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

Plaintiff(s),
v.
Defendant(s).

Case No.
CIVIL TRIAL ORDER

I. DEADLINES

A. PARTIES/PLEADINGS: The Court has established a deadline for adding parties or amending pleadings. All motions to add parties or to amend the pleadings must be noticed to be heard on or before the deadline. All unserved parties will be dismissed at the time of the Final Pretrial Conference pursuant to Local Rule 16-8.1.

B. DISCOVERY:

1. Discovery Cut-off: The Court has established a cut-off date for fact and expert discovery. These are not the dates by which discovery requests must be served. They are the dates by which all discovery, including all hearings on any related motions, must be completed.

2. Discovery Disputes: The parties are expected to comply with all Local Rules and the Federal Rules of Civil Procedure concerning discovery, as well as this Court's procedures, found at <http://www.cacd.uscourts.gov/honorable-joel-richlin>. The parties are

1 expressly advised that the Court requires an informal discovery conference prior to any discovery
2 motion being filed. The Court's procedures regarding discovery motions are available on the
3 Court's website.

4 **C. MOTIONS:** The Court has established a deadline for the hearing of motions. All
5 motions, including motions to determine the admissibility of expert testimony pursuant to Daubert
6 v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), but excluding motions *in limine*, must
7 be noticed so that the hearing takes place on or before the motion deadline.

8 **D. FINAL PRETRIAL CONFERENCE:** The Court has scheduled a Final Pretrial
9 Conference pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16-8. Each
10 party appearing in this action must be represented at the Final Pretrial Conference by lead trial
11 counsel or the party if appearing *pro se*, unless excused for good cause. If a party is represented
12 by co-lead trial counsel, all co-lead trial counsel must attend the Final Pretrial Conference. The
13 parties should be prepared to discuss streamlining the trial, including presentation of testimony by
14 deposition excerpts or summaries, time limits, and stipulations to admission of exhibits and
15 undisputed facts.

16 Strict compliance with Local Rule 16 is required. Note that the Court does not exempt
17 parties without attorneys from the requirements of Rule 16. Failure to comply with these
18 requirements may result in the Final Pretrial Conference being taken off calendar or continued, or
19 other sanctions. Other documents to be filed in preparation for, and issues to be addressed at, the
20 Final Pretrial Conference are discussed below.

21 **E. ALTERNATIVE DISPUTE RESOLUTION:** The Court has set a deadline for
22 the parties to complete a settlement conference or mediation. No case will proceed to trial until the
23 parties have exhausted their efforts at alternative dispute resolution. In all cases set for jury trial,
24 the parties must notify the Court of any settlement no later than the Wednesday preceding the week
25 that trial is set to start so that the necessary arrangements can be made to notify the members of the
26 public who would otherwise be reporting for jury duty that their services are not needed on that
27 date. Failure to comply with this notification requirement will cause the parties to be charged for
28 the costs related to processing potential jurors.

1 **II. TERMINOLOGY**

2 Any reference to “counsel” in this Order, includes parties representing themselves
3 without an attorney.

4 **III. TRIAL PREPARATION AND DEADLINES**

5 **A. MOTIONS IN LIMINE:** All motions *in limine* must be filed by the deadline set
6 by the Court. The parties are to meet and confer as required by Local Rule 7-3 to determine whether
7 the opposing party intends to introduce the disputed evidence, and to attempt to reach an agreement
8 that would obviate the motion. Any opposition must be filed by the date established by the Court.
9 The Court generally will rule on motions *in limine* at the Final Pretrial Conference. Motions *in*
10 *limine* should address specific issues (*i.e.*, not “to exclude all hearsay”). Motions *in limine* should
11 not be disguised motions for summary adjudication of issues. Motions *in limine* and oppositions
12 thereto may be no more than 2,800 words, absent approval from the Court for an oversized brief
13 upon a showing of good cause. Reply briefs, if any, may be no more than 2,100 words, absent
14 approval for good cause.

