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

)	CASE NO. CV	-BRO (x)
Plaintiff(s),)		
vs.)	ORDER FOR CIVIL COURT TRIAL	
)	SEE LAST PAGE FOR PRETRIAL	
Defendant(s).)	AND TRIAL DATES	
_____)		

**UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING
RULES SHALL APPLY:**

I. E-FILING REQUIREMENTS

Mandatory paper Chambers copies of all e-filed motion, opposition and/or reply documents must be delivered to Judge O'Connell's box, on the Spring Street floor of USDC, located at 312 N. Spring St., Los Angeles, by noon on the day after e-filing. Documents will not be considered until chambers copies are submitted. Attached the NEF to the BACK of the chambers copy. Chambers copies delivered by Federal Express should not require the signature of the recipient.

1 **II. SCHEDULING**

2 **A. In General**

3 All motions to join other parties or to amend the pleadings shall be filed and
4 served by the cut-off date specified in the Scheduling Order.

5 **B. Motions for Summary Judgment or Partial Summary Judgment**

6 Motions for summary judgment or partial summary judgment shall be filed as
7 soon as practical, however, in no event later than the motion cut-off date.

8 **C. Discovery Cut-Off**

9 The Court has established a cut-off date for discovery in this action. All
10 discovery shall be complete by the discovery cut-off date specified in the
11 Scheduling Order. **This is not the date by which discovery requests must be
12 served; it is the date by which all discovery is to be completed.**

13 In an effort to provide further guidance to the parties, the Court notes the
14 following:

15 **1. Depositions**

16 All depositions shall be scheduled to commence sufficiently in advance of the
17 discovery cut-off date to permit their completion and to permit the deposing party
18 enough time to bring any discovery motion concerning the deposition prior to the
19 cut-off date.

20 **2. Written Discovery**

21 All interrogatories, requests for production of documents, and requests for
22 admission shall be served sufficiently in advance of the discovery cut-off date to
23 permit the discovering party enough time to challenge (via motion practice)
24 responses deemed to be deficient.

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27 **3. Discovery Motions**

1 Whenever possible, the Court expects the parties to resolve discovery
2 problems among themselves in a courteous, reasonable, and professional manner.
3 The Court expects that counsel will strictly adhere to the Civility and Professional
4 Guidelines adopted by the United States District Court for the Central District of
5 California in July 1995, which can be found on the Court's website under "Attorney
6 Information > Attorney Admissions."

7 Discovery matters are referred to a United States Magistrate Judge. **Any**
8 **motion challenging the adequacy of responses to discovery must be filed**
9 **timely, and served and calendared sufficiently in advance of the discovery**
10 **cut-off date to permit the responses to be obtained before that date, if the**
11 **motion is granted.**

12 Consistent resort to the Court for guidance in discovery is unnecessary and
13 will result in the appointment of a Special Master at the joint expense of the parties
14 to resolve discovery disputes.

15 4. **Expert Discovery**

16 Expert discovery is to be concluded by the discovery cutoff date.
17 Accordingly, the initial disclosure of expert witnesses in full compliance with the
18 Federal Rules of Civil Procedure is ordered no later than seventy (70) days before
19 the discovery cutoff. Counter-designations of rebuttal experts in full compliance
20 with the Federal Rules of Civil procedure are to be made thirty (30) days after the
21 other party's disclosure.

22 **D. Mandatory Settlement Conference (ADR proceedings)**

23 Pursuant to Local Rule 16-15, the parties in every case must select a
24 settlement procedure. The final meeting with the parties' settlement officer must
25 take place no later than four weeks before the Final Pretrial Conference. Counsel
26 shall file a Joint Report regarding the outcome of settlement discussions, the
27 likelihood of possible further discussions and any help the Court may provide with

1 regard to settlement negotiations not later than seven (7) days after the settlement
2 conference.

3 **III. FINAL PRE-TRIAL CONFERENCE (“PTC”)**

4 This case has been placed on calendar for a Final Pre-Trial Conference
5 pursuant to Fed. R. Civ. P. 16 and 26. Unless excused for good cause, each party
6 appearing in this action shall be represented at the Final Pre-Trial Conference, and
7 all pre-trial meetings of counsel, by the attorney who is to have charge of the
8 conduct of the trial on behalf of such party.

9 *Pro Per* parties are not exempt from following Federal Rule of Civil
10 Procedure 16.

