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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DEFENDANT, *et al.*,  
Defendant/s.

Case No. 0:00-cr-00000-CV

**STANDING ORDER FOR CRIMINAL  
CASES ASSIGNED TO JUDGE  
VALENZUELA**

**PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THE CASE  
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES. PLEASE  
BE SURE TO USE THE MOST UPDATED VERSION LOCATED ON JUDGE  
VALENZUELA’S WEBPAGE.<sup>1</sup>**

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<sup>1</sup> Judge Valenzuela’s webpage can be found at  
<https://www.cacd.uscourts.gov/honorable-cynthia-valenzuela>

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1           **I. INTRODUCTION**

2           This action has been assigned to the calendar of United States District Judge  
3 Cynthia Valenzuela. Both the Court and the parties’ counsel bear responsibility for the  
4 progress of this action. To ensure the just determination of this action, “to secure  
5 simplicity in procedure and fairness in administration, and to eliminate unjustifiable  
6 expense and delay,” Fed. R. Crim. P. 2, all parties or their counsel, including *pro se*  
7 (without an attorney) defendants,<sup>2</sup> are ordered to be familiar with this Order, the  
8 Federal Rules of Criminal Procedure, the Local Criminal Rules, the Local Civil Rules,  
9 this Court’s online Procedures and Schedules, and the law governing the issues in this  
10 case.<sup>3</sup>

11           **II. GENERAL REQUIREMENTS**

12           **A. Filings**

13           **1. Formatting**

14           The captioned title of every filing shall contain:

- 15           a. the name of the first-listed defendant as well as the name(s) and  
16           number(s) (in the order listed in the Indictment) of the particular  
17           defendant(s) to whom the filing applies, unless the document applies to  
18           all defendants;
- 19           b. the individual defendant’s registration number when applicable to the  
20           relief requested (*e.g.*, requests for transfer, medical requests); and
- 21           c. the milestone dates for Indictment, Final Pretrial Conference, Trial, and  
22           Last Day of the speedy trial period.

23           All parties shall docket items only as to the particular defendant(s) to whom the

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24  
25           <sup>2</sup> Parties appearing *pro se* must comply with the Federal Rules of Civil Procedure and  
26           the Local Rules. Local Civil Rules 1-3 and 83-2.2.3.

27           <sup>3</sup> “When applicable directly or by analogy, the Local [Civil] Rules of the Central  
28           District of California shall govern the conduct of criminal proceedings before the  
          District Court, unless otherwise specified.” Local Criminal Rule 57-1.

1 item pertains, rather than all defendants, unless the item pertains to all. Except for  
2 documents filed under seal or *in camera*, every document shall be filed electronically  
3 in such a way that it is clear from the docketing entry to which defendant(s) it applies.  
4 The outer envelope containing any document filed under seal or *in camera* should  
5 identify the case title by the first-listed defendant and case number only and should  
6 state that the document is being filed under seal or *in camera*.

7 Pursuant to Local Civil Rule 11-3.1.1, either a proportionally spaced or  
8 monospaced face may be used. Typeface shall comply with Local Civil Rule 11-3.1.1.  
9 Times New Roman font must be no less than fourteen (14) point, and Courier font  
10 must be no less than twelve (12) point. Footnotes shall be in the same font and the  
11 same size as the text in the body of the document.

12 Each declaration, exhibit, or other attachment accompanying a document must  
13 be filed as a separately docketed attachment to the main docket entry with a clear  
14 description (*e.g.*, Dkt. 29-1, Smith Decl.; Dkt. 29-2, Ex. 1: Photograph).

15 Proposed orders must state the relief sought, the defendant(s) affected, and,  
16 when relevant, the supporting rationale and authority—and must be submitted in a  
17 form that would originate from the Court. Do not include: (a) any attorney information  
18 on the caption page; (b) any information in the footer (except pagination); or (c) any  
19 watermark or firm designation anywhere.

20 Counsel must follow the Central District’s Local Rules and General Orders  
21 concerning electronic filing, unless superseded by this Order. Counsel shall adhere to  
22 Local Civil Rule 5-4.3 with respect to the conversion of all documents to .pdf so that  
23 when a document is e-filed, it is in the proper size and is .pdf searchable. Further, all  
24 documents shall be filed in a format so that text can be selected, copied, and pasted  
25 directly from the document. *See* Local Civil Rule 5-4.3.1.

