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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Defendant.

Case No. CR PA
ORDER RE: CRIMINAL TRIAL

The above matter is set for trial before the Honorable Percy Anderson,
Courtroom No. 9A, United States Courthouse, 350 West 1st Street, Los Angeles, California.

PRE-TRIAL AND TRIAL DATES

1. Pretrial motions, including motions in limine, shall be filed on: _____
Oppositions shall be filed on: _____
Replies (optional) shall be filed on: _____
Status Conference/Hearing is set for: _____ at 3:00 p.m.
Trial is set for Tuesday at 8:30 A.M. on: _____

2. All pleadings shall be served personally on opposing counsel or faxed to opposing counsel no later than 4:30 p.m. on the day of filing.

1 **ELECTRONIC AND UNDER SEAL FILINGS**

2 Pursuant to Local Civil Rule 5-4.3.1, documents filed electronically must be
3 submitted in Portable Document Format (“PDF”), created using word-processing software,
4 and published to PDF from the original word-processing file to permit the electronic version
5 of the document to be searched. Other than signature pages, PDF IMAGES CREATED BY
6 SCANNING PAPER DOCUMENTS ARE PROHIBITED. Violation of Local Rule 5-4.3.1
7 may result in the striking of the offending document and the imposition of monetary or other
8 sanctions.

9 Judge Anderson’s procedures for under seal filings differ in certain respects from
10 those contained in the Central District of California’s Local Rules. Parties shall make every
11 effort to limit the number and volume of under seal filings. In most circumstances, parties
12 should seek to file under seal only the specific portions of exhibits or documents for which
13 there is a valid basis for filing under seal.

14 When seeking the Court’s approval for an under seal filing, the submitting party shall
15 electronically file an Ex Parte Application to Seal and proposed Order through the Court’s
16 CM/ECF System pursuant to Local Civil Rule 5-4 and Local Criminal Rule 49-1.1. The Ex
17 Parte Application and proposed Order shall not contain the information the party seeks to
18 file under seal. The party seeking permission to file under seal shall submit to the Court’s
19 generic chambers e-mail address (pa_chambers@cacd.uscourts.gov) PDF versions of the Ex
20 Parte Application, proposed Order, Declaration in Support of Ex Parte Application stating
21 the reason for the under seal filing, and the document(s) and/or exhibit(s) the party seeks to
22 file under seal. The party shall also submit a Word or WordPerfect version of the proposed
23 Order to the generic chambers e-mail address.

24 Unless otherwise ordered by the Court, the submitting party shall deliver a
25 Mandatory Chambers Copy of the Ex Parte Application, proposed Order, Declaration in
26 Support of Ex Parte Application, and the document(s) and/or exhibit(s) the party seeks to
27 file under seal to Judge Anderson’s mailbox located adjacent to the Clerk’s Office on the
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1 accompanied by a declaration from the moving party that includes the following: (a) a clear
2 identification of the specific matter alleged to be inadmissible and/or prejudicial; (b) a
3 representation to the Court that the subject of the motion in limine has been discussed with
4 opposing counsel, and that opposing counsel has either indicated that such matter will be
5 mentioned or displayed in the presence of the jury before it is admitted in evidence or that
6 counsel has refused to stipulate that such matter will not be mentioned or displayed in the
7 presence of the jury unless and until it is admitted in evidence; and (c) a statement of the
8 specific prejudice that will be suffered by the moving party if the motion in limine is not
9 granted.

10 4. Unless ordered by the Court, no supplemental or separate memorandum of
11 points and authorities shall be filed by either party in connection with any motion in limine.
12 The moving party shall serve its portion of the Joint Motion in Limine on the responding
13 party fourteen (14) days prior to the date for filing of motions in limine indicated in this
14 Order. The responding party shall then serve the opposition portion of the Joint Motion in
15 Limine on the moving party both on paper and in an electronic format seven (7) days prior to
16 the date for the filing of motions in limine. The moving party shall incorporate the
17 responding party's portion into the Joint Motion in Limine, add its arguments in reply, and
18 file and serve the Joint Motion in Limine. Neither party's portions of a Joint Motion in
19 Limine shall exceed eight (8) pages.

20 5. The Court will not consider any motion in limine in the absence of a joint
21 motion or a declaration from counsel for the moving party establishing that opposing
22 counsel: (a) failed to confer in a timely manner; (b) failed to provide the opposing party's
23 portion of the joint motion in a timely manner; or (c) refused to sign and return the joint
24 motion after the opposing party's portion was added.

25 6. Unless otherwise ordered by the Court, motions in limine will be heard at the
26 Final Status Conference. Unless the Court in its discretion otherwise allows, no motions in
27 limine shall be filed or heard on an ex parte basis, absent a showing of irreparable injury or
28 prejudice not attributable to the lack of diligence of the moving party.

