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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

[PLAINTIFF’S NAME],  
Plaintiff,  
v.  
[DEFENDANT’S NAME],  
Defendant.

Case No.  
**CIVIL PRETRIAL SCHEDULE AND  
TRIAL ORDER**

The Scheduling Conference scheduled for \_\_\_\_\_ is hereby VACATED.

The pretrial schedule governing this case is set forth in the far-right column labeled “Court Order” located on the parties’ Schedule of Pretrial and Trial Dates Worksheet, which accompanies this Order. If the parties wish to set additional or alternative dates, they must file a stipulation and proposed order setting forth the dates requested and demonstrating good cause. Setting additional or alternative dates may be especially appropriate in class actions, patent cases, or cases for benefits under the Employee Retirement Income Security Act of 1974 (“ERISA”).

Please refer to the Court’s Standing Order for Newly Assigned Civil Cases for requirements for specific motions, discovery, certain types of filings, courtesy copies, emailing signature items to chambers, settlement, and other matters pertaining to all

1 civil cases. A copy of the Court’s Standing Order for Newly Assigned Civil Cases is  
2 available on Judge Hsu’s webpage at [https://www.cacd.uscourts.gov/honorable-  
4 wesley-l-hsu](https://www.cacd.uscourts.gov/honorable-<br/>3 wesley-l-hsu).

5 “Counsel,” as used in this Order, includes parties who are represented by  
6 counsel and parties who have elected to appear without counsel and are representing  
7 themselves in this litigation (hereinafter referred to as “*Pro Se* Litigants”). Counsel,  
8 including *Pro Se* Litigants, must comply with this Order, the Federal Rules of Civil  
9 Procedure, and the Central District of California Local Rules. *See* L.R. 1-3, 83-2.2.3.  
10 *Pro Se* Litigants are required to participate in the scheduling conference.

#### 11 **A. SCHEDULE OF PRETRIAL AND TRIAL DATES**

##### 12 **1. Discovery Cut-Off and Discovery Motions.**

13 **(a) Fact and Expert Discovery Cut-Offs.** The cut-off date for  
14 discovery is not the date by which discovery requests must be served; it is the date by  
15 which all discovery, including all hearings on any related motions, must be completed.  
16 Thus, written discovery must be served and depositions must begin sufficiently in  
17 advance of the discovery cut-off date to permit the propounding party enough time, if  
18 the party chooses, to challenge via motion practice any responses the party asserts are  
19 deficient.

20 **(b) Expert Disclosures.** All expert disclosures must be made in  
21 writing. The parties should begin expert discovery shortly after the initial designation  
22 of experts. The Final Pretrial Conference (“FPTC”) and trial dates will not be  
23 continued merely because expert discovery has not been completed. Failure to  
24 comply with these or any other orders concerning expert discovery may result in the  
25 expert being excluded as a witness.

26 **(c) Discovery Motions.** Discovery motions are handled by the  
27 Magistrate Judge assigned to the case. Any motion challenging the adequacy of  
28 discovery responses must be filed, served, and calendared before the assigned  
Magistrate Judge sufficiently in advance of the discovery cut-off date to permit the

1 responses to be obtained before that date if the motion is granted. The parties are  
2 expected to meet and confer to attempt to resolve discovery disputes before filing a  
3 discovery motion and must use their best effort to resolve all discovery disputes in a  
4 courteous, reasonable, and professional manner. Counsel must adhere to the Civility  
5 and Professionalism Guidelines at:

6 [http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-  
8 guidelines](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-<br/>7 guidelines).

8 **2. Non-Discovery Motions Deadline.**

9 **(a) Meet and Confer Requirement.** The parties are required under  
10 Local Rule 7-3 to meet and confer to attempt to resolve disputes before filing a  
11 motion. The parties should review the Court’s Standing Order Re: Civil Cases for  
12 instructions regarding motions to dismiss, motions to amend, and other types of  
13 motions. The Court employs special procedures for motions under Fed. R. Civ. P. 56  
14 for summary judgment (“MSJ”), including the parties’ preparation of a joint brief and  
15 joint related documents. The parties should review the Court’s MSJ Standing Order  
16 for a full explanation of the Court’s briefing schedule and requirements.

