

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SA CV _____ (x)

**I. ORDER FOR COURT TRIAL
SETTING DATES FOR:**

Discovery Cutoff:

Plaintiff(s),

**Final Pretrial
Conference:**

v.

at 2:00 p.m.

Trial:

at 9:00 a.m.

**II. ORDER FOR PREPARATION
FOR COURT TRIAL,
PROPOSED FINDINGS OF
FACT & CONCLUSIONS OF
LAW, AND SCHEDULING AN
EXHIBIT CONFERENCE
FRIDAY BEFORE TRIAL.**

Defendant(s).

**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 **fifteen (15) days after the discovery cutoff date**, unless otherwise ordered by Court.

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

a. **Depositions:** All depositions shall be scheduled to commence at least **five (5) working days** before the discovery cutoff date. All depositions to be used in trial shall be lodged with the Courtroom Deputy Clerk at least **five (5) court 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. **Request 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 ten (10) 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 Local Rules, including the format in
17 Appendix A.

18 **II.**

19 **ORDER FOR PREPARATION FOR COURT TRIAL, PROPOSED FINDINGS OF FACT**
20 **AND CONCLUSIONS OF LAW, AND SETTING EXHIBIT CONFERENCE FRIDAY**
21 **BEFORE TRIAL**

22 **A. Counsel shall comply with the following orders in**
23 **preparing for trial.**

24 **1. Motions in Limine:** All motions *in limine* must be
25 filed and served a minimum of forty-five (45) days before the
26 originally scheduled trial date. Each motion should be
27 separately filed and numbered. All opposition documents must be
28 filed and served at least twenty (20) days before the scheduled

1 trial date. All reply documents must be filed and served at
2 least ten (10) days before the scheduled trial date.

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

6 **2. Finding of Fact and Conclusions of Law:** Findings
7 of facts and Conclusions of Law shall be prepared, lodged, and
8 served in accordance with Local Rule 52-1.

9 At the same time, counsel must furnish to the assigned
10 Courtroom Deputy Clerk a diskette of proposed Findings of Fact
11 and Conclusions of Law.

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

17 **B. Counsel Shall Attend An Exhibit Conference**

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

24 **1. Trial Exhibits:** Counsel shall prepare the
25 original trial exhibits in either three-ring binders indexed by
26 exhibit number with right-sided divider tabs, or in separately
27 marked file folders inserted within redwells. Original exhibits
28 must have affixed to the upper right-hand corner of the first

1 **C. General Decorum**

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

4 2. Counsel must not approach the Courtroom Deputy
5 Clerk or the witness box without specific permission. When
6 permission is given, please return to the lectern when the
7 purpose of the permission is completed. Counsel must not
8 question a witness while at the witness stand.

9 3. Please rise when addressing the Court.

10 4. Counsel must address all remarks to the Court.
11 Counsel are not to address the Courtroom Deputy Clerk, the
12 reporter, persons in the audience, or opposing counsel. If
13 counsel wishes to speak with opposing counsel, counsel must ask
14 permission to talk off the record. Any request for the re-
15 reading of questions or answers shall be addressed to the Court.

16 5. Counsel must not address or refer to witnesses or
17 parties by first names alone. Young witnesses (under 14) may,
18 however, be addressed and referred to by first names.

19 6. Counsel must not make an offer of stipulation
20 unless counsel has conferred with opposing counsel and has reason
21 to believe the stipulation is acceptable.

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

26 8. Counsel should not by facial expression, nodding,
27 or other conduct exhibit any opinion, adverse or favorable,
28 concerning any testimony being given by a witness. Counsel must

1 admonish counsel's own clients and witnesses to avoid such
2 conduct.

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

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

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

12 2. If a witness was on the stand at adjournment, it
13 is counsel's duty to have the witness adjacent to, but not on,
14 the witness stand, ready to proceed, when the court session
15 resumes. If a witness was on the stand at a recess, it is
16 counsel's duty to have the witness back on the stand, ready to
17 proceed, when the court session resumes.

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

21 b. It is counsel's duty to notify the Courtroom
22 Deputy Clerk in advance if any witness should be accommodated by
23 use of the witness stand's automated platform which lowers and
24 raises to aid witnesses who are unable to otherwise take the
25 witness stand.