1 the responsibility of the agents to produce said items for court, secure
2 them at night and guard them at all times while in the courtroom.

3 d. A bench book containing a copy of all exhibits that can be reproduced.
4 Each exhibit shall be tabbed with the exhibit number for easy referral.
5 Defendant's counsel shall provide the Court with a copy of their
6 exhibits as they are introduced during trial.

7 e. The exhibit list should be provided in both a PDF version and in
8 WordPerfect format (X6 or earlier versions) or Microsoft Word (Word
9 2013 or earlier versions) to the Court's generic chambers e-mail address
10 (pa_chambers@cacd.uscourts.gov). A copy of the exhibit list with all
11 admitted exhibits will be given to the jury during deliberations.
12 Government and defense counsel shall review and approve the exhibit
13 list with the Courtroom Deputy prior to it being given to the jury.

14 4. If counsel need to arrange for the installation of their own additional equipment,
15 such as video monitors, overhead projectors, etc., notify the Courtroom Deputy no later than
16 4:30 p.m. two days BEFORE trial so that the necessary arrangements can be made.

17 5. Counsel shall arrive in the Courtroom at 8:30 a.m. on the first day of trial for the
18 purpose of handling logistical and administrative matters pertaining to the trial. On the first
19 day of trial, and until a jury is empaneled in a Jury Trial, the Court will typically be in
20 session from 9:00 a.m. until 5:00 p.m. Once a jury is empaneled, trials are conducted
21 Tuesday through Friday from 8:00 a.m. to 1:30 p.m., with two fifteen (15) minute breaks.

22 6. The Court reserves the time from 7:30 a.m. to 8:00 a.m. to handle legal and
23 administrative matters outside of the presence of the jury. The trial before the jury will
24 commence promptly at 8:00 a.m. Counsel is urged to anticipate matters that may need
25 discussion or hearing outside of the presence of the jury and to raise them during this period,
26 during breaks or at the end of the day.

1 **JURY INSTRUCTIONS & VERDICT FORMS**

2 1. Jury instructions in the form described below are to be filed not later than the
3 Wednesday of the week prior to trial. The parties must file JOINT jury instructions, a
4 JOINT proposed verdict form and, if necessary, special interrogatories. The parties shall
5 meet and confer sufficiently in advance of the required filing date with the objective of
6 submitting one set of agreed upon instructions, verdict form and, if necessary, special
7 interrogatories. The parties should also submit a copy of each of these documents in
8 WordPerfect format (X6 or earlier versions) or Microsoft Word (Word 2013 or earlier
9 versions) to the Court’s generic chambers e-mail address
10 (pa_chambers@cacd.uscourts.gov).

11 2. If the parties cannot agree upon one complete set of instructions, verdict form
12 and/or special interrogatories, they shall file two documents with the Court: a joint document
13 reflecting the agreed upon instructions, verdict form and/or special interrogatories; and a
14 second document in the form of a joint statement regarding the disputed instructions, verdict
15 form, and/or special interrogatories in the following format for each instruction, verdict form
16 and/or special interrogatories in issue:

- 17 a. A separate page containing the text of the disputed language with an
18 identification of the party proposing it;
- 19 b. Following the text of the disputed language, the opposing party’s
20 statement of objections to the disputed language along with legal
21 authority in support of the argument (not to exceed one page) and
22 proposed alternative language where appropriate; and
- 23 c. The proposing party’s response to the objection with legal authority
24 supporting the proposed language, not to exceed one page.

25 Both the agreed on set, and the joint statement re: disputed instructions, verdict form,
26 and/or special interrogatories shall be filed at least five calendar days before the trial.

27 3. All proposed jury instructions shall be in the format specified by Local Rule 51-
28 2 (civil). The Court will send a copy of the instructions into the jury room for the jury’s use

1 during deliberations. Accordingly, in addition to the file copies described above, the
2 submission of jury instructions to the Court’s generic chambers e-mail address shall contain
3 a “clean set” of Joint Proposed and/or Disputed Jury Instructions, containing only the text of
4 each instruction set forth in full on each page, with the caption “Court’s Instruction No. ____”
5 (eliminating titles, supporting authority, indication of party proposing, etc.) in WordPerfect
6 format (X6 or earlier versions) or Microsoft Word (Word 2013 or earlier versions).

7 4. A Table of Contents shall be included with all jury instructions submitted to the
8 Court. The Table of Contents shall set forth the following:

- 9 a. The number of the instruction;
- 10 b. A brief title of the instruction;
- 11 c. The source of the instruction; and
- 12 d. The page number of the instruction.

13 **EXAMPLE:**

14 Number	Title	Source	Page Number
15 1	Duty of the Jury	9th Cir. 1.01	1

16 5. Each requested jury instruction shall be numbered and set forth in full on a
17 separate page, citing the authority or source of the requested instruction.