17 **(b) Cut-Off Date is the Last Day for *Hearing* the Motion.** Judge  
18 Hsu hears non-discovery motions in civil cases generally through in-person  
19 appearances on Fridays at 1:30 p.m. All non-discovery motions must be noticed to be  
20 heard on or before their respective cut-off dates listed in the above schedule (i.e., all  
21 non-discovery motions, except for MSJ, must be filed at least twenty-eight (28) days  
22 before the deadline in accordance with the requirements of L.R. 6-1; MSJ must be  
23 *filed* at least six (6) weeks before the cut-off date).

24 **(c) Mandatory Chambers Copies.** The parties must deliver to Judge  
25 Hsu’s chambers copy box located outside of the Clerk’s Office on the fourth floor of  
26 the First Street Courthouse one (1) Mandatory Chambers Copy (a paper copy that is  
27 sent to Chambers upon electronic filing of the motion) only for Motions for Summary  
28

1 Judgment filings and 26(f) Reports.<sup>1</sup> Mandatory Chambers Copies must be delivered  
2 no later than 12:00 p.m. (noon) the following business day after the document is  
3 electronically filed. If, however, the electronically filed document is particularly  
4 voluminous (more than 500 pages), Mandatory Chambers Copies may be delivered no  
5 later than 12:00 p.m. on the second business day after the document is filed.

6 **(d) Settlement Proceedings/Alternative Dispute Resolution (ADR)**

7 **Deadline.** Pursuant to Local Rule 16-15, the parties must participate in a settlement  
8 conference/ADR procedure. The Court's Schedule above sets forth the type of  
9 procedure the parties must use. If the parties prefer an ADR procedure other than the  
10 one ordered by the Court, they shall file a Stipulation and Proposed Order. The  
11 parties' request may not necessarily be granted. The parties shall file a Joint Report  
12 regarding the outcome of settlement negotiations, the likelihood of possible further  
13 negotiations, and any assistance the Court may provide concerning settlement  
14 negotiations within seven (7) days after the settlement conference. No case will  
15 proceed to trial unless all parties, including the principals of all corporate parties, have  
16 appeared personally at a settlement conference. If a settlement is reached, it shall be  
17 reported immediately to this Court as required by L.R. 16-15.7. In all cases set for  
18 jury trial, the parties must notify the Court no later than the Tuesday preceding the  
19 trial date, of any settlement, so that the necessary arrangements can be made to bring  
20 in a different case for trial or to notify the members of the public who would otherwise  
21 be reporting for jury duty that their services are not needed that date.

22 **3. Final Pretrial Conference/Proposed Final Pretrial Conference.**

23 **(a) Presence of Lead Trial Counsel.** The Court has set the FPTC  
24 pursuant to Fed. R. Civ. P. 16 and L.R. 16-8. The Court requires strict compliance  
25 with Fed. R. Civ. P. 16 and 26, and L.R. 16 and does not exempt *Pro Se* Litigants  
26 from the requirements of L.R. 16. Each party appearing in this action, except *Pro Se*

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27 <sup>1</sup> Please do not send paper copies of any other documents unless requested by the  
28 Court.

1 Litigants, must be represented at the FPTC by lead trial counsel. All unserved parties  
2 will be dismissed at the time of the FPTC pursuant to L.R. 16-8.1.

3 **(b) Matters to be Discussed During FPTC.** Lead trial counsel<sup>2</sup> shall  
4 be prepared to discuss at the Final Pretrial Conference all matters related to the trial,  
5 including, but not limited to, the following:

- 6 **i.** The witnesses all parties intend to call during their respective  
7 cases, and the amount of time necessary for direct and cross  
8 examination of each witness;
- 9 **ii.** Any anticipated problems in scheduling witnesses;
- 10 **iii.** Efforts made to streamline the trial, including agreeing to  
11 testimony by deposition excerpts or summaries, stipulating to  
12 facts, and stipulating to an expert's qualifications;
- 13 **iv.** Any evidentiary issues, including anticipated objections under  
14 Fed. R. Evid. 403, and objections to exhibits;
- 15 **v.** Jury selection procedures;
- 16 **vi.** All pretrial motions, including motions *in limine* and motions  
17 to bifurcate and to sever;
- 18 **vii.** Any disputed jury instructions, and the form of the  
19 instructions that will be given to the jury at the outset of the  
20 case, i.e., before opening statements and presentation of  
21 evidence;
- 22 **viii.** Whether any counsel intends to use any evidence or  
23 demonstrative aid in opening statement; and

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24  
25 <sup>2</sup> Only one attorney for a party may be designated as lead trial counsel unless  
26 otherwise permitted by the Court. If a second lead trial counsel is permitted by the  
27 Court, both counsel must attend the pretrial conference. Believing that young lawyers  
28 need more opportunities for appearances than they usually receive, the Court  
encourages lead trial counsel to permit junior counsel, of five or fewer years out of  
law school, to fully participate in Court proceedings, including arguing motions and  
participating in the pretrial conference.