15 **B. PROPOSED PRETRIAL CONFERENCE ORDER:** A (Proposed) Pretrial
16 Conference Order must be filed no later than five (5) court days before the Final Pretrial Conference
17 and must comply with the format and content required in the Local Rules.

18 **C. TRIAL-RELATED DOCUMENTS:**

19 **1. Statement of the case (jury trials only):** The parties will prepare a joint
20 statement of the case which may be read by the Court to the prospective panel of jurors prior to the
21 commencement of *voir dire*. The statement shall not exceed one page. The statement must be filed
22 with the Court no later than five (5) court days before the Final Pretrial Conference date.

23 **2. Witness list:** Using the format provided below, the parties shall file a joint
24 witness list no later than five (5) court days prior to the Final Pretrial Conference. The list shall
25 include the full names of the witnesses in the order that they are expected to testify and provide, to
26 the extent possible, an accurate estimate of the time needed for each witness for direct, cross,
27 redirect, and re-cross. The parties will also provide a description of each witness’ testimony (*e.g.*,
28 “eyewitness to accident”). If more than one witness is offered on the same subject, the description

1 should be sufficiently detailed to allow the Court to determine if the testimony is cumulative. Any
2 special considerations should be noted in the “comments” section (*e.g.*, “will testify through a
3 Spanish-language interpreter”). The parties must comply with the requirements of Local Rule 16-
4 5.

JOINT WITNESS LIST					
Case Name:					
Case Number:					
No. of Witness	Witness Full Name	Party Calling Witness and Estimate	X-Examiner’s Estimate	Description of Testimony	Comments

10 **3. Findings of Fact and Conclusions of Law (Court Trials only):**

11 Notwithstanding Local Rule 52, for any matter requiring findings of fact and conclusions of law,
12 unless otherwise expressly ordered by the Court, counsel will be required to file (Proposed)
13 Findings of Fact and Conclusions of Law after the conclusion of the trial. The (Proposed) Findings
14 of Fact must include citations to admitted evidence. Where witness trial testimony is necessary to
15 establish a given fact, the party must obtain a transcript of the proceedings and file relevant excerpts
16 of those transcripts with the (Proposed) Findings of Fact and Conclusions of Law. In addition to
17 filing, counsel must email Microsoft Word versions of their (Proposed) Findings of Fact and
18 Conclusions of Law to the chambers email address: AJR_Chambers@cacd.uscourts.gov.

19 **4. Jury Instructions and Verdict Forms:**

20 **a.** At least 14 days before the meeting of counsel required by Local Rule
21 16-2 (which must occur at least 40 days before the date set for the Final Pretrial Conference),
22 counsel for plaintiff(s) must serve on defense counsel proposed jury instructions and proposed
23 verdict/special verdict forms. Within seven (7) days, defense counsel must serve objections, if any,
24 to those instructions and verdict forms, as well as any proposed alternative or additional instructions
25 and verdict forms. Before or at the Rule 16-2 meeting, counsel must attempt to come to agreement
26 on the proposed jury instructions and verdict forms.

27 **b.** When the Manual of Model Jury Instructions for the Ninth Circuit
28 provides an applicable jury instruction, the parties should submit the most recent version, modified

1 and supplemented to fit the circumstances of this case. Where language appears in brackets, the
2 appropriate language should be selected. All blanks should be completed. Where California law
3 applies, counsel should use the current edition of California Jury Instructions–Civil (BAJI or
4 CACI). If neither is applicable, counsel should consult the instructions manuals from other circuits
5 or states, as applicable. When submitting other than Ninth Circuit or California instructions, counsel
6 should be sure that the law on which the instruction is based is the same as Ninth Circuit law (or
7 California or other state law, if applicable) on the subject. Counsel may submit alternatives to the
8 Ninth Circuit model jury instructions, or BAJI or CACI, only if counsel has a reasoned argument
9 that those instructions do not properly state the law or they are incomplete.

10 **c.** The Court has its own introductory instructions (instructions read
11 before opening statements). Counsel should provide only instructions to be read after the evidence
12 has been submitted or that may be appropriate during trial.