11 **STRICT COMPLIANCE WITH THE REQUIREMENT OF**
12 **FED. R. CIV. P. 26 AND LOCAL RULES ARE REQUIRED BY THE COURT.**

13 Therefore, carefully prepared Memoranda of Contentions of Fact and Law, a Joint
14 Witness List, and Joint Exhibit List shall be submitted to the Court. The Joint
15 Witness List shall contain a brief statement of the testimony for each witness, **what**
16 **makes the testimony unique** from any other witness testimony, and the time
17 estimate for such testimony. The Joint Exhibit List shall contain any objections to
18 authenticity and/or admissibility to the exhibit(s) and the reasons for the objections.
19 The Memoranda of Contentions of Fact and Law, Witness List, and Exhibit List are
20 due twenty-one (21) days before the Final Pre-Trial Conference. **The parties shall**
21 **provide an electronic copy of the Memoranda of Contentions of Fact and Law,**
22 **Witness List and Exhibit List in Microsoft Word format. The parties shall**
23 **provide hyperlinks to case citations and/or evidence.**

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26 **IV. FINAL PRETRIAL CONFERENCE ORDER (“PTCO”)**

1 The proposed PTCO shall be lodged fourteen (14) calendar days before the
2 PTC. Adherence to this time requirement is necessary for in-chambers preparation
3 of the matter. Counsel shall electronically file a copy of the proposed PTCO in
4 Microsoft Word format. The form of the proposed PTCO shall comply with
5 Appendix A to the Local Rules and the following:

6 A. Place in "all caps" and in "bold" the separately numbered headings
7 for each category in the PTCO (*e.g.*, "1. **THE PARTIES**" or "7. **CLAIMS AND**
8 **DEFENSES OF THE PARTIES**").

9 B. Include a table of contents at the beginning.

10 C.. In specifying the surviving pleadings under section 1, state which
11 claims or counterclaims have been dismissed or abandoned, *e.g.*, "Plaintiff's second
12 cause of action for breach of fiduciary duty has been dismissed." Also, in multiple
13 party cases where not all claims or counterclaims will be prosecuted against all
14 remaining parties on the opposing side, please specify to which party each claim or
15 counterclaim is directed.

16 D. In specifying the parties' claims and defenses under section 7, each
17 party shall closely follow the examples set forth in Appendix A of the Local Rules.

18 E. In drafting the PTCO, the court also expects that the parties will
19 attempt to agree on and set forth as many non-contested facts as possible. The court
20 will usually read the uncontested facts to the jury at the start of trial. A carefully
21 drafted and comprehensively stated stipulation of facts will reduce the length of
22 trial and increase jury understanding of the case.

23 F. In drafting the factual issues in dispute for the PTCO, the parties
24 should attempt to state issues in ultimate fact form, not in the form of evidentiary
25 fact issues. The issues of fact should track the elements of a claim or defense on
26 which the jury will be required to make findings.

27 G. Issues of law should state legal issues on which the court will be
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1 required to rule during the trial and should not list ultimate fact issues to be
2 submitted to the trier of fact.

3 The parties shall provide an electronic copy of the Memoranda of
4 Contentions of Fact and Law, Witness List and Exhibit List in Microsoft Word
5 format to the Judge's Chamber's Email at BRO_Chambers@cacd.uscourts.gov .
6 The parties shall provide hyperlinks to case citations and/or evidence.

7 **V. TRIAL PREPARATION FOR COURT TRIAL - MOTIONS,**
8 **FINDINGS OF FACT AND EXHIBITS**

9 **A. Motions in Limine**

10 All motions *in limine* must be filed and served a minimum of twenty eight
11 (28) days prior to the hearing on motions in *limine*. Each motion should be
12 separately filed and numbered. All opposition documents must be filed and served
13 at least twenty-one (21) days prior to the hearing on motions in *limine*. All reply
14 documents must be filed and served at least fourteen (14) days prior to the hearing
15 on motions in *limine*.

16 All motions *in limine* will be ruled upon on or before the scheduled trial date.

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18 **B. Findings of Fact and Conclusion of Law**

19 For a non-jury trial, the parties shall lodge their proposed findings of fact and
20 conclusions of law not later than five (5) days before trial. The parties shall email
21 these findings in Microsoft Word format to the Judges Chambers email at
22 BRO_chambers@cacd.uscourts.gov. Refer to Local Rule 52-1.

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24 **C. Narrative Statements**

25 The judge may order that the direct testimony of a witness be presented by
26 written narrative statement subject to the witness's cross-examination at the trial.

1 Such written, direct testimony shall be adopted by the witness orally in open court,
2 unless such requirement is waived. Refer to Local Rule 43-1.

3 **D. Trial Exhibits**

4 Counsel are to prepare their exhibits for presentation at the trial by placing
5 them in binders which are indexed by exhibit number with tabs or dividers on the
6 right side. Counsel shall submit to the Court an original and one copy of the binders.
7 The exhibits shall be in a three-ring binder labeled on the spine portion of the binder
8 as to the volume number and contain an index of each exhibit included in the
9 volume. Exhibits must be numbered in accordance with Fed. R. Civ. P.
10 16, 26 and the Local Rules.

11 Exhibit list shall indicate which exhibits are objected to, the reason for the
12 objection, and the reason it is admissible. Failure to object will result in a waiver of
13 objection. The parties shall file an electronic copy of the Exhibit List in Microsoft
14 Word format.

15 The Court requires that the Joint Exhibit List, the Joint Witness List, the
16 Statement of the Case be emailed to the Courtroom Deputy Clerk at
17 BRO_chambers@cacd.uscourts.gov, no later than the Thursday prior to the trial
18 date.