1 “was the defendant driving the vehicle west on Hill Street at 9:00 p.m. on January  
2 1?”). Counsel may list sub-issues under the headings of ultimate fact issues, but shall  
3 not use this as a device to list disputes over evidentiary matters. Issues of law should  
4 state legal issues upon which the Court will be required to rule after the Pretrial  
5 Conference, including during the trial, and should not list ultimate fact issues to be  
6 submitted to the trier of fact.

7 **B. TRIAL PREPARATION**

8 The parties must comply with Local Rule 16. Pursuant to L.R. 16-2, lead trial  
9 counsel for each party are required to meet and confer in person forty (40) days in  
10 advance to prepare for the FPTC. The parties must comply with L.R. 16-2, except  
11 where the requirements set forth in this Order differ from or supplement those  
12 contained in L.R. 16. The Court may take the FPTC and trial off calendar or impose  
13 other sanctions for failure to comply with these requirements.

14 **1. Schedule for Filing Pretrial Documents.** The schedule for filing  
15 pretrial documents is as follows:

16 At least twenty-eight (28) days before the FPTC:

- 17 • Motions *in Limine*
- 18 • Memoranda of Contentions of Fact and Law
- 19 • Witness List
- 20 • Joint Exhibit List
- 21 • Joint Status Report Regarding Settlement
- 22 • Proposed Findings of Fact and Conclusions of Law (bench trial  
23 only)
- 24 • Declarations Containing Direct Testimony (bench trial only)

25 At least fourteen (14) days before the FPTC:

- 26 • Oppositions to Motions *in Limine*
- 27 • Joint Proposed FPTCO
- 28 • Joint Agreed Upon Proposed Jury Instructions (jury trial only)



- 1 • Disputed Proposed Jury Instructions (jury trial only)
- 2 • Proposed Additional Voir Dire Questions, if any (jury trial only)
- 3 • Joint Proposed Verdict Forms (jury trial only)
- 4 • Joint Proposed Statement of the Case (jury trial only)
- 5 • Evidentiary Objections to Declarations of Direct Testimony (bench
- 6 trial only)

7 All pretrial documents listed above, including any amended documents, shall be  
8 filed and emailed to Chambers the day set forth in the schedule that they are due.  
9 Except for motions *in limine* and oppositions, the Joint Status Report Regarding  
10 Settlement, and Declarations containing direct testimony, Counsel shall email all of  
11 the above, including any amended documents, in Microsoft Word format to  
12 [WLH\\_Chambers@cacd.uscourts.gov](mailto:WLH_Chambers@cacd.uscourts.gov). Mandatory Chambers Copies of electronically  
13 filed pretrial documents shall be delivered to Judge Hsu’s Chambers copy box outside  
14 of the Clerk’s Office on the fourth floor of the First Street Courthouse. Chambers  
15 copies must be delivered in a “binder-ready” state, meaning they must be three-hole  
16 punched on the left side, without blue-backs, and stapled only in the top left corner.

17 **2. Requirements for Pretrial Documents.**

18 (a) **Daubert Motions.** *Daubert* motions will be heard not later than  
19 eight (8) weeks before the FPTC.

20 (b) **Motions in Limine.** Motions *in limine* will be heard and ruled on  
21 at the FPTC. The court may rule orally instead of in writing. Each side is limited to  
22 five (5) motions *in limine* unless the court grants leave to file additional motions. All  
23 motions *in limine* must be filed at least twenty-eight (28) days before the FPTC.  
24 Oppositions must be filed at least fourteen (14) days before the FPTC. There shall be  
25 no replies. Motions *in limine* and oppositions must not exceed 2,500 words in length,  
26 including headings, footnotes, and quotations but excluding the caption page,  
27 signature block, and any table of contents or table of authorities. Before filing a  
28 motion *in limine*, the parties must meet and confer to determine whether the opposing



1 party intends to introduce the disputed evidence and attempt to reach an agreement  
2 that would obviate the need for the motion. Motions *in limine* should address specific  
3 issues (e.g., not “to exclude all hearsay”). Motions *in limine* should not be disguised  
4 motions for summary adjudication of issues. The court may strike excessive or  
5 unvetted motions *in limine*.

