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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

	Case No.
, Plaintiff, v. , Defendant.	<b>CIVIL PRETRIAL SCHEDULE AND TRIAL ORDER</b>

The Scheduling Conference scheduled for [date] is hereby VACATED.

The Scheduling Order governing this action is set forth in the Schedule of Pretrial and Trial Dates chart below. The box in the upper right-hand corner of the chart states whether the trial will be by jury or by the Court. If the parties seek to set additional dates, they may file a stipulation and proposed order. This may be appropriate in class actions, patent cases, or cases for benefits under the Employee Retirement Income Security Act of 1974 (“ERISA”).

The parties are advised that the discovery cut-off date is the last day by which all depositions must be completed, responses to previously served written discovery must be provided, and motions concerning discovery disputes must be heard, not

1 filed. In other words, any motion challenging the adequacy of discovery responses  
2 must be filed timely, served, and calendared sufficiently in advance of the relevant  
3 discovery cut-off date to permit the responses to be obtained before that date, if the  
4 motion is granted.

5 The parties should refer to the Court’s Standing Order for requirements  
6 regarding specific motions, discovery, certain types of filings, courtesy copies,  
7 emailing signature items to Chambers, and other matters pertaining to all cases. A  
8 copy of the Court’s Standing Order is available on Judge Hwang’s webpage at  
9 [www.cacd.uscourts.gov/honorable-anne-hwang](http://www.cacd.uscourts.gov/honorable-anne-hwang). Both the Court and all counsel bear  
10 responsibility for the progress of litigation in this Court.

11 “Counsel,” as used in this Order, includes parties who are represented by  
12 counsel and parties who have elected to appear without counsel and are representing  
13 themselves in this litigation (hereinafter referred to as “pro se litigants”). Counsel,  
14 including pro se litigants, must comply with this Order, the Federal Rules of Civil  
15 Procedure, and the Local Rules of the Central District of California. *See* Local Rules  
16 1-3, 83-2.2.3.

17 All Doe defendants remaining are dismissed by operation of this Order and  
18 without further notice.

19 The Court has reviewed the Joint Rule 26(f) Report and sets the pretrial and  
20 trial dates noted in the table below based on an evaluation of the complexity of the  
21 case. The deadlines below will not be continued absent a timely showing of good  
22 cause.

23 **All emailed submissions to Chambers referred to in this Order must be in**  
24 **Word format and emailed to [AH Chambers@cacd.uscourts.gov](mailto:AH_Chambers@cacd.uscourts.gov).**

**DISTRICT JUDGE ANNE HWANG**  
**SCHEDULE OF PRETRIAL AND TRIAL DATES**

Trial and Final Pretrial Conference Dates	Court Order
Trial	[Tuesday] at 8:30 a.m. <input type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial Est. _ Days <sup>1</sup>
Final Pretrial Conference [L.R. 16], Hearing on Motions <i>in Limine</i>	[Wednesday]
<b>Event</b> <u>Note:</u> Hearings shall be on Wednesdays at 1:30 p.m. <sup>2</sup>	<b>Court Order</b>
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Wednesday]	
Fact Discovery Cutoff <sup>3</sup>	
Expert Disclosure (Initial)	
Expert Disclosure (Rebuttal)	
Expert Discovery Cutoff	
Last Date to <u>Hear</u> Motions [Wednesday] • Parties shall take note of the Court’s briefing schedule as set forth in the Civil Standing Order, found on Judge Hwang’s webpage	
Deadline to Complete Settlement Conference [L.R. 16-15] <sup>4</sup>	<input type="checkbox"/> 1. Magistrate Judge <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation

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<sup>1</sup> This estimate represents the Court’s assessment of the number of trial days needed for this case. Any requests for additional trial days must be made at the time of the deadline for Trial Filings (First Round). The Court will make a final determination on the days needed for trial at the FPTC.

<sup>2</sup> By default, all hearings shall proceed in person, unless a request is made by the parties.

<sup>3</sup> Any motions to compel must be filed and heard *before* the discovery cutoff.

<sup>4</sup> As stated in the Court’s Order Setting Scheduling Conference, no case will proceed to trial unless all parties, including an officer with full settlement authority for corporate parties, have appeared personally at an ADR proceeding.