19 The Court requires that the following be submitted to the Courtroom Deputy
20 Clerk on the first day of trial:

- 21
- 22 1. The original exhibits with the Court's exhibit tags shall be stapled
23 to the front of the exhibit on the upper right-hand corner with the
24 case number, case name, and exhibit number placed on each tag.
25 Exhibit tags can be obtained from the Clerk's Office, Room G-8,
26 312 North Spring Street, Los Angeles, CA 90012.
- 27

- 1 2. One bench book with a copy of each exhibit for use by the Court,
2 tabbed with numbers as described above. (Court's exhibit tags
3 not necessary.)
- 4 3. Three (3) copies of exhibit lists.
- 5 4. Three (3) copies of witness lists in the order in which the witness
6 may be called to testify.
- 7 5. All counsel are to meet not later than ten (10) days before trial
8 and to stipulate so far as is possible as to foundation, waiver of
9 the best evidence rule, and to those exhibits which may be
10 received into evidence at the start of trial. The exhibits to be so
11 received will be noted on the copies of the exhibit lists.
- 12 6. Any items that have not been admitted into evidence and are left
13 in the courtroom overnight without prior approval will be
14 discarded.

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16 **VI. CONDUCT OF ATTORNEYS AND PARTIES**

17 **A. OPENING STATEMENTS, EXAMINING WITNESSES, AND**
18 **SUMMATION.**

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- 20 1. Counsel must use the lectern for opening statements, examination
21 of witnesses, and summation.
- 22 2. Counsel must not consume time by writing out words, drawing
23 charts or diagrams, etc. counsel may do so in advance and
24 explain that the item was prepared earlier as ordered by the Court
25 to save time.
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- 1 4. Counsel, should not address or refer to witnesses or parties by
2 first names alone. Young witness (under 14) may, however, be
3 addressed and referred to by first names.
- 4 5. Counsel must not offer a stipulation unless counsel has conferred
5 with opposing counsel and has verified that the stipulation will be
6 acceptable.
- 7 6. While Court is in session, counsel must not leave counsel table to
8 confer with any personnel or witnesses in the back of the court
9 room unless permission has been granted in advance.
- 10 7. Counsel should not by facial expression, nodding, or other
11 conduct exhibit any opinion, adverse or favorable, concerning
12 any testimony being given by a witness. Counsel should
13 admonish counsel's own clients and witnesses to avoid such
14 conduct.
- 15 8. Where a party has more than one lawyer, only one may conduct
16 the direct or cross-examination of a particular witness, or make
17 objections as to that witness.

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

- 19 1. The Court makes every effort to begin proceedings at the time
20 set. Promptness is expected from counsel and witnesses. Once
21 counsel are engaged in trial, this trial is counsel's first priority.
22 The Court will not delay the trial or inconvenience jurors except
23 under extraordinary circumstances. The Court will advise other
24 courts that counsel are engaged in trial in this Court on request.
- 25 2. If a witness was on the stand at a recess, counsel must have the
26 witness back on the stand ready to proceed, when the court
27 session resumes.

- 1 3. If a witness was on the stand at adjournment, counsel must have
2 the adjacent to, but not on the stand, ready to proceed when the
3 court session resumes.
- 4 4. Counsel must notify the CDR in advance if any witness should be
5 accommodate based on a disability or for other reasons.
- 6 5. No presenting party may be without witnesses. If counsel has no
7 more witnesses to call and there is more than a brief delay, the
8 Court may deem that party to have rested.
- 9 6. The Court attempts to cooperate with professional witnesses and
10 will, except in extraordinary circumstances, accommodate them
11 by permitting them to be called out of sequence . Counsel must
12 anticipate any such possibility and discuss it with opposing
13 counsel. If there is an objection, counsel must confer with the
14 Court in advance.

15
16 IT IS SO ORDERED.

17 DATED:

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BEVERLY REID O'CONNELL
UNITED STATES DISTRICT JUDGE

**JUDGE BEVERLY REID O'CONNELL
SCHEDULE OF TRIAL AND PRETRIAL DATES**

Matter	Time	Weeks before trial	Plaintiff(s) (Request)	Defendant(s) (Request)	Court Order
Trial (Court) Estimated length: ____ days	8:30 am				
Court trial - File Findings of Fact and Conclusions of Law		-1			
Pretrial Conference; File Agreed Verdict Form(s); File Joint Statement re disputed Verdict(s)	3:00 pm	-4			
Motions in Limine to be filed		-5			
Lodge Pretrial Conf. Order; File Memo of Contentions of Fact and Law; Exhibit & Witness Lists;		-6			
Last date to file Joint Report re ADR Proceedings		-7			
Last date to conduct ADR proceedings		-8			
Last day for hearing motions	1:30 pm	-9			
Discovery cut-off [Note: Expert disclosure no later than 70 days prior to this date.]		-10			
Last to Amend Pleadings or Add Parties					