## 26 **2. Warning re: Filing Under Seal**

27 Parties should pay close attention to the title in the caption of every document  
28 submitted to the Court for filing under seal. The title of the document will become part

1 of the public docket text when it is entered on the docket, even though the document  
2 itself will be sealed. If the title of the document contains confidential information that  
3 should not be reflected on the public docket, parties must submit the document with  
4 two cover sheets. The first cover sheet must contain a generic title (e.g.: “SEALED  
5 APPLICATION”; “SEALED MOTION”; “SEALED PROPOSED ORDER”; or  
6 “SEALED DOCUMENT”), rather than the actual title of the document. The second  
7 cover sheet must contain the full, unredacted title of the document. Docket entries for  
8 documents filed under seal will include only the generic title. All documents  
9 pertaining to the notice of manual filing must be emailed to the chambers email  
10 address: [CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov). Additional information is available at:  
11 [https://www.cacd.uscourts.gov/court-procedures/filing-procedures/criminal-filing-  
12 procedures](https://www.cacd.uscourts.gov/court-procedures/filing-procedures/criminal-filing-procedures).

### 13 **B. Chambers Courtesy Copies**

14 The processing of unnecessary chambers copies wastes resources and burdens  
15 the Court. Chambers copies should not be submitted unless requested. This order,  
16 however, is not intended to affect the parties’ ability to file and lodge documents and  
17 materials that are exempt from electronic filing under Local Criminal Rule 49-1.2.

18 The Court refers the parties to the trial requirements listed below for details  
19 regarding mandatory chambers copies of trial exhibits.

### 20 **C. Calendar Conflicts**

21 If any counsel discovers a calendar conflict with a scheduled appearance in a  
22 court of a more senior district judge, counsel must inform opposing counsel and the  
23 Courtroom Deputy Clerk (“CRD”) via chambers email address  
24 ([CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov)) as soon as possible and not later than three (3)  
25 business days before the scheduled appearance. Counsel must email the CRD to  
26 indicate the time of the appearance, the case name, and the name of the other judge.

27 Counsel should appear before the most senior judge first and request priority.  
28 On the day of the appearance, if possible, ask the other judge’s CRD to update Judge

1 Valenzuela’s CRD as to when counsel is likely to be released from the other judge’s  
2 courtroom.

3 **D. Attorney of Record at Hearings**

4 The Court requires an attorney of record to appear at all hearings and will not  
5 permit others to stand in on his or her behalf. If an attorney of record cannot appear at  
6 a scheduled hearing due to unforeseen circumstances, the parties should attempt to  
7 agree on a new date to accommodate the calendar conflict. Counsel must propose a  
8 new date by Stipulation and [Proposed] Order as soon as possible and preferably not  
9 later than three (3) business days before the scheduled appearance.

10 **III. PRE-TRIAL PROCEDURES**

11 **A. Continuances**

12 Requests for continuances of pretrial and trial dates must be by motion,  
13 stipulation, or application. Each request must include a detailed factual showing of  
14 good cause and due diligence demonstrating the necessity for the continuance, stating  
15 whether any previous requests for continuances have been made and whether these  
16 requests were granted or denied by the Court. The Court will not grant requests to  
17 continue pretrial and trial dates absent the detailed showing. General statements are  
18 insufficient to establish good cause.

19 To the extent the request to continue dates is joint, it should state clearly that  
20 the government and defendant(s) agree. To the extent the action is complex, one or  
21 more parties require additional time to prepare for trial, or other circumstances apply  
22 necessitating a continuance, the request should so state and describe in detail. A list of  
23 counsel’s upcoming scheduled trials in other actions will not support a showing of  
24 good cause absent the following information regarding each such action listed: (1) the  
25 case name, case number, court where the action is pending, and the initials of the  
26 district judge or name of the state court judge assigned to the action; (2) the age of the  
27 action; (3) the nature of the offense(s) charged and complexity of the action; (4) the  
28 scheduled trial date; (5) the estimated length of trial; (6) the number of continuances

1 previously granted; (7) the parties' trial readiness; (8) the estimated likelihood a future  
2 continuance will be requested; and (9) the likelihood the trial will proceed on the  
3 scheduled date.