6           **(c) Witness Lists.** Witness lists must be filed at least twenty-eight  
7 (28) days before the FPTC. They must be in the format specified in Local Rule 16-5,  
8 and must include for each witness (i) a brief description of the testimony, (ii) the  
9 reasons the testimony is unique and not redundant, and (iii) a time estimate in hours  
10 for direct and cross-examination. The parties should use the template posted to Judge  
11 Hsu’s webpage. Any Amended Witness List must be filed by 12:00 p.m. (noon) on  
12 the Friday before trial and emailed to WLH\_Chambers@cacd.uscourts.gov in  
13 Microsoft Word format

14           **(d) Joint Exhibit List.** The Joint Exhibit List must be filed at least  
15 twenty-eight (28) days before the FPTC. It must be in the format specified in Local  
16 Rule 16-6 and shall include an additional column stating any objections to authenticity  
17 and/or admissibility and the reasons for the objections. The parties should use the  
18 template posted to Judge Hsu’s webpage. Any Amended Joint Exhibit List must be  
19 filed by 12:00 p.m. (noon) on the Friday before trial and emailed to  
20 WLH\_Chambers@cacd.uscourts.gov in Microsoft Word format.

21           **(e) Jury Instructions (Jury Trial Only).**

22           **i. Schedule.** Joint agreed upon proposed jury instructions  
23 must be filed no later than fourteen (14) days prior to the FPTC. The parties shall  
24 make every effort to agree upon jury instructions before submitting proposals to the  
25 Court. The Court expects the parties to agree on most instructions, particularly when  
26 pattern or model jury instructions exist and provide a statement of applicable law.  
27 The parties shall meet and confer regarding jury instructions according to the  
28 following schedule:

- 1 • At least thirty-five (35) days before the FPTC: The parties shall
- 2 exchange proposed general and special jury instructions.
- 3 • At least twenty-eight (28) days before the FPTC: The parties shall
- 4 exchange any objections to the instructions.
- 5 • At least twenty-one (21) days before the FPTC: The parties shall
- 6 meet and confer with the goal of reaching agreement on one set of
- 7 Joint Agreed Upon Proposed Jury Instructions.
- 8 • At least fourteen (14) days before the FPTC: The parties shall file
- 9 their (i) Joint Agreed Upon Proposed Jury Instructions and (ii)
- 10 Disputed Jury Instructions.

11           **ii. Red-Lined Copy.** The parties shall file clean and redline  
12 sets of their (i) Joint Agreed Upon Proposed Jury Instructions, and (ii) Disputed Jury  
13 Instructions. The redline sets shall include all modifications made by the parties to  
14 pattern or model jury instructions, any disputed language, and the factual or legal  
15 basis for each party’s position as to each disputed instruction. Where appropriate, the  
16 disputed instructions shall be organized by subject, so that instructions that address the  
17 same or similar issues are presented sequentially. If there are excessive or frivolous  
18 disagreements over jury instructions, the court will order the parties to meet and  
19 confer immediately until they substantially narrow their disagreements.

20           **iii. Sources.** When the Manual of Model Jury Instructions for  
21 the Ninth Circuit provides an applicable jury instruction, the parties should submit the  
22 most recent version, modified and supplemented to fit the circumstances of the case.  
23 Where California law applies, the parties should use the current edition of the Judicial  
24 Council of California Civil Jury Instructions. If neither applies, the parties should  
25 consult the current edition of O’Malley, et al., Federal Jury Practice and Instructions.  
26 The parties may submit alternatives to these instructions only if there is a reasoned  
27 argument that they do not properly state the law or are incomplete. The Court seldom  
28 gives instructions derived solely from caselaw.

1                   **iv. Format.** Each requested instruction shall (i) cite the  
2 authority or source of the instruction; (ii) be set forth in full; (iii) be on a separate  
3 page; (iv) be numbered; (v) cover only one subject or principle of law; and (vi) not  
4 repeat principles of law contained in any other requested instruction. If a standard  
5 instruction has blanks or offers options, e.g., for gender, the parties must fill in the  
6 blanks or make the appropriate selections in their proposed instructions.

7                   **v. Index.** The Proposed Instructions must have an index that  
8 includes the following for each instruction, as illustrated in the example below: (1) the  
9 number of the instruction; (2) the title of the instruction; (3) the source of the  
10 instruction and any relevant case citations; and (4) the page number of the instruction.