13 **d.** Each requested instruction must: (1) cite the authority or source of
14 the instruction; (2) be set forth in full; (3) be on a separate page; (4) be numbered; (5) cover only
15 one subject or principle of law; and (6) not repeat principles of law contained in any other requested
16 instruction. The instructions should be submitted in the order in which the parties wish to have the
17 instructions read.

18 **e.** Unless otherwise ordered by the Court, all proposed jury instructions
19 and verdict forms are to be filed no later than five (5) days prior to the Final Pretrial Conference
20 date. If one party fails to comply with the provisions of this section, the other party must file a
21 unilateral set of jury instructions, unless that party wishes to waive jury trial. The Court expects
22 counsel to agree on the substantial majority of jury instructions, particularly when pattern or model
23 instructions provide a statement of applicable law. In the event that agreement cannot be reached,
24 counsel will file proposed instructions in the following format: (1) the agreed-upon instructions;
25 (2) the instructions proposed by plaintiff and opposed by defendant; and (3) the instructions
26 proposed by defendant and opposed by plaintiff.

27 **f.** In addition, counsel must submit electronic versions (in Microsoft
28 Word format) of all proposed instructions to the chambers email address.

1 **g.** Each disputed instruction must have attached a short (one or two
2 paragraph) statement, including points and authorities in support of the instruction, as well as a
3 brief statement, including points and authorities, in support of any objections. A proposed
4 alternative instruction must be provided, if applicable. If the Court believes that there are so many
5 disputed instructions that the trial would be unnecessarily interrupted in order for the Court to
6 resolve disputes, the Court will determine that the matter is not yet ready to be tried and will order
7 counsel to continue to meet and confer until most of the disputes are resolved.

8 **h.** With each set of instructions filed, counsel must provide an index of
9 all instructions submitted per the example below, which must include the following: (1) the number
10 of the instruction; (2) the title of the instruction; (3) the source of the instruction and any relevant
11 case citations; and (4) the page number of the instruction.

Instruction No.	Title	Source	Page
1	Duty of the Jury	9th Cir. 1.4	1

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

18 **5. Glossary:** No later than five (5) court days before the Final Pretrial
19 Conference, the parties are to file a case-specific glossary for the Court and reporter that includes
20 applicable medical, scientific, or technical terms, slang, the names and spellings of case names
21 likely to be cited, street/city/country names, all parties/entities involved in the case, names of people
22 interviewed/deposed, names of family members, friends, or others who might be mentioned, and
23 other case-specific terminology.

24 **6. Exhibit List and Conference:**

25 **a. Joint Exhibit List:** A joint exhibit list shall be prepared in
26 compliance with the example below and Local Rule 16-6.1.

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JOINT EXHIBIT LIST					
Case Name:					
Case Number:					
Exhibit No.	Description	Stip. To Authen.	Stip. to Admiss.	Date Identified	Date Admitted

The joint exhibit list will be filed no later than five (5) court days prior to the Final Pretrial Conference, and shall contain the information required by Federal Rule of Civil Procedure 26(a)(3)(A). The parties are to meet and confer sufficiently in advance of the required filing deadline to prepare the joint exhibit list. As part of the meet and confer process, counsel will stipulate so far as is possible as to foundation, waiver of the best evidence rule, and to those exhibits which may be received into evidence at the start of trial. A copy of the exhibit list with all admitted exhibits will be given to the jury during deliberations. Counsel must review and approve the exhibit list with the Courtroom Deputy Clerk before the list is given to the jury.

b. Exhibit Preparation: Exhibits are to be tagged in the lower right corner of each original page and numbered in accordance with Local Rule 16-6. Exhibits consisting of more than one page shall be internally paginated in the lower right corner, displaying both the exhibit number and the page number. Exhibit tags may be obtained from the receptionist in the Public Intake Section, located on the first floor of the Edward R. Roybal Federal Building at 255 East Temple St., Room 180. Digital exhibit tags are also available on the Court’s website under Court Procedures > Forms > General forms > Form G-14A (plaintiff) and G-14B (defendant).