4 Counsel shall file requests for continuance of trial at least one (1) week prior to  
5 the Final Pretrial Conference. A request to continue dates that have already expired  
6 constitutes a presumptive lack of due diligence. Requests extending dates set by the  
7 Court are not effective unless approved by the Court.

### 8 **B. Motions**

9 Motions shall be filed in accordance with Fed. R. Crim. P. 47 and Local  
10 Criminal Rule 49, *et seq.*, unless superseded by this Order. Counsel must meet and  
11 confer with opposing counsel "to discuss thoroughly ... the substance of the  
12 contemplated motion and any potential resolution" thereof. Local Criminal Rule 57-1;  
13 Local Civil Rule 7-3. Counsel shall discuss the issues to a sufficient degree that if a  
14 motion is still necessary, the briefing may be directed to those substantive issues  
15 requiring resolution by the Court.

16 The Court hears motions in criminal actions on Friday, beginning at 10:30 a.m.  
17 Pretrial motions, including motions to suppress evidence, motions to bifurcate or  
18 sever, and motions concerning character evidence under Fed. R. Evid. 404(b), shall be  
19 noticed for a Friday that is mutually agreed to by counsel and that is not closed on the  
20 Court's calendar. Before filing a motion, the moving party should check the Court's  
21 webpage for available hearing dates. The parties should not calendar a matter on a  
22 date that is closed on the Court's webpage. If this occurs, the court will re-calendar the  
23 matter for another day. Pretrial motions that require an evidentiary hearing shall be  
24 noticed for a non-Friday that is mutually agreed to by counsel and that is cleared with  
25 the Courtroom Deputy Clerk before the filing of the motion. For all motions other  
26 than motions *in limine*, the briefing schedule is as follows:

- 27 • motions shall be filed five (5) weeks prior to the hearing;
- 28 • oppositions or notices of non-opposition shall be filed three (3) weeks



1 prior to the hearing; and

- 2 • replies, if any, shall be filed two (2) weeks prior to the hearing.

3 All motions must be properly noticed for hearing no later than the date of the Final  
4 Pretrial Conference.

5 The parties should not calendar a matter on a Friday that is a Court holiday. If  
6 this occurs, the Court will re-calendar the matter for another Friday. The parties must  
7 adhere to the briefing schedule set forth herein to afford the Court adequate time to  
8 prepare for the hearing; however, the parties may stipulate to an alternate briefing  
9 schedule contingent upon approval by the Court. Failure to comply with these  
10 deadlines may result in the Court declining to consider the untimely memorandum or  
11 other document. Local Criminal Rule 57-1; Local Civil Rule 7-12.

12 Memoranda of points and authorities in support of or in opposition to motions  
13 (besides motions *in limine*) shall not exceed 7,000 words. *See* Local Rule 11-6.1. A  
14 handwritten brief or a brief prepared using a typewriter may not exceed 25 pages,  
15 excluding the caption (if on a separate cover page), the table of contents, the table of  
16 authorities, the signature block, and any indices and exhibits. All submitted briefs  
17 must be accompanied by a Certificate of Compliance as set forth in Local Civil Rule  
18 11-6.2. Replies shall not exceed 4,200 words or fifteen (15) pages for handwritten  
19 briefs and briefs prepared using a typewriter. Only in rare instances and for good  
20 cause shown will the Court grant an application to extend these word and page  
21 limitations. No supplemental brief shall be filed without prior leave of Court.

### 22 **C. *Ex Parte* Applications**

23 *Ex parte* applications are disfavored. The Court considers *ex parte* applications  
24 on the papers and does not usually set these matters for hearing. If a hearing is  
25 necessary, the parties will be notified. *Ex parte* applications are solely for  
26 extraordinary relief and should be used with discretion. Sanctions may be imposed for  
27 misuse of *ex parte* applications. *See Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883  
28 F. Supp. 488 (C.D. Cal. 1995).