11 *Example:*

<u>Instruction Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
#1	Trademark-Defined (15 U.S.C. § 1127)	9th Cir. 8.5.1	1

12                   During the trial, and before closing argument, the Court will meet with counsel  
13 to settle the instructions, and counsel will have an opportunity to make a further  
14 record concerning their objections.

15                   **(f) Joint Verdict Forms (Jury Trial Only).** The parties shall make  
16 every effort to agree on a general or special verdict form before submitting proposals  
17 to the court. The parties shall file a proposed joint general or special verdict form  
18 fourteen (14) days before the FPTC. If the parties are unable to agree on a verdict  
19 form, the parties shall file one document titled “Competing Verdict Forms” which  
20 shall include: (i) the parties’ respective proposed verdict form; (ii) a “redline” of any  
21 disputed language; and (iii) the factual or legal basis for each party’s respective  
22 position. The Court may opt to use a general verdict form if the parties are unable to  
23 agree on a special verdict form.

24                   **(g) Joint Statement of the Case (Jury Trial Only).** The parties must  
25 file a Joint Statement of the Case fourteen (14) days before the FPTC for the Court to  
26  
27  
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1 read to the prospective jurors before commencement of voir dire. The joint statement  
2 should be brief and neutral and should not be more than one page in length.

3 **(h) Voir Dire (Jury Trial Only).** Generally, a jury in a civil action  
4 will consist of eight (8) jurors. In most cases, the Court will seat sixteen (16)  
5 prospective jurors in the jury box and conduct its initial voir dire. Each side has three  
6 (3) peremptory challenges. If 16 jurors are seated in the box and all 6 peremptory  
7 challenges are exercised, the remaining 8 jurors will constitute the jury panel. If fewer  
8 than 6 peremptory challenges are exercised, the 8 jurors in the lowest numbered seats  
9 will be the jury. The Court will conduct the initial voir dire. The Court will ask  
10 prospective jurors basic biographical questions (jurors' place of residence,  
11 employment, whether familiar with the parties or counsel, etc.), as well as questions  
12 regarding their ability to be fair, impartial and carry out the duties required. The  
13 Court may ask case-specific questions. Each party will then have ten (10) minutes to  
14 ask prospective jurors additional questions. All challenges for cause shall be made at  
15 side bar or otherwise outside the prospective jurors' presence. The Court will not  
16 necessarily accept a stipulation to a challenge for cause. If one or more challenges for  
17 cause are accepted, and all 6 peremptory challenges are exercised, the Court may  
18 decide to proceed with 6 or 7 jurors.

19 **(i) Proposed Findings of Fact and Conclusions of Law (Bench  
20 Trial Only).** For any trial requiring findings of fact and conclusions of law, each  
21 party shall file and serve on the opposing party, no later than twenty-eight (28) days  
22 before the FPTC, its Proposed Findings of Fact and Conclusions of Law in the format  
23 specified in Local Rule 52-3. The parties may submit Supplemental Proposed  
24 Findings of Fact and Conclusions of Law during the trial. Once trial concludes, the  
25 Court may order the parties to file Revised Proposed Findings of Fact and  
26 Conclusions of Law with citations to the record.

27 **(j) Declarations of Direct Testimony (Bench Trial Only).** When  
28 ordered by the Court in a particular case, each party shall, at least twenty-eight (28)

1 days before the FPTC, file declarations containing the direct testimony of each  
2 witness whom that party intends to call at trial. If such declarations are filed, each  
3 party shall file any evidentiary objections to the declarations submitted by any other  
4 party at least fourteen (14) days before the FPTC. Such objections shall be submitted  
5 in the following three-column format: (i) the left column should contain a verbatim  
6 quote of each statement objected to (including page and line number); (ii) the middle  
7 column should set forth a concise legal objection (e.g., hearsay, lacks foundation, etc.)  
8 with a citation to the corresponding Federal Rule of Evidence or, where applicable, a  
9 case citation; and (iii) the right column should provide space for the Court's ruling on  
10 the objection. The Court anticipates issuing its ruling on the objections during the  
11 FPTC.