1 Trial Filings (first round)<sup>5</sup>

- 2 • Motions *in Limine*<sup>6</sup>
- 3 • Memoranda of Contentions of Fact and Law [L.R. 16-4]
- 4 • Joint Witness List
- 5 • Joint Exhibit List [L.R. 16-6.1]
- 6 • Joint Status Report Regarding Settlement
- 7 • Proposed Findings of Fact and Conclusions of Law [L.R. 52]  
(bench trial only)
- 8 • Declarations containing Direct Testimony, if ordered (bench  
trial only)
- 9 • Requests for judicial notice

8 Trial Filings (second round)

- 9 • Oppositions to Motions *in Limine*
- 10 • Joint Proposed Final Pretrial Conference Order [L.R. 16-7]
- 11 • Joint Agreed Upon Proposed Jury Instructions (jury trial only)
- 12 • Disputed Proposed Jury Instructions (jury trial only)
- 13 • Joint Proposed Verdict Forms (jury trial only)
- 14 • Joint Proposed Statement of the Case (jury trial only)
- 15 • Proposed Voir Dire Questions, if any (jury trial only)
- 16 • Evidentiary Objections to Declarations of Direct Testimony  
(bench trial only)
- 17 • Table of challenged exhibits
- 18 • Deposition designations as to which the parties have any  
dispute or objection

26 \_\_\_\_\_  
27 <sup>5</sup> All trial filings must be filed as well as emailed in Word version to the chambers email box at  
28 [AH Chambers@cacd.uscourts.gov](mailto:AH_Chambers@cacd.uscourts.gov).

<sup>6</sup> Each party may file no more than five (5) motions *in limine* without seeking leave from the Court.

1 **A. SCHEDULE OF PRETRIAL AND TRIAL DATES**

2 **1. Discovery Cutoff and Discovery Motions.**

3 **(a) Fact and Expert Discovery Cutoffs.** The cut-off date for  
4 discovery is not the date by which discovery requests must be served; it is the date by  
5 which all discovery, including all hearings on any related motions, must be  
6 completed. Thus, written discovery must be served and depositions must begin  
7 sufficiently in advance of the discovery cut-off date to permit the propounding party  
8 enough time, if the party chooses, to challenge via motion practice any responses the  
9 party asserts are deficient.

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

16 **(c) Discovery Motions.** Discovery motions are handled by the  
17 Magistrate Judge assigned to the case. Any motion challenging the adequacy of  
18 discovery responses must be filed, served, and calendared before the assigned  
19 Magistrate Judge sufficiently in advance of the discovery cut-off date to permit the  
20 responses to be obtained before that date if the motion is granted. The parties are  
21 expected to meet and confer to attempt to resolve discovery disputes before filing a  
22 discovery motion and must use their best effort to resolve all discovery disputes in a  
23 courteous, reasonable, and professional manner.

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

25 **(a) Meet and Confer Requirement.** The parties are required under  
26 Local Rule 7-3 to meet and confer to attempt to resolve disputes before filing a  
27 motion. The parties should review the Court’s Standing Order for Civil Cases for  
28 instructions regarding motions to dismiss, motions to amend, and other types of

1 motions. The Court employs special procedures for motions under Fed. R. Civ. P. 56  
2 for summary judgment, including the parties' preparation of a joint brief and joint  
3 related documents. The parties should review the Court's Civil Standing Order for a  
4 full explanation of the Court's briefing schedule and requirements.

5           **(b) Cut-Off Date is the Last Day for *Hearing* the Motion.** Judge  
6 Hwang hears non-discovery motions in civil cases through in-person appearances on  
7 Wednesdays at 1:30 p.m. All non-discovery motions must be noticed to be heard on  
8 or before their respective cut-off dates listed in the below schedule (i.e., all non-  
9 discovery motions, except for summary judgment motions, must be filed at least  
10 twenty-eight (28) days before the deadline in accordance with the requirements of  
11 Local Rule 6-1). Motions for summary judgment must be filed at least five (5) weeks  
12 before the motion cut-off date in order to be heard by that date. Please make sure to  
13 consult with the closed motion hearings dates on Judge Hwang's website.

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

15           **(a) Presence of Lead Trial Counsel.** The Court has set the FPTC  
16 pursuant to Fed. R. Civ. P. 16 and Local Rule 16-8. The Court requires strict  
17 compliance with Local Rule 16, as well as Fed. R. Civ. P. 16 and 26, and does not  
18 exempt pro se litigants from the requirements of Local Rule 16. Each party  
19 appearing in this action, except pro se litigants, must be represented at the FPTC by  
20 lead trial counsel. All unserved parties will be dismissed at the time of the FPTC  
21 pursuant to Local Rule 16-8.1.