1           *Ex parte* applications that fail to conform to Local Civil Rules 7-19 and 7-19.1,  
2 including a statement of opposing counsel’s position, will not be considered except  
3 upon a specific showing of good cause. The moving party shall serve the opposing  
4 party electronically, if possible. A party is considered served once the *ex parte*  
5 application has been e-filed. All parties registered for electronic service are sent a  
6 notification of ECF filing each time a document is e-filed with a link to the document  
7 for one free view. Defendants exempt from electronic service must be served the *ex*  
8 *parte* application by facsimile or personal service. *See* Local Criminal Rules 49-1.2,  
9 49-1.3.2(b); Local Civil Rule 5-3.

10           Following service of the *ex parte* application by electronic, facsimile, or  
11 personal service, the moving party shall notify the opposing party that any opposition  
12 must be filed no later than twenty-four (24) hours following service. Counsel will be  
13 notified by ECF of the Court’s ruling. If a party does not intend to oppose an *ex parte*  
14 application, counsel must promptly inform the Courtroom Deputy Clerk.

15           *Ex parte* applications to allow defendants to travel should be made well in  
16 advance of the proposed date of travel. Counsel should state whether the Pretrial  
17 Services Officer has approved the travel, and what, if any, conditions the Pretrial  
18 Services Officer has proposed. Applications by defendants with appointed counsel  
19 must indicate who will pay for the travel and related expenses. If these expenses are  
20 not to be paid by the defendant’s employer, the Court may require declarations under  
21 penalty of perjury from the persons paying the expenses.

22           **D.    Motions *in Limine***

23           Motions *in limine* fall outside the scope of Fed. R. Crim. P. 12 and address only  
24 the admission or exclusion of evidence at trial. Motions *in limine* will generally be  
25 heard and ruled upon at the Final Pretrial Conference. The Court may rule orally  
26 instead of in writing. Each side is limited to five (5) motions *in limine* unless the Court  
27 grants leave to file additional motions.  
28

1 All motions *in limine* must be filed at least twenty-eight (28) days before the  
2 Final Pretrial Conference. Oppositions must be filed at least fourteen (14) days before  
3 the Final Pretrial Conference. There shall be no replies. Motions *in limine* and  
4 oppositions must not exceed 2,800 words in length, or ten (10) pages for handwritten  
5 briefs and briefs prepared using a typewriter.

6 Before filing a motion *in limine*, the parties must meet and confer. The moving  
7 party must identify the evidence to be excluded or admitted, the specifics terms of the  
8 order sought, and the rationale and supporting authority. The nonmoving party shall  
9 state whether the party intends to introduce the evidence sought by the moving party  
10 to be excluded or oppose the moving party's motion to admit the evidence and provide  
11 the rationale and supporting authority if the nonmoving party opposes the motion.  
12 Both parties are required to meet and confer in good faith in an effort to reach a  
13 resolution without the need for a motion. Motions *in limine* should address specific  
14 issues (*e.g.*, not "to exclude all hearsay"). The Court may strike without further notice  
15 excessive, unvetted, or untimely motions *in limine*.

#### 16 **E. Notice and Discovery**

17 Counsel shall comply with all notice and discovery obligations set forth in Fed.  
18 R. Crim. P. 12, 12.1, 12.2, 12.3, 12.4, 15, and 16. The government shall promptly  
19 produce to counsel for the defendant any evidence falling within the scope of Fed. R.  
20 Crim. P. 16(a), *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405  
21 U.S. 150 (1972), *Roviaro v. United States*, 353 U.S. 53 (1957), and *United States v.*  
22 *Henthorn*, 931 F.2d 29 (9th Cir. 1991). Counsel for the government shall also disclose  
23 to counsel for defendant the existence or non-existence of: (1) evidence obtained by  
24 electronic surveillance; and (2) testimony by a government informant. Defense  
25 counsel shall comply with its reciprocal discovery obligations pursuant to Fed. R.  
26 Crim. P. 16(b) and promptly produce such materials.

1 The parties shall make expert witness disclosures in accordance with Fed. R.  
2 Crim. P. 16(a)(1)(G) and (b)(1)(C) at least thirty-five (35) days before the Final  
3 Pretrial Conference.

4 The parties are encouraged to produce witness statements pursuant to 18 U.S.C.  
5 § 3500 and Fed. R. Crim. P. 26.2 sufficiently in advance of trial or other proceeding to  
6 avoid delays. A violation by any party of this order, or by the government in  
7 connection with its obligations under *Brady*, *Giglio*, *Roviaro*, or *Henthorn*, may lead  
8 to a finding of contempt, imposition of sanctions, referral to a disciplinary authority,  
9 adverse jury instructions, exclusion of evidence, or dismissal of charges.

