commence  
15 proceedings at the time set. Promptness is expected from counsel  
16 and witnesses. It is counsel's duty to tell the Court on the  
17 first day of any commitments in any other court on a subsequent  
18 day that may result in absence or late arrival.

19           2. If a witness was on the stand at adjournment, it  
20 is counsel's duty to have the witness adjacent to, but not on,  
21 the witness stand, ready to proceed, when the court session  
22 resumes. If a witness was on the stand at a recess, it is  
23 counsel's duty to have the witness back on the stand, ready to  
24 proceed, when the court session resumes.

25           a. It is counsel's duty to have the next witness  
26 in the courtroom after a recess if the last witness was excused  
27 at the time of the recess.

28           b. It is counsel's duty to notify the Courtroom

1 Deputy Clerk in advance if any witness should be accommodated by  
2 use of the witness stand's automated platform, which lowers and  
3 raises to aid witnesses who are unable to otherwise take the  
4 witness stand.

5 3. No presenting party may be without witnesses. If  
6 counsel has no more witnesses to call and there is more than a  
7 brief delay, the Court may deem that the party has rested.

8 4. The Court attempts to cooperate with physicians,  
9 scientists, and all other professional witnesses and will, except  
10 in extraordinary circumstances, accommodate them by permitting  
11 them to testify out of sequence. Counsel must anticipate this  
12 possibility and discuss it with opposing counsel. If there is  
13 objection, counsel must confer with the Court in advance.

14 **E. Exhibits**

15 1. Each counsel should keep counsel's own list of  
16 exhibits and should note when each exhibit has been admitted in  
17 evidence.

18 2. Each counsel is responsible for any exhibits that  
19 counsel secures from the Courtroom Deputy Clerk and, at all  
20 recesses, at noontime, and afternoon adjournments, must return  
21 all exhibits in counsel's possession to the Courtroom Deputy  
22 Clerk.

23 3. An exhibit not previously marked should, at the  
24 time of its first mention and assuming that counsel intends for  
25 that item to become an exhibit, be accompanied by a request that  
26 the Courtroom Deputy Clerk mark it for identification. To save  
27 time, counsel must show a new exhibit to opposing counsel before  
28 it is mentioned in Court. If an item is meant for non-

1 evidentiary purposes, such as refreshing recollection, no  
2 numbering or marking for identification is needed.

3           4. Whenever a particular exhibit is admissible, in  
4 counsel's opinion, it may be moved into evidence at the next  
5 available recess if the motion to admit it is opposed. (Counsel  
6 should consider waiting, however, until cross-examination  
7 concerning the proposed exhibits is concluded.) In the  
8 alternative, counsel may hold exhibits until the end of counsel's  
9 case and move them all into evidence at that time.

10           5. The Court regards admissibility of exhibits as a  
11 legal issue for the Court to rule on, absent agreement among  
12 counsel. Counsel are admonished to make no motion to introduce  
13 an exhibit while the jury is present unless counsel has  
14 previously conferred with opposing counsel and knows that there  
15 will be no objection to the motion to admit. When the Court  
16 hears a motion to admit an exhibit before the jury, the Court  
17 assumes that counsel has already cleared admission of the exhibit  
18 with opposing counsel and will grant the motion. If any  
19 objection is lodged, the Court will expect a satisfactory  
20 explanation from counsel who moved to admit an exhibit while the  
21 jury was present.

22           6. Counsel shall advise the Courtroom Deputy Clerk of  
23 any agreements they have with respect to proposed exhibits that  
24 may be received so that no further motion to admit need be made.

25           7. When referring to an exhibit, counsel should refer  
26 to its exhibit number whenever possible. Witnesses should be  
27 asked to do the same.

28           8. The Court resists taking time to pass an exhibit

1 among the jury for viewing when it is admitted. A request to do  
2 so should be made to the Court in a recess period preceding  
3 introduction of the exhibit.

4 9. Counsel must not ask witnesses to draw charts or  
5 diagrams nor ask the Court's permission for a witness to do so.  
6 If counsel wishes to question a witness in connection with  
7 graphic aids, the material must be fully prepared before the  
8 court session starts. (See Part III, A, 2, supra.)

9 **F. Depositions**

10 1. All depositions that are to be used in the trial,  
11 either as evidence or for impeachment, must be signed and filed  
12 before the trial commences. (See Part I, A, 3, (a), supra.)

13 Counsel should check with the Courtroom Deputy Clerk to learn  
14 whether the Court already has any deposition, properly signed, in  
15 which counsel is interested.

