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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

	)	Case No. _____	
Plaintiff(s),	)	<b>SCHEDULING ORDER</b>	
v.	)	Discovery Cut-Off:	_____
	)	Non-discovery Motion	
Defendant(s).	)	Hearing Cut-Off:	_____
	)	Pre-Trial Conference:	
	)		_____ <u>2:00 p.m.</u>
	)	Jury / Court Trial:	
	)		_____ <u>8:30 a.m.</u>
	)	Trial Estimate: _____	Day(s)
_____	)		

The above matter is set for trial before the Honorable Virginia A. Phillips, Courtroom 2,  
United States District Court, 3470 Twelfth Street, 2nd Floor, Riverside, California.

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1 **Pre-Trial and Trial Dates**

2 1. The Court orders the dates as indicated above, and described as follows:

3 a. **Discovery Cut-Off.** This is the last day to complete discovery, including  
4 expert discovery. It is also the last day for hearing for any discovery motion.

5 b. **Motion Hearing Cut-Off.** Motions are heard on Mondays at 10:00 a.m.  
6 The cut-off date for hearing motions is the last day to hear motions. The cut-off date applies to all  
7 non-discovery motions except motions in limine. If a cut-off date for hearing motions has not been  
8 set by the Court, the cut-off date shall be at least twenty-one (21) days before the Pre-Trial  
9 Conference.

10 c. **Motions in limine.** Motions in limine, i.e., motions relating to evidentiary  
11 matters only, shall be filed in accordance with the notice and filing requirements of Local Rule 7-4  
12 and this Court’s standing and civil trial orders. Each side is limited to three(3) motions in limine;  
13 each motion shall address only one (1) issue. Motions in limine shall be noticed for hearing no later  
14 than the Monday eight days before the Tuesday trial date. If the Monday eight days before the  
15 Tuesday trial date is a holiday, the motions must be noticed for hearing on the preceding Monday.

16 d. **Timing of Expert Witness Disclosures.** The required expert disclosures  
17 shall be made seventy (70) days before the Discovery Cut-Off Date.

18 e. **Telephonic Status Conference.** Telephonic status conferences are  
19 sometimes set by the Court to discuss settlement status and other pending issues. If a telephonic  
20 status conference has been set, all counsel are ordered to discuss the matter with their clients and  
21 opposing counsel before the telephonic status conference. Plaintiff’s counsel must make the  
22 arrangements and place the conference call. Plaintiff’s counsel shall include all counsel of record  
23 and the Court on the date and time scheduled. The conference operator is to place the final call to  
24 the Court at (909) 328-4420. To assist the Court and staff, participants shall identify themselves  
25 each time they speak. No cellular telephones or speaker telephones will be allowed.

26 f. **Status Conference with Appearance.** Status conferences with appearance may  
27 be set by the Court to discuss settlement status and other pending issues. All counsel are ordered to  
28 discuss the matter with their clients and opposing counsel before the status conference.



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**Law and Motion**

- 5. Counsel are to provide the Court with conformed courtesy copies of all motion papers.
- 6. If oral argument is not required, counsel will be advised the week before the hearing date.

**Settlement Procedures**

7. Local Rule 16-2.9 requires a settlement procedure in every case. The Court will be guided by counsel’s agreement as to which procedure is appropriate for this case; if counsel disagree as to procedures, the Court will impose a settlement procedure. Counsel are responsible for conducting a settlement procedure before the Pre-Trial Conference and shall submit with the proposed Pre-Trial Conference Order a status report detailing what procedure has been followed. The following procedures are available:

**Settlement Procedure No. 1** - Unless an alternative settlement procedure has been selected by the parties, and with the concurrence of the Court, the parties shall appear before the Court or before the Magistrate Judge assigned to the case for such settlement proceedings as the Court may conduct or direct.

**Settlement Procedure No. 2** - The parties shall appear before an attorney selected from the Attorney Settlement Officer Panel, or before an attorney appointed by the Court for settlement proceedings.

**Settlement Procedure No. 3** - The parties shall appear before a retired judicial officer or other private dispute resolution body for settlement proceedings.

**Settlement Procedure No. 4** - With the consent of the Court, the parties shall appear before a District Court Judge or Magistrate Judge selected at random from the Civil Settlement Panel for all further settlement proceedings.





1 may be received into evidence at the start of trial. The exhibits to be received will be noted on the  
2 extra copies of the exhibit lists.