10 Counsel shall meet and confer to resolve discovery disputes informally prior to  
11 filing a motion to compel discovery. All discovery motions shall state with  
12 particularity what is requested, the basis for the request, whether the discovery at issue  
13 has been requested, and opposing counsel's response to such request. The Court may  
14 decline to hear discovery motions made without prior consultation with opposing  
15 counsel.

#### 16 **F. Bail Review**

17 Any request for bail review based on changed circumstances or information not  
18 previously presented to the Magistrate Judge shall be addressed in the first instance to  
19 the Magistrate Judge and shall be served on both opposing counsel and the United  
20 States Probation and Pretrial Services Office.

### 21 **IV. PLEA AGREEMENTS**

#### 22 **A. Digital Courtesy Copy**

23 The government should send a text-searchable digital copy of the plea  
24 agreement to chambers at [CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov).

#### 25 **B. Rule 11 Hearing**

- 26 **1. Fully Signed Agreement:** *Defense counsel shall bring a hard*  
27 *copy of the fully signed plea agreement to the hearing* (because the  
28 Court will refer the defendant to specific portions of the

1 agreement.) Government counsel is also required to bring a hard  
2 copy of the fully signed agreement to the hearing.

3 **2. Open Court:** The Rule 11 hearing will be conducted in open  
4 court. Any request to close the courtroom or seal the record (in  
5 whole or in part) must be made by the requesting party when  
6 checking in on the day of the hearing.

7 **3. Detention Request:** If the government intends to request detention  
8 of a defendant who is out on bond, it should file a request, stating  
9 and applying the applicable standard, at least two days before the  
10 hearing.

11 **4. Sentencing Date:** Counsel for both parties shall confer and  
12 provide a proposed sentencing date to the courtroom deputy (CRD)  
13 upon checking in. Absent good cause, the sentencing date shall be  
14 approximately 14 weeks after the defendant's conviction. The  
15 parties should not assume that the sentencing date, once set, will be  
16 continued at their request.

## 17 **V. TRIAL PROCEDURES**

### 18 **A. Final Pretrial Conference Requirements**

19 No later than one (1) week before the Final Pretrial Conference, the government  
20 shall file and email the documents described below in Microsoft Word format to

21 [CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov):

- 22 • A trial memorandum;
- 23 • A witness list;
- 24 • An exhibit list;
- 25 • A joint case-specific glossary for the Courtroom Deputy Clerk;
- 26 • Joint jury instructions in the form described below;
- 27 • A joint proposed verdict form; and
- 28 • Proposed *voir dire* questions, if any.

1                   **1. Trial Memorandum**

2                   The government’s trial memorandum shall set forth: (i) a factual summary of  
3 the government’s case-in-chief; (ii) a statement of the charges and the elements of  
4 each charge; (iii) a time estimate of the length of the government’s case-in-chief,  
5 including anticipated cross-examination; and (iv) a discussion of relevant legal and  
6 evidentiary issues as applied to the facts of the particular case. The government shall  
7 specify, after a meet and confer, whether the parties agree or disagree on matters (i)  
8 through (iv).

9                   **2. Witness Lists**

10                  Witness lists must identify all potential witnesses and must be in the format  
11 specified in Local Civil Rule 16-5. If the defense objects to identifying a potential  
12 witness (not already on the government’s list), the objection must be raised at the  
13 final pre-trial conference. The lists must include for each witness: (i) a brief  
14 description of the testimony; (ii) the reasons the testimony is unique and not  
15 redundant; and (iii) a time estimate in hours for direct and cross-examination. The  
16 parties should use the template posted to Judge Valenzuela’s webpage. Any  
17 Amended Witness List must be filed by 5:00 p.m. on the Friday before trial and  
18 emailed to [CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov) in Microsoft Word format.