For cases with voluminous exhibits, the Court encourages the use of a digital exhibit management system as an alternative to paper exhibits. If the parties choose to use paper/physical exhibits (versus digital), all exhibits will be placed in 3-ring, loose-leaf binders, in numerical order, with divider tabs containing exhibit numbers. The face and spine of the notebooks are to be marked with the case name and number, the numbers of the exhibits contained therein, and the volume number. Each binder must contain an index of the exhibits included in the volume. Any exhibits that a party wishes the jury to see in its original form (versus replicated form), should be placed in a Redweld expanding file folder and labeled and numbered as specified herein.

1 The parties shall prepare two sets of exhibit binders for the Court, and another set of binders
2 for the opposing party. All sets must be brought to the Exhibit Conference (discussed below) if
3 one is ordered, or otherwise, on the morning trial begins. If ordered by the Court in a case with a
4 large number of exhibits, or if otherwise desired by the parties, the parties must also prepare
5 individual witness binders: one for the Court; one for the opposing party; and one for the witness.
6 Witness binders are to include only those exhibits that will be used when a particular witness
7 testifies. The name of the witness should appear on the binder, and exhibits must be in numerical
8 order and tabbed so that the witness, the Court, and the opposing party may easily access each
9 exhibit as the witness's testimony proceeds. Witness binders are used for the convenience of the
10 witness, the Court, and the parties. Accordingly, they need not be given to the Courtroom Deputy
11 Clerk or the opposing side until each witness is called.

12 If the parties wish to use a paperless presentation method, details must be discussed at the
13 Final Pretrial Conference.

14 **c. Exhibit Conference:** AN EXHIBIT CONFERENCE REQUIRING
15 THE ATTENDANCE OF TRIAL COUNSEL WILL BE HELD AT 1:30 P.M. ON THE FRIDAY
16 BEFORE THE SCHEDULED TRIAL DATE, UNLESS THE COURT ORDERS OTHERWISE.
17 Exhibits are to be submitted to the Courtroom Deputy Clerk at the time of this conference.

18 **7. Jury Selection:**

19 **a. Voir Dire:** No later than five (5) court days before the Final Pretrial
20 Conference, each counsel may, but is not required to, file with the Court any special questions
21 requested to be put to prospective jurors during *voir dire*. The Court will conduct this initial portion
22 of *voir dire*. The Court provides a list of basic questions and may provide a list of additional case-
23 specific questions to jurors before *voir dire*. (This is not a questionnaire to be completed by jurors;
24 the answers are provided in court.) The Court will allow each side no more than 20 minutes to ask
25 follow-up questions of those jurors.

26 **b. Selection:** Generally, the Court will select eight jurors. Each side
27 will have three peremptory challenges. The Court uses the "Arizona blind strike" method. *See*
28 *United States v. Harper*, 33 F.3d 1143, 1145-46 (9th Cir. 1994). Under that method, the Court

1 conducts the initial portion of *voir dire* of the entire jury panel, then permits follow-up questioning
2 by counsel as described above. After potential jurors are excused for cause, counsel for each side
3 simultaneously submit their peremptory challenges in writing. The Court then eliminates the
4 subjects of the peremptory challenges and selects the eight lowest numbered remaining panel
5 members as the jury.

6 **D. TRIAL**

7 **1. Jury Trials:** On the day of jury selection, Counsel must be prepared to go
8 on the record at 8:30 a.m.; trial will begin at 9:00 a.m. Thereafter, trial days are generally Monday
9 through Friday, 8:30 a.m. to 2:30 p.m., with three fifteen-minute breaks. When necessary, trials
10 may continue beyond the normal schedule. In the Court's experience, jurors greatly appreciate this
11 schedule that does not include a lunch break because it allows jurors to finish by 2:30 p.m., which
12 allows them to leave downtown before traffic and get back to work or other obligations. Attorneys
13 also appreciate this schedule which leaves significant time available in the afternoon to prepare for
14 the following day. If counsel anticipate that this schedule will be problematic due to the
15 unavailability of witnesses or other reasons, counsel should provide details to the Court at the Final
16 Pretrial Conference.