12 **3. Trial Exhibits.** Trial exhibits that consist of documents and photographs  
13 must be submitted to the Court in three-ring binders. The parties shall submit to the  
14 Court three (3) sets of binders: one (1) original set of trial exhibits, and two (2) copies  
15 of trial exhibits. The original set of exhibits shall be for use by the jury during its  
16 deliberations, and the copies are for the Court. The parties should prepare additional  
17 copies of exhibits for their own use and for use by witnesses. The parties must review  
18 the exhibit list and exhibit binders with the CRD before the admitted exhibits will be  
19 given to the jury. All exhibits placed in three-ring binders must be indexed by exhibit  
20 number with tabs or dividers on the right side. Exhibits shall be numbered  
21 sequentially 1, 2, 3, etc., not 1.1, 1.2, etc. *See* L.R. 16-6. Every page of a multi-page  
22 exhibit must be numbered. Defendant's exhibit numbers shall not duplicate plaintiff's  
23 numbers. The spine of each binder shall indicate the volume number and the range of  
24 exhibit numbers included in the volume.

25 **(a) Original Exhibits.** The original exhibits shall bear the official  
26 exhibit tags (yellow tags for plaintiff's exhibits and blue tags for defendant's exhibits)  
27 stapled to the front of the exhibit on the upper right corner with the case number, case  
28 name, and exhibit number placed on each tag. Tags may be obtained from the Clerk's

1 Office, or the parties may print their own exhibit tags using Forms G-14A and G-14B  
2 on the “Court Forms” section of the Court’s website.

3 **(b) Exhibit Copies.** The copies of exhibits must bear copies of the  
4 official exhibit tags that were placed on the original exhibits and be indexed with tabs  
5 or dividers on the right side. In addition to the three (3) sets of binders above, the  
6 parties must also submit to the court a USB flash drive containing .pdf versions of all  
7 exhibits. The USB flash drive must be delivered to the judge’s courtesy box located  
8 outside the Clerk’s Office on the 4th floor of the First Street Courthouse by 12:00 p.m.  
9 on the Wednesday before the start of trial. Plaintiff’s exhibits must be placed in a  
10 separate folder from Defendant’s exhibits, and the document file names must include  
11 the exhibit number and a brief description of the document, for example: “Ex. 1 -  
12 Smith Declaration.pdf” or “Ex. 105 - Letter Dated 1-5- 20.pdf.”

13 **(c) Publishing Exhibits.** The Court does not permit exhibits to be  
14 “published” to the jurors before they are admitted into evidence. Once admitted,  
15 exhibits may be displayed electronically using the equipment and screens in the  
16 courtroom. The parties must meet and confer at least ten (10) days before trial to  
17 stipulate as much as possible to foundation, waiver of the best evidence rule, and  
18 exhibits that may be received into evidence at the start of the trial. All such exhibits  
19 should be noted as admitted on the court and CRD’s copy of the exhibit list.

20 **4. Materials to Present on First Day of Trial.** The parties must present  
21 the following materials to the CRD on the first day of trial: (1) the three sets of  
22 binders described above, with one original set of trial exhibits for the jury and two  
23 copies of trial exhibits for the court; and (2) any excerpts of deposition transcripts to  
24 be used at trial, either as evidence or for impeachment. These lodged depositions are  
25 for the Court’s use. The parties must use their own copies during trial.

26 **5. Court Reporter.** Any party requesting special court reporter services for  
27 any hearing, such as “Real Time” transmission or daily transcripts, shall notify the  
28 court reporter at least fourteen (14) days before the hearing date. At least seven (7)



1 days before the commencement of trial, counsel for the parties shall provide the court  
2 reporter with a list of unusual words, phrases, and spellings that may come up during  
3 trial. This information should be emailed to Court Reporter Services at  
4 ReportersCACD@cacd.uscourts.gov.

5 **6. Jury Trial.** On the first day of trial, which will be held on Tuesdays, the  
6 Court will commence at 9:00 a.m. Counsel shall arrive at the Courtroom no later than  
7 9:00 a.m. each day of trial. The parties must appear at 9:00 a.m. to discuss  
8 preliminary matters with the Court. The Court will call a jury panel only when it is  
9 satisfied the case is ready for trial. The Court anticipates jury selection will take only  
10 a few hours. The parties should be prepared to proceed with opening statements and  
11 witness examination immediately after jury selection. Fridays are usually reserved for  
12 the Court's calendar. As a result, trial will not be held on Fridays unless the jury is  
13 deliberating or the Court's calendar allows the trial to proceed. Therefore, trial days  
14 are generally Monday, Tuesday, Wednesday, and Thursday. Trial days are from 9:00  
15 a.m. to approximately 5:00 p.m., with two 15-minute breaks and a one-hour lunch  
16 break.

17 **C. CONDUCT OF ATTORNEYS AND PARTIES**

18 **1. Meeting and Conferring Throughout Trial.** The parties must continue  
19 to meet and confer on all issues that arise during trial. The Court will not rule on any  
20 such issue unless the parties have attempted to resolve it first.