22           **(b) Matters to be Discussed During FPTC.** Lead trial counsel shall  
23 be prepared to discuss at the FPTC all matters related to the trial, including, but not  
24 limited to, the following:

- 25           **i.** The witnesses all parties intend to call during their  
26           respective cases, and the amount of time necessary for  
27           direct and cross-examination of each witness;  
28           **ii.** Any anticipated problems in scheduling witnesses;

- 1                   iii. Efforts made to streamline the trial, including agreeing to
- 2                                 testimony by deposition excerpts or summaries, stipulating
- 3                                 to facts, and stipulating to an expert’s qualifications;
- 4                   iv. Any evidentiary issues, including anticipated objections
- 5                                 under Fed. R. Evid. 403, and objections to exhibits;
- 6                   v. Jury selection procedures;
- 7                   vi. All pretrial motions, including motions *in limine* and
- 8                                 motions to bifurcate and to sever;
- 9                   vii. Any disputed jury instructions, and the form of the
- 10                                instructions that will be given to the jury at the outset of the
- 11                                case, i.e., before opening statements and presentation of
- 12                                evidence;
- 13                   viii. Whether any counsel intends to use any evidence or
- 14                                demonstrative aid in opening statement; and
- 15                   ix. Motions to exclude witnesses from the courtroom during
- 16                                trial testimony.

17                   (c)   **Requests for Additional Audio/Visual Equipment.** The court

18 provides audio/visual equipment for use during trial. The parties are encouraged to

19 use it. If counsel for any party needs to arrange for the installation of their own

20 equipment, such as video monitors, notebooks, or projection equipment, counsel shall

21 notify the CRD no later than 4:00 p.m. on the Wednesday before trial so that the

22 necessary arrangements can be made.

23 **B.    TRIAL PREPARATION**

24                   The parties must comply with Local Rule 16. Pursuant to Local Rule 16-2,

25 lead trial counsel for each party are required to meet and confer in person forty (40)

26 days in advance to prepare for the FPTC. The parties must comply with Local Rule

27 16-2, except where the requirements set forth in this Order differ from or supplement

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1 those contained in Local Rule 16. The Court may take the FPTC and trial off  
2 calendar or impose other sanctions for failure to comply with these requirements.

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

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

- 6 • Motions *in Limine*
- 7 • Memoranda of Contentions of Fact and Law
- 8 • Joint Witness List
- 9 • Joint Exhibit List
- 10 • Joint Status Report Regarding Settlement
- 11 • Proposed Findings of Fact and Conclusions of Law (bench  
12 trial only)
- 13 • Declarations Containing Direct Testimony (bench trial  
14 only)
- 15 • Requests for Judicial Notice

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

- 17 • Oppositions to Motions *in Limine*
- 18 • Joint Proposed Final Pretrial Conference Order
- 19 • Joint Agreed Upon Proposed Jury Instructions (jury trial  
20 only)
- 21 • Disputed Proposed Jury Instructions (jury trial only)
- 22 • Proposed Additional Voir Dire Questions, if any (jury trial  
23 only)
- 24 • Joint Proposed Verdict Forms (jury trial only)
- 25 • Joint Proposed Statement of the Case (jury trial only)
- 26 • Evidentiary Objections to Declarations of Direct Testimony  
27 (bench trial only)
- 28 • Challenged Exhibits Table



- Deposition designations as to which the parties have any dispute or objection

All pretrial documents listed above, including any amended documents, shall be filed and emailed to Chambers the day set forth in the schedule that they are due. Except for motions *in limine* and oppositions, the Joint Status Report Regarding Settlement, and Declarations containing direct testimony, Counsel shall email all of the above, including any amended documents, in Microsoft Word format to [AH\\_Chambers@cacd.uscourts.gov](mailto:AH_Chambers@cacd.uscourts.gov). Mandatory Chambers Copies of electronically filed pretrial documents shall be delivered to Judge Hwang's mailbox outside the Clerk's Office on the fourth floor of the First Street Courthouse.

## 2. Requirements for Pretrial Documents.

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

(b) **Motions in Limine.** Motions *in limine* will be heard and ruled on at the FPTC. The court may rule orally instead of in writing. Each side is limited to five (5) motions *in limine* unless the court grants leave to file additional motions. All motions *in limine* must be filed at least twenty-eight (28) days before the FPTC. Oppositions must be filed at least fourteen (14) days before the FPTC. There shall be no replies. Motions *in limine* and oppositions must not exceed ten (10) pages in length. Before filing a motion *in limine*, the parties must meet and confer to determine whether the opposing party intends to introduce the disputed evidence and attempt to reach an agreement that would obviate the need for the motion. Motions *in limine* should address specific issues (e.g., not "to exclude all hearsay"). Motions *in limine* should not be disguised motions for summary adjudication of issues. The court may strike excessive or unvetted motions *in limine*.