17 On the day of jury selection, the Court reserves the time from 8:30 a.m. to 9:00 a.m.
18 to handle legal and administrative matters. Jury selection will begin promptly at 9:00 a.m. or as
19 soon as jurors are available. Thereafter, legal and administrative matters must be addressed
20 between 8:15 a.m. and 8:30 a.m. All counsel are urged to anticipate matters that may need to be
21 addressed outside of the presence of the jury and to raise them during this period or at the end of
22 the day. The Court discourages sidebars during trial. The Court does not make jurors wait while
23 counsel discuss matters that should have been addressed previously. Counsel are encouraged to
24 consider any unusual substantive or evidentiary issues that may arise and to advise the Court of
25 such issues as early as possible. Short briefs addressing such disputed issues are welcome.

26 **2. Bench Trials:** When the Court does not have to prioritize the needs of
27 jurors, as in a bench trial, the Court will be very accommodating in trial scheduling and welcomes
28 the input of the parties on the schedule that works best for the case. Counsel should propose trial

1 scheduling options at the Final Pretrial Conference.

2 **IV. CONDUCT OF ATTORNEYS AND PARTIES**

3 **A. OPENING STATEMENTS, EXAMINING WITNESSES, AND**
4 **SUMMATION**

5 **1.** Counsel must use the lectern for opening statements, examination of
6 witnesses, and summation arguments.

7 **2.** The Court will establish reasonable time estimates for opening and closing
8 arguments, examination of witnesses, etc.

9 **B. OBJECTIONS TO QUESTIONS**

10 **1.** Counsel must not use objections for the purpose of making a speech,
11 recapitulating testimony, or attempting to guide the witness.

12 **2.** When objecting, counsel must rise to state the objection and state only that
13 counsel objects and the legal ground of objection. If counsel wishes to argue an objection further,
14 counsel must ask for permission to do so.

15 **C. GENERAL DECORUM**

16 **1.** Counsel should not approach the Courtroom Deputy Clerk or the witness
17 box without specific permission. If permission is given, counsel should return to the lectern when
18 the purpose has been accomplished. Counsel should not question a witness at the witness stand.

19 **2.** Counsel and parties should rise when addressing the Court and when the jury
20 enters or leaves the courtroom.

21 **3.** Counsel should address all remarks to the Court. Counsel are not to address
22 the Courtroom Deputy Clerk, the court reporter, persons in the audience, or opposing counsel while
23 on the record. If counsel wish to speak with opposing counsel, counsel must ask permission to do
24 so. Any request for the re-reading of questions or answers must be addressed to the Court. Such
25 requests should be limited.

26 **4.** Counsel should not address or refer to witnesses or parties by first name
27 alone. Young witnesses (under 14) may, however, be addressed and referred to by first name.

28 **5.** Counsel must not offer a stipulation unless counsel has conferred with

1 opposing counsel and has verified that the stipulation will be acceptable.

2 **6.** While Court is in session, counsel must not leave counsel table to confer
3 with any personnel or witnesses unless permission has been granted in advance.

4 **7.** Counsel should not by facial expression, nodding, or other conduct exhibit
5 any opinion, adverse or favorable, concerning any testimony being given by a witness, statements
6 or arguments by opposing counsel, or rulings by the Court. Counsel should admonish counsel's
7 own clients and witnesses to avoid such conduct.

8 **8.** Counsel should not talk to jurors at all and should not talk to co-counsel,
9 opposing counsel, witnesses, or clients where the conversation could be overheard by jurors. Each
10 counsel should admonish counsel's own clients and witnesses to avoid such conduct.

11 **9.** Where a party has more than one lawyer, only one may conduct the direct or
12 cross-examination of a particular witness or make objections as to that witness.

13 **D. PROMPTNESS OF COUNSEL AND WITNESSES**

14 **1.** The Court makes every effort to begin proceedings at the time set.
15 Promptness is expected from counsel and witnesses. Once counsel are engaged in trial, the trial is
16 counsel's first priority. The Court will not delay the trial or inconvenience jurors except under
17 extraordinary circumstances. The Court will advise other courts that counsel are engaged in trial
18 in this Court on request.