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

1 4. The Court attempts to cooperate with physicians,
2 scientists, and all other professional witnesses and will, except
3 in extraordinary circumstances, accommodate them by permitting
4 them to testify out of sequence. Counsel must anticipate the
5 possibility and discuss it with opposing counsel. If there is
6 objection, Counsel must confer with the Court in advance.

7 **E. Exhibits**

8 1. Each counsel should keep counsel's own list of
9 exhibits and should note when each exhibit has been admitted in
10 evidence.

11 2. Each counsel is responsible for any exhibits that
12 counsel secures from the Courtroom Deputy Clerk and, at all
13 recesses, at noontime, and afternoon adjournments, must return
14 all exhibits in counsel's possession to the Courtroom Deputy
15 Clerk.

16 3. An exhibit not previously marked should, at the
17 time of its first mention and assuming that counsel intends for
18 that item to become an exhibit, be accompanied by a request that
19 the Courtroom Deputy Clerk mark it for identification. To save
20 time, counsel must show a new exhibit to opposing counsel before
21 it is mentioned in Court. If an item is meant for non-
22 evidentiary purposes, such as refreshing recollection, no
23 numbering or marking for identification is needed.

24 4. Whenever a particular exhibit is admissible, in
25 counsel's opinion, it may be moved into evidence at the next
26 available recess if the motion to admit it is opposed. (Counsel
27 should consider waiting, however, until cross-examination
28 concerning the proposed exhibits is concluded.) In the

1 alternative, counsel may hold exhibits until the end of counsel's
2 case and move them all into evidence at that time.

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

7 6. When referring to an exhibit, counsel should refer
8 to its exhibit number whenever possible. Witnesses should be
9 asked to do the same.

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

15 **F. Depositions**

16 1. All depositions that are to be used in the trial,
17 either as evidence or for impeachment, must be signed and filed
18 before the trial commences. (See Part I, A, 3, (a), supra).
19 Counsel should check with the Courtroom Deputy Clerk to learn
20 whether the Court already has any deposition, properly signed, in
21 which counsel is interested.

22 2. In using depositions of an adverse party for
23 impeachment, either one of the following procedures may be
24 adopted:

25 a. If counsel wishes to read the questions and
26 answers as alleged impeachment and ask the witness no further
27 questions on that subject, counsel may merely read the relevant
28 portions of the deposition into the record, stating the page and

1 line where the reading began and the page and line where the
2 reading ended.

3 b. If counsel wishes to ask the witness further
4 questions on the subject matter, the deposition is placed in
5 front of the witness and the witness is told to read silently the
6 pages and lines involved. Then counsel may either ask the
7 witness further questions on the matter and thereafter read the
8 quotations or read the quotations and thereafter ask the further
9 questions. Counsel should have an extra copy of the deposition
10 for this purpose.

11 3. Where a witness is absent and the witness'
12 testimony is offered by deposition, please observe the following
13 procedures:

14 A reader should occupy the witness chair and read
15 the testimony of the witness while the examining lawyer asks the
16 questions. All colloquy among counsel or parties on the
17 deposition record, except relevant stipulations, should be
18 omitted from the reading, thereby presenting only the relevant
19 evidence.

20 The Court should be asked whether it wishes the
21 above procedure followed or merely wishes to read the deposition
22 in chambers without the questions and answers being repeated for
23 the record. In such instances, the deposition may be offered in
24 evidence as an exhibit.

25 **G. Using Numerous Answers to Interrogatories and Requests**
26 **for Admissions**

27 Whenever counsel expects to offer a group of answers to
28 interrogatories or requests for admissions, extracted from one or

1 more lengthy documents, counsel should prepare a new document
2 listing each question and answer and identifying the document
3 from which it has been extracted. Copies of this new document
4 should be given to the Court and opposing counsel.

5 **H. Advance Notice of Evidentiary or Difficult Questions**

6 If any counsel has reason to anticipate that a
7 difficult question of law or evidence will raise legal argument,
8 requiring research and/or briefing, counsel must give the Court
9 advance notice.

10 IT IS SO ORDERED.

11 Dated: _____.

12
13
14 _____
15 **ALICEMARIE H. STOTLER**
16 **UNITED STATES DISTRICT JUDGE**
17
18
19
20
21
22
23
24
25
26
27
28