16 2. In using depositions of an adverse party for  
17 impeachment, either one of the following procedures may be  
18 adopted:

19 a. If counsel wishes to read the questions and  
20 answers as alleged impeachment and ask the witness no further  
21 questions on that subject, counsel may merely read the relevant  
22 portions of the deposition into the record, stating the page and  
23 line where the reading began and the page and line where the  
24 reading ended.

25 b. If counsel wishes to ask the witness further  
26 questions on the subject matter, the deposition is placed in  
27 front of the witness and the witness is told to read silently the  
28 pages and lines involved. Then counsel may either ask the

1 witness further questions on the matter and thereafter read the  
2 quotations or read the quotations and thereafter ask the further  
3 questions. Counsel should have an extra copy of the deposition  
4 for this purpose.

5 3. Where a witness is absent and the witness'  
6 testimony is offered by deposition, please observe the following  
7 procedures:

8 A reader should occupy the witness chair and read  
9 the testimony of the witness while the examining lawyer asks the  
10 questions. All colloquies among counsel or parties on the  
11 deposition record, except relevant stipulations, should be  
12 omitted from the reading, thereby presenting only the relevant  
13 evidence.

14 **G. Using Numerous Answers to Interrogatories and Requests**  
15 **for Admissions**

16 Whenever counsel expects to offer a group of answers to  
17 interrogatories or requests for admissions, extracted from one or  
18 more lengthy documents, counsel should prepare a new document  
19 listing each question and answer and identifying the document  
20 from which it has been extracted. Copies of this new document  
21 should be given to the Court and opposing counsel.

22 **H. Jury Instructions**

23 All requested instructions must be filed and served in  
24 accordance with the Local Rules of this District or this Court's  
25 Order served on the parties at the criminal arraignment or other  
26 pretrial hearing. Supplemental instructions must be filed and  
27 served as soon as the need for them becomes apparent. (See also,  
28 Part II, A, 2, supra.)

1 **I. Advance Notice of Evidentiary or Difficult Questions**

2 If any counsel has reason to anticipate that a  
3 difficult question of law or evidence will raise legal argument,  
4 requiring research and/or briefing, counsel must give the Court  
5 advance notice. Counsel are directed to notify the Courtroom  
6 Deputy Clerk at the day's adjournment of unexpected legal issues  
7 that could not have been foreseen and addressed by a motion *in*  
8 *limine* (see F. R. Evid. 103.) The Court will customarily order  
9 counsel to appear one-half hour earlier the next morning of trial  
10 to discuss the matter before the jury's return.

11 **J. Final Phase of Jury Trials**

12 **1. Time for Arguments:** Counsel will be asked to  
13 provide reasonable estimates for the time needed to present  
14 closing summation. Each counsel will be held to those estimates  
15 to within five (5) and no more than ten (10) minutes. Counsel  
16 should keep track of time consumed in argument.

17 After fifty (50) minutes and before sixty-five (65)  
18 minutes, counsel may ask the Court if this would be a "convenient  
19 time" to take a short break before going on to the next topic.  
20 Counsel's request for a break will be honored. After sixty-five  
21 (65) minutes of summation, the Court will declare a recess.

22 **2. Exhibits Referred to During Argument:** The  
23 Courtroom Deputy Clerk is not available to supply exhibits during  
24 summation. Exhibits can be arranged and made available to  
25 counsel at the lectern before summation if they are needed.  
26 Counsel must advise the Courtroom Deputy Clerk of this need at  
27 least one day before closing arguments begin.

28 **3. Court Reporter Transcripts:** Counsel are

1 admonished to not state in summation, "I am reading from the  
2 reporter's transcript." Counsel may, however, refer to "notes"  
3 (which may be a partial transcript) and proceed to deliver the  
4 recounted evidence in a "question and answer" format. Counsel  
5 are not to suggest to the jury that they may request re-reading  
6 of testimony.

7 The Court will provide the jury with the following  
8 instruction on the subject of re-reading testimony:

9 Re-reading of testimony is possible, but I  
10 must review all of what is to be re-read --  
11 *there is no transcript for the jury to*  
12 *review.* And, even if there were, I would  
13 have to have it re-read due to objections,  
14 sidebars, and other proceedings outside the  
15 jury's presence. Moreover, I or the  
16 attorneys might feel that other matters  
17 should be included in the same read-back.  
18 Preparing for a re-read of testimony takes  
19 time. Please understand that, so that if a  
20 request is made, we will gladly arrange to do  
21 so, but the jury should keep deliberating  
22 until we are able to make sure that we have  
23 everything ready.

24 **4. Presence of counsel, parties, and agents at**  
25 **adjournment once deliberations start:** Since another trial will  
26 likely have started while the jury in the parties' case is  
27 deliberating, the following options are suggested for the day's  
28 adjournment in lieu of convening a separate session of Court.