19 **2.** If a witness was on the stand at a recess or adjournment, counsel must have
20 the witness back on the stand, ready to proceed, when the court session resumes.

21 **3.** Counsel must notify the Courtroom Deputy Clerk in advance if any witness
22 should be accommodated based on a disability or for other reasons.

23 **4.** No presenting party may be without witnesses. If counsel has no more
24 witnesses to call and there is more than a brief delay, the Court may deem that party to have rested.

25 **5.** The Court attempts to cooperate with professional witnesses and will, except
26 in extraordinary circumstances, accommodate them by permitting them to be called out of
27 sequence. Counsel must anticipate any such possibility and discuss it with opposing counsel. If
28 there is an objection, counsel must confer with the Court in advance.

1 **E. EXHIBITS**

2 **1.** Each counsel should keep counsel’s own list of exhibits and should note
3 when each has been admitted into evidence.

4 **2.** Each counsel is responsible for any exhibits that counsel secures from the
5 Courtroom Deputy Clerk and must return them before leaving the courtroom at the end of the
6 session.

7 **3.** An exhibit not previously marked should, at the time of its first mention, be
8 accompanied by a request that the Courtroom Deputy Clerk mark it for identification. To save
9 time, counsel must show a new exhibit to opposing counsel before it is mentioned in court.

10 **4.** Counsel are to advise the Courtroom Deputy Clerk of any agreement they
11 have with respect to the proposed exhibits and as to those exhibits that may be received so that no
12 further motion to admit need be made.

13 **5.** When referring to an exhibit, counsel should refer to its exhibit number
14 whenever possible. Witnesses should be asked to do the same.

15 **6.** Counsel must not ask witnesses to draw charts or diagrams or ask the Court’s
16 permission for a witness to do so. If counsel wishes to question a witness in connection with
17 graphical aids, the material must be fully prepared before the court session starts.

18 **F. DEPOSITIONS**

19 **1.** All depositions to be used at trial, either as evidence or potentially for
20 impeachment, must be provided to the Courtroom Deputy Clerk on the first day of trial or such
21 earlier date as the Court may order. Counsel should verify with the Courtroom Deputy Clerk that
22 the relevant deposition is in the Courtroom Deputy Clerk’s possession.

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

25 **a.** If counsel wishes to read the questions and answers as alleged
26 impeachment and ask the witness no further questions on that subject, counsel must first state the
27 page and line where the reading begins and the page and line where the reading ends, and allow
28 time for any objection. Counsel may then read the portions of the deposition into the record.

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

6 **3.** Where a witness is absent and the witness's testimony is offered by
7 deposition, counsel may (a) have a reader occupy the witness chair and read the testimony of the
8 witness while the examining lawyer asks the questions, or (b) have counsel read both the questions
9 and answers.

10 **G. USING NUMEROUS ANSWERS TO INTERROGATORIES AND**
11 **REQUESTS FOR ADMISSIONS**

12 Whenever counsel expects to offer a group of answers to interrogatories or requests for
13 admissions extracted from one or more lengthy documents, counsel should prepare a new document
14 listing each question and answer, and identifying the document from which it has been extracted.
15 Copies of this new document should be given to the Court and opposing counsel.

16 **H. ADVANCE NOTICE OF DIFFICULT OR UNUSUAL ISSUES**

17 If any counsel has reason to anticipate that a difficult question of law or evidence will
18 necessitate legal argument requiring research or briefing, counsel must give the Court advance
19 notice. Counsel are directed to notify the Courtroom Deputy Clerk at the day's adjournment if an
20 unexpected legal issue arises. Counsel must also advise the Courtroom Deputy Clerk at the end of
21 each trial day of any issues that must be addressed outside the presence of the jury, so that there is
22 no interruption of the trial. The Court will not keep jurors waiting.

23 IT IS SO ORDERED.

24 DATED:

25 _____
26 HON. A. JOEL RICHLIN
27 UNITED STATES MAGISTRATE JUDGE