(c) **Joint Witness List.** The Joint Witness List must be filed at least twenty-eight (28) days before the FPTC. It must be in the format specified in Local Rule 16-5 and must include for each witness (i) a brief description of the testimony,

(ii) the reasons the testimony is unique and not redundant, and (iii) a time estimate in hours for direct and cross-examination. Any Amended Witness List must be filed by 12:00 p.m. (noon) on the Friday before trial and emailed to [AH\\_Chambers@cacd.uscourts.gov](mailto:AH_Chambers@cacd.uscourts.gov) in Microsoft Word format. The parties must use the following format:

Witness's Name,* Phone Number, Address	Summary of Testimony / Why Testimony Unique	Time for Direct Exam (Hours)	Time for Cross Exam (Hours)	Dates of Testimony
Jane Doe 1111 Main St., Los Angeles, CA 99999 213-999-9999	Will testify what she saw at accident. Unique in that she is the only eyewitness.	2 hours	1 hour	[To be filled in during trial]

\* Indicates that the witness will be called only if the need arises.

**(d) Joint Exhibit List.** The Joint Exhibit List must be filed at least twenty-eight (28) days before the FPTC. It must be in the format specified in Local Rule 16-6 and shall include an additional column stating any objections to authenticity and/or admissibility and the reasons for the objections. Any Amended Joint Exhibit List must be filed by 12:00 p.m. (noon) on the Friday before trial and emailed to [AH\\_Chambers@cacd.uscourts.gov](mailto:AH_Chambers@cacd.uscourts.gov) in Microsoft Word format. The Joint Exhibit List must follow the following format:

Ex. #	Description	Witness Establishing Foundation	Objections to Admissibility and/or Authenticity (include basis and party objecting)	Response to Objection	Date Identified	Date Admitted
3	1/30/80 letter from Doe to Roe					

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

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

- 8                   • At least thirty-five (35) days before the FPTC: The parties  
9                   shall exchange proposed general and special jury  
10                  instructions.
- 11                  • At least twenty-eight (28) days before the FPTC: The  
12                  parties shall exchange any objections to the instructions.
- 13                  • At least twenty-one (21) days before the FPTC: The parties  
14                  shall meet and confer with the goal of reaching agreement  
15                  on one set of Joint Agreed Upon Proposed Jury  
16                  Instructions.
- 17                  • At least fourteen (14) days before the FPTC: The parties  
18                  shall file their (i) Joint Agreed Upon Proposed Jury  
19                  Instructions and (ii) Disputed Jury Instructions.

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

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

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

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

20 **Example:**

<b>Instruction</b>			
<u>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

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

27                   **(f) Joint Verdict Forms (Jury Trial Only).** The parties shall make  
28 every effort to agree on a general or special verdict form before submitting proposals

1 to the court. The parties shall file a proposed joint general or special verdict form  
2 fourteen (14) days before the FPTC. If the parties are unable to agree on a verdict  
3 form, the parties shall file one document titled “Competing Verdict Forms” which  
4 shall include: (i) the parties’ respective proposed verdict form; (ii) a “redline” of any  
5 disputed language; and (iii) the factual or legal basis for each party’s respective  
6 position. The Court may opt to use a general verdict form if the parties are unable to  
7 agree on a special verdict form.

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

12 **(h) Voir Dire (Jury Trial Only).** The Court will conduct the voir  
13 dire. The Court inquires of prospective jurors to obtain biographical information and  
14 to determine whether a prospective juror can be fair and impartial given the case.  
15 Counsel may, but are not required to, file a short list (no more than one (1) or two (2)  
16 pages) of proposed case-specific voir dire questions at the time they file the proposed  
17 FPTC order. Eight (8) jurors will be selected, unless the Court indicates otherwise.  
18 All challenges for cause shall be made at side bar or otherwise outside the prospective  
19 jurors’ presence.

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

1           **(j) Declarations of Direct Testimony (Bench Trial Only).** When  
2 ordered by the Court in a particular case, each party shall, at least twenty-eight (28)  
3 days before the FPTC, file declarations containing the direct testimony of each  
4 witness whom that party intends to call at trial. If such declarations are filed, each  
5 party shall file any evidentiary objections to the declarations submitted by any other  
6 party at least fourteen (14) days before the FPTC. Such objections shall be submitted  
7 in the following three-column format: (i) the left column should contain a verbatim  
8 quote of each statement objected to (including page and line number); (ii) the middle  
9 column should set forth a concise legal objection (e.g., hearsay, lacks foundation, etc.)  
10 with a citation to the corresponding Federal Rule of Evidence or, where applicable, a  
11 case citation; and (iii) the right column should provide space for the Court’s ruling on  
12 the objection.