18 6. The Court prefers counsel to use the instructions from the Manual of Model
19 Criminal Jury Instructions for the Ninth Circuit (West Publishing, current edition). Another
20 suggested source is Federal Jury Practice and Instructions, Devitt, Blackmar, Wolff and
21 O’Malley (West Publishing, current edition).

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

25 8. Counsel may, but need not, submit brief proposed voir dire questions for the jury
26 at the Pre-Trial Conference. The Court will conduct its own voir dire after consulting any
27 proposed voir dire submitted by counsel. Any proposed voir dire questions shall be filed at
28 the same time as the proposed jury instructions.

1 **INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

2 1. Counsel are expected to cooperate with each other during trial to insure the
3 efficient and expeditious use of court and juror time.

4 2. Counsel shall not refer to their clients or any witness over 14 years of age by
5 their first names during trial.

6 3. Do not discuss the law or argue the case in opening statements.

7 4. Do not use objections for purposes of making a speech, recapitulating testimony,
8 or attempting to guide the witness. When objecting, state only that you are objecting and the
9 specific legal ground of the objection, e.g., hearsay, irrelevant, etc. The court will not hear
10 arguments on ordinary evidentiary issues. Most unusual or complex evidentiary issues can
11 be foreseen and disposed of in advance; those that cannot ordinarily will be disposed of at
12 the next recess, with the witness retained until the issue is resolved. During the trial, the
13 court will not hold bench or chambers conferences, it is the intention of the court that trial
14 testimony will be presented without interruption for five or six hours each day, and all legal
15 issues of importance must be raised in advance of trial by written noticed motions. If there
16 are any matters Counsel wish to discuss, inform the Courtroom Deputy and the matter can
17 be heard at the next recess or the next day.

18 5. Counsel should not paraphrase the witness' answer into a new question which
19 asks the same thing. For example:

- 20 a. Do I understand you to mean that . . .
- 21 b. Is it your testimony then that . . .
- 22 c. Is it fair to say that . . .
- 23 d. Can we assume then that . . .
- 24 e. So that I am clear . . .

25 There is no need to hear the testimony of the witness two or three times. In addition having
26 been asked and answered, often these questions are argumentative.

27 6. Counsel are to have their witnesses review all exhibits about which they will be
28 questioned.

1 7. In multi-party cases, Counsel are expected to coordinate their cross-examination.
2 The Court will not permit each party's counsel to repeat previous cross-examination
3 questions.

4 8. Do not approach the Courtroom Deputy or the witness box without the Court's
5 permission. Please return to the lectern when your purpose has been accomplished. Do not
6 enter the well of the Court without the Court's permission.

7 9. Please rise when addressing the Court, and when the jury enters or leaves the
8 courtroom.

9 10. Address all remarks to the Court. Do not directly address the Courtroom
10 Deputy, the reporter or opposing counsel. If you wish to speak with opposing counsel, ask
11 permission to talk to counsel off the record. All requests to re-read questions or answers, or
12 to have an exhibit placed in front of a witness, shall be addressed to the Court.

13 11. While court is in session, do not leave the counsel table to confer with
14 investigators, secretaries, or witnesses unless permission is granted in advance.

15 12. When a party has more than one lawyer, only one may conduct the examination
16 of a given witness and only that lawyer may handle objections during the testimony of that
17 witness.

18 13. If a witness was on the stand at a recess or adjournment, have the witness back
19 on the stand and ready to proceed when court resumes.

20 14. Do not run out of witnesses. If you are out of witnesses and there is more than a
21 brief delay, the Court may deem that you have rested.

22 15. Counsel are advised to be on time as the Court starts promptly.

23 16. Do not make an offer of stipulation unless you have conferred with opposing
24 counsel and reached an agreement. Any stipulation of fact will require the defendant's
25 personal concurrence and shall be submitted to the Court in writing for approval. A
26 proposed stipulation should be explained to the defendant in advance.

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1 17. Counsel should not by facial expression, nodding, or other conduct exhibit any
2 opinion, adverse or favorable, concerning any testimony being given by a witness. Counsel
3 must admonish counsel’s own clients and witnesses to avoid such conduct.

4 18. Counsel are admonished to not state in summation, I am reading from the
5 reporter’s transcript.” Counsel may, however, refer to “notes” [which may include a partial
6 transcript] and proceed to deliver the recounted in a “question and answer” format. Counsel
7 are not to suggest to the jury that they may request rereading of testimony. That subject
8 will be covered with the jury in the jury charge as follows:

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

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19 DATED:

Percy Anderson
UNITED STATES DISTRICT JUDGE

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22 Revised 10/6/2017