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4 **Trial Preparation for Court Trials**

5 19. Fourteen (14) calendar days before the trial date, each party shall prepare and serve  
6 on opposing counsel copies of the proposed Findings of Fact and Conclusions of Law. Each party  
7 shall review the other party's proposed Findings and Conclusions and make such changes in the  
8 party's own proposed Findings and Conclusions as necessary following such review. Seven (7)  
9 calendar days before the trial date, each party shall lodge two copies of its proposed Findings of Fact  
10 and Conclusions of Law with the Court, also serving other parties if changes have been made. The  
11 parties shall be prepared to submit to the Court, and to exchange among themselves, supplemental  
12 Findings of Fact and Conclusions of Law during the course of the trial.

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14 **Trial Preparation for Jury Trials**

15 20. Fourteen (14) calendar days prior to the Rule 16 meeting, counsel shall exchange  
16 proposed jury instructions and special verdict forms (if applicable). Seven (7) calendar days prior to  
17 the Rule 16 meeting, counsel shall exchange any objections to the instructions and special verdict  
18 forms. Prior to, or at the time of the Rule 16 meeting, counsel shall meet and confer with the goal  
19 of reaching agreement to one set of joint jury instructions and one special verdict form.

20 21. The parties must file proposed jury instructions seven (7) calendar days before the  
21 Pre-Trial Conference. As always, the parties must submit courtesy copies directly to the Court.

22 22. As noted above, the parties must act jointly to submit proposed jury instructions.  
23 The parties must submit one set of agreed upon jury instructions. The parties must submit another  
24 set of jury instructions containing the instructions upon which the parties disagree and the objections  
25 to those instructions.

26 23. Where the parties disagree on an instruction, the party opposing the instruction must  
27 attach a short (i.e., one to two paragraphs) statement supporting the objection and the party  
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1 submitting the instruction must attach a short statement supporting the instruction. Each statement  
2 should be on a separate page and should follow directly after the disputed instruction.

3 24. Accordingly, the parties ultimately will submit one document or, if the parties  
4 disagree over any proposed jury instructions, two documents. If the parties submit two documents,  
5 those documents should consist of: (1) a set of agreed upon jury instructions and (2) a set of  
6 disputed jury instructions along with reasons supporting and opposing each disputed instruction.

7 25. The Court orders the parties to make every attempt to agree upon the jury  
8 instructions before submitting them to the Court. In addition, where the Manual of Model Civil  
9 Jury Instructions for the Ninth Circuit (1997 edition) provides a version of a requested instruction,  
10 the parties should submit the Model instruction. Where California law applies, the Court prefers  
11 counsel to use *California Jury Instructions -- Civil* (8th ed.) ("BAJI"). If neither of the above  
12 sources is applicable, counsel are directed to use the instructions from Edward J. Devitt, *et al.*,  
13 *Federal Jury Practice and Instructions* (4th ed. 1987 & Supp. 1995). Each requested jury  
14 instruction shall cover only one subject or principle of law and shall be numbered and set forth in  
15 full on a separate page, citing the authority or source of the requested instruction (except for the jury  
16 copy discussed infra at ¶ 26).

17 26. The Court will send a copy of the jury instructions into the jury room for use by the  
18 jury during deliberations. Accordingly, in addition to the file copies described above, the parties  
19 shall file with the Courtroom Deputy Clerk on the first day of the trial a "clean set" of joint and/or  
20 proposed jury instructions which contain only the text of each instruction set forth in full on each  
21 page, with the caption "Court's Instruction Number \_\_\_" (eliminating titles, supporting authority,  
22 indication of party proposing, etc.). This will be referred to as the "Jury Copy" of the jury  
23 instructions.

24 27. If counsel prepared the jury instructions using WordPerfect, counsel shall provide the  
25 Court with a three and one-half inch floppy disk containing the proposed jury instructions along  
26 with the hard copy.

27 28. An index page shall accompany all jury instructions submitted to the Court. The  
28 index page shall indicate the following:

- 1 a. The number of the instruction;
- 2 b. A brief title of the instruction;
- 3 c. The source of the instruction and any relevant case citations; and
- 4 d. The page number of the instruction.

5 EXAMPLE:

6	<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page</u>
7	1	Burden of Proof	9th Cir. 12.02	7

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9 29. Counsel shall prepare a joint statement of the case which will be read by the Court to

10 the prospective panel of jurors prior to the commencement of voir dire. The statement should not be

11 longer than two or three paragraphs. The statement shall be filed with the Court seven (7) calendar

12 days before the Pre-Trial Conference.

13 **Internet Site**

14 Counsel are encouraged to review the Central District’s website for additional information.

15 The address is “<http://www.cacd.uscourts.gov>”.

16

17 The Courtroom Deputy Clerk is ordered to serve a copy of this Order personally or by mail

18 on counsel for all parties to this action.

19 IT IS SO ORDERED.

20

21 Dated: \_\_\_\_\_

22

23 \_\_\_\_\_  
VIRGINIA A. PHILLIPS  
United States District Judge

24 Copies to:

25 All Counsel of Record