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

26           **(a) Original Exhibits.** The original exhibits shall bear the official  
27 exhibit tags (yellow tags for plaintiff’s exhibits and blue tags for defendant’s exhibits)  
28 stapled to the front of the exhibit on the upper right corner with the case number, case

1 name, and exhibit number placed on each tag. Tags may be obtained from the Clerk’s  
2 Office, or the parties may print their own exhibit tags using Forms G-14A and G-14B  
3 on the “Court Forms” section of the Court’s website.

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

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

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

27           **5. Court Reporter.** Any party requesting special court reporter services for  
28 any hearing, such as “Real Time” transmission or daily transcripts, shall notify the

1 court reporter at least fourteen (14) days before the hearing date. At least seven (7)  
2 days before the commencement of trial, counsel for the parties shall provide the court  
3 reporter with a list of unusual words, phrases, and spellings that may come up during  
4 trial. This information should be emailed to Court Reporter Services at  
5 [ReportersCACD@cacd.uscourts.gov](mailto:ReportersCACD@cacd.uscourts.gov).

6 **6. Jury Trial.** On the first day of trial, the Court will commence at 8:30  
7 a.m. Counsel shall arrive at the Courtroom no later than 8:30 a.m. each day of trial.  
8 The parties must appear at 8:30 a.m. to discuss preliminary matters with the Court.  
9 The Court will call a jury panel only when it is satisfied the case is ready for trial. The  
10 Court anticipates jury selection will take only a few hours. The parties should be  
11 prepared to proceed with opening statements and witness examination immediately  
12 after jury selection.

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

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

17 **2. Opening Statements, Witness Examinations, and Summation.**  
18 Counsel must use the lectern. Counsel should not consume jury time by writing out  
19 words and drawing charts or diagrams. All such aids must be prepared in advance.  
20 When appropriate, the Court will establish and enforce time limits for all phases of  
21 trial, including opening statements, closing arguments, and the examination of  
22 witnesses. Absent stipulation of the parties or leave of court, no exhibits or  
23 demonstrative evidence may be used during opening statements. If a party seeks to  
24 use any exhibits or demonstrative evidence, leave of court must be sought during the  
25 FPTC.

26 **3. Objections to Questions.** Counsel must not make speaking objections  
27 before the jury or otherwise make speeches, restate testimony, or attempt to guide a  
28 witness. When objecting, counsel must rise to state the objection and state only that



1 counsel objects and the legal grounds for the objection. If counsel desires to argue an  
2 objection further, counsel must seek permission from the Court to do so.

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

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

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

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

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

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

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

28 (f) Counsel must not leave counsel table to confer with any person in

1 the back of the courtroom without the Court's permission.

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

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

11 (i) Where a party has more than one (1) lawyer, only one (1) attorney  
12 may conduct the direct or cross-examination of a particular witness or make  
13 objections as to that witness.

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

16 **6. Punctuality.**

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

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

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

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

28 (e) The Court generally will accommodate witnesses by permitting

1 them to be called out of sequence. Counsel should meet and confer in advance and  
2 make every effort to resolve the matter.

3 **7. Exhibits.**

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

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

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

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

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

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

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

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

26 (a) If counsel wishes to read the questions and answers as alleged  
27 impeachment and ask the witness no further questions on that subject, counsel shall  
28 first state the page and line where the reading begins and the page and line where the

1 reading ends and allow time for any objection. Counsel may then read the portions of  
2 the deposition into the record.

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

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

13 **9. Using Numerous Answers to Interrogatories and Requests for**  
14 **Admission.** Whenever counsel expects to offer a group of answers to interrogatories  
15 or requests for admissions extracted from one (1) or more lengthy discovery  
16 responses, counsel should prepare a new document listing each question and answer  
17 and identifying the document from which it has been extracted. Copies of this new  
18 document must be provided to the Court and the opposing party.

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

27 **11. Continuances of Pretrial and Trial Dates.** The Court has a strong  
28 interest in keeping scheduled dates certain. Accordingly, dates set by the Court are

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

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17 Dated: December 19, 2024

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19 HON. ANNE HWANG  
20 UNITED STATES DISTRICT JUDGE  
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