21 **2. Opening Statements, Witness Examinations, and Summation.**  
22 Counsel must use the lectern. Counsel should not consume jury time by writing out  
23 words and drawing charts or diagrams. All such aids must be prepared in advance.  
24 When appropriate, the Court will establish and enforce time limits for all phases of  
25 trial, including opening statements, closing arguments, and the examination of  
26 witnesses.

27 **3. Objections to Questions.** Counsel must not make speaking objections  
28 before the jury or otherwise make speeches, restate testimony, or attempt to guide a



1 witness. When objecting, counsel must rise to state the objection and state only that  
2 counsel objects and the legal grounds for the objection. If counsel desires to argue an  
3 objection further, counsel must seek permission from the Court to do so.

4 **4. Closing Arguments and Post-Trial Briefs (Bench Trials Only).** For  
5 an overview and review of the evidence presented during trial, the Court will rely on  
6 the parties' closing arguments. In delivering closing arguments, the parties shall use  
7 their respective proposed findings of fact and conclusions of law as a "checklist" and  
8 should identify the evidence that supports their proposed findings. The Court will not  
9 accept posttrial briefs unless it finds that circumstances warrant additional briefing  
10 and such briefing is specifically authorized.

11 **5. General Decorum While in Session.** Counsel are advised to review and  
12 adhere to the Central District's Civility and Professionalism Guidelines. *See*  
13 [http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines)  
14 [guidelines](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines). At a minimum:

15 (a) Counsel must not approach the CRD, the jury box, or the witness  
16 stand without Court authorization and must return to the lectern when the purpose for  
17 the approach has been accomplished.

18 (b) Counsel must rise when addressing the Court, and when the Court  
19 or the jury enters or leaves the courtroom, unless directed otherwise.

20 (c) Counsel must address all remarks to the Court. Counsel must not  
21 address the CRD, the court reporter, persons in the audience, or opposing counsel.  
22 Any request to re-read questions or answers shall be addressed to the Court. Counsel  
23 must ask the Court's permission to speak with opposing counsel.

24 (d) Counsel must not address or refer to witnesses or parties by first  
25 names alone, except for witnesses who are below age fourteen (14), or witnesses who  
26 share a last name.

27 (e) Counsel must not offer a stipulation unless counsel have conferred  
28 with opposing counsel and have verified that the stipulation will be acceptable.

1           **(f)** Counsel must not leave counsel table to confer with any person in  
2 the back of the courtroom without the Court’s permission.

3           **(g)** Counsel must not make facial expressions, nod, shake their heads,  
4 comment, or otherwise exhibit in any way any agreement, disagreement, or other  
5 opinion or belief concerning the testimony of a witness or argument by opposing  
6 counsel. Counsel shall instruct their clients and witnesses not to engage in such  
7 conduct.

8           **(h)** Counsel must never speak to jurors under any circumstance, and  
9 must not speak to co-counsel, opposing counsel, witnesses, or clients if the  
10 conversation can be overheard by jurors. Counsel must instruct their clients and  
11 witnesses to avoid such conduct.

12           **(i)** Where a party has more than one lawyer, only one attorney may  
13 conduct the direct or cross-examination of a particular witness or make objections as  
14 to that witness.

15           **(j)** Bottled water is permitted in the courtroom. Food, gum, and other  
16 beverages are not permitted. Cell phones must be silenced or may be confiscated.

17           **6. Punctuality.**

18           **(a)** The Court expects the parties, counsel, and witnesses to be  
19 punctual. Once the parties and their counsel are engaged in trial, the trial must be  
20 their priority. The Court will not delay progress of the trial or inconvenience jurors.

21           **(b)** If a witness was on the stand at the time of a recess or  
22 adjournment, the party that called the witness shall ensure the witness is back on the  
23 stand and ready to proceed as soon as trial resumes.

24           **(c)** The parties must notify the CRD in advance if any party, counsel,  
25 or witness requires a reasonable accommodation based on a disability or other reason.

26           **(d)** No presenting party may be without witnesses. If a party’s  
27 remaining witnesses are not immediately available, thereby causing an unreasonable  
28 delay, the Court may deem that party to have rested.

1           (e) The Court generally will accommodate witnesses by permitting  
2 them to be called out of sequence. Counsel should meet and confer in advance and  
3 make every effort to resolve the matter.

4           **7. Exhibits.**

5           (a) Counsel must keep track of their exhibits and exhibit list, and  
6 record when each exhibit has been admitted into evidence.

7           (b) Counsel are responsible for any exhibits they secure from the CRD  
8 and must return them before leaving the courtroom.

9           (c) Any exhibit not previously marked must be accompanied by a  
10 request that it be marked for identification at the time of its first mention. Counsel  
11 must show a new exhibit to opposing counsel before the court session in which it is  
12 mentioned.

13           (d) Counsel must inform the CRD of any agreements reached  
14 regarding any proposed exhibits, as well as those exhibits that may be received into  
15 evidence without a motion to admit.

16           (e) When referring to an exhibit, counsel must refer to its exhibit  
17 number. Counsel should instruct their witnesses to do the same.

18           (f) Counsel should not ask witnesses to draw charts or diagrams or ask  
19 the Court's permission for a witness to do so. All demonstrative aids must be  
20 prepared fully in advance of the day's trial session.

21           (g) Counsel are required to seek to admit any items of evidence whose  
22 admissibility has not yet been stipulated to while the witness authenticating the exhibit  
23 is on the stand, so that any issues or concerns that arise may be addressed  
24 immediately.

25           **8. Depositions.** In using deposition testimony of an adverse party for  
26 impeachment, counsel may adhere to either one of the following procedures:

27           (a) If counsel wishes to read the questions and answers as alleged  
28 impeachment and ask the witness no further questions on that subject, counsel shall

1 first state the page and line where the reading begins and the page and line where the  
2 reading ends and allow time for any objection. Counsel may then read the portions of  
3 the deposition into the record.

4 (b) If counsel wishes to ask the witness further questions on the  
5 subject matter, the deposition shall be placed in front of the witness and the witness  
6 told to read the relevant pages and lines silently. Then, counsel either may ask the  
7 witness further questions on the matter and thereafter read the quotations or read the  
8 quotations and thereafter ask further questions. Counsel should have available for the  
9 Court and the witness extra copies of the deposition transcript for this purpose.

10 Where a witness is absent and the witness's testimony is to be offered by  
11 deposition, counsel may: (i) have an individual sit on the witness stand and read the  
12 testimony of the witness while the examining lawyer asks the questions; or (ii) have  
13 counsel read both the questions and the answers.

14 **9. Using Numerous Answers to Interrogatories and Requests for**  
15 **Admission.** Whenever counsel expects to offer a group of answers to interrogatories  
16 or requests for admissions extracted from one or more lengthy discovery responses,  
17 counsel should prepare a new document listing each question and answer and  
18 identifying the document from which it has been extracted. Copies of this new  
19 document must be provided to the Court and the opposing party.

20 **10. Advance Notice of Unusual or Difficult Issues.** If any party anticipates  
21 that a difficult question of law or evidence will necessitate legal argument requiring  
22 research or briefing, that party must give the Court advance notice. The parties must  
23 notify the CRD immediately of any unexpected legal issue that could not have been  
24 foreseen and addressed in advance. To the extent such issue needs to be addressed  
25 outside the jury's presence, the relevant party must inform the CRD before jurors are  
26 excused for the day to minimize the time jurors are kept waiting. The Court expects  
27 all parties to work diligently to minimize delays and avoid keeping jurors waiting.  
28

1           **11. Continuances of Pretrial and Trial Dates.** The Court has a strong  
2 interest in keeping scheduled dates certain. Accordingly, pretrial and trial dates set by  
3 the Court are firm. Any request for continuance of pretrial and/or trial dates must be  
4 by motion, stipulation, or application, and must be supported by a declaration setting  
5 forth the reasons for the requested relief. The declaration must contain a detailed  
6 factual showing of good cause and due diligence demonstrating the necessity for the  
7 continuance and a description of the parties' efforts taken to advance the litigation.  
8 This showing should demonstrate that the work still to be performed reasonably could  
9 not have been accomplished within the applicable deadlines. General statements are  
10 insufficient to establish good cause. The declaration should also include whether any  
11 previous requests for continuances have been made and whether these requests were  
12 granted or denied by the Court. Stipulations extending dates set by the Court are not  
13 effective unless approved by the Court, and without compelling factual support and a  
14 showing of due diligence, stipulations continuing dates set by the Court will be  
15 denied. The Court thanks the parties and their counsel for their anticipated  
16 cooperation.

17  
18           **IT IS SO ORDERED.**

19  
20 Dated: September 17, 2023



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HON. WESLEY L. HSU  
UNITED STATES DISTRICT JUDGE