19                  **3. Exhibit Lists**

20                  Exhibit Lists must: (1) be in the format specified in Local Civil Rule 16-6;  
21 (2) include an additional column stating any objections to authenticity and/or  
22 admissibility; and (3) state the reasons for the objections. The parties should use the  
23 template posted to Judge Valenzuela’s webpage. Exhibits shall be numbered  
24 sequentially 1, 2, 3, *etc.*, not 1.1, 1.2, 1.3, *etc.* See Local Civil Rule 16-6. The list  
25 should include defense exhibits to the extent the defense does not object to disclosure.  
26 Any Amended Exhibit List must be filed by 5:00 p.m. on the Friday before trial and  
27 emailed to [CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov) in Microsoft Word format.

1                   **4. Case-Specific Glossary**

2                   The parties must provide a case-specific glossary for the court reporter that  
3 includes applicable medical, scientific, or technical terms, gang terms, slang, the  
4 names and spellings of case names likely to be cited, street/city/country names, all  
5 parties/agents/departments/entities involved in the case, names of people  
6 interviewed/deposed, names of family members, friends, or others who might be  
7 mentioned, and other case-specific terminology.

8                   **5. Jury Instructions**

9                   The parties shall file clean and redline sets of their (1) Joint Agreed Upon  
10 Proposed Jury Instructions, and (2) Disputed Jury Instructions. The redline sets shall  
11 include all modifications made by the parties to pattern or model jury instructions,  
12 any disputed language, and the factual or legal basis for each party’s position as to  
13 each disputed instruction.

14                  Sources: When possible, all instructions must be taken from the *Manual of*  
15 *Model Criminal Jury Instructions for the Ninth Circuit* (West Publishing Co., current  
16 edition). Where no applicable Ninth Circuit model instruction is available, counsel  
17 should consult the instructions from O’Malley, Grenig & Lee (formerly Devitt, *et al.*),  
18 *Federal Jury Practice and Instructions* (West Publishing Co., current edition). When  
19 submitting instructions other than Ninth Circuit model instructions, counsel should  
20 ensure the law on which the instruction is based is consistent with Ninth Circuit case  
21 law on the subject. Counsel may submit alternatives to the Ninth Circuit model jury  
22 instructions or O’Malley, Grenig & Lee instructions only if counsel has a reasoned  
23 argument that those instructions do not properly state the law or are incomplete. The  
24 Court seldom gives instructions derived solely from case law.

25                  Format: Each requested instruction shall (1) cite the authority or source of the  
26 instruction, (2) be set forth in full, (3) be on a separate page, (4) be numbered, (5)  
27 cover only one subject or principle of law, and (6) not repeat principles of law  
28 contained in any other requested instruction. Jury instructions should be modified as

1 necessary to fit the facts of the case (*e.g.*, inserting names of defendant(s) or  
2 witness(es) to whom an instruction applies).

3 Where language appears in brackets in the model instruction, counsel shall  
4 select the appropriate text and eliminate the inapplicable bracketed text. It is counsel's  
5 duty to conform the instructions to the case (*e.g.*, inserting names of defendant(s) or  
6 witness(es) to whom the instruction applies and selecting the appropriate bracketed  
7 text, but not changing the standard language of the instruction).

8 For any disputed instruction, the opponent shall state on a separate page  
9 following the disputed instruction: (a) the basis for the objection; (b) authority  
10 supporting the objection; and (c) an alternative instruction (if applicable). On the  
11 following page, the proponent shall briefly respond to the objection with supporting  
12 authority. Where appropriate, the disputed instructions shall be organized by subject,  
13 so that instructions that address the same or similar issues are presented sequentially.  
14 If there are excessive or frivolous disagreements over jury instructions, the Court will  
15 order the parties to meet and confer immediately until they substantially narrow their  
16 disagreements.

17 Index: All proposed jury instructions must have a consecutively numbered joint  
18 index that lists the instructions in the order they will be given. Disputed instructions  
19 should be included in the index. The Court will renumber the jury instructions once  
20 they are finalized. The joint index should include (i) the number of the instructions;  
21 (ii) a brief title of the instruction; (iii) the source of the instruction; and (iv) the page  
22 number of the instruction. Example:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page #</u>
#1	Conspiracy-Elements	9 <sup>th</sup> Cir. 8.5.1	1

23  
24  
25  
26 Counsel also shall list the instructions in the order they will be given and  
27 indicate whether the instruction should be read before opening statements, during trial,  
28 or before closing arguments.



1 Copies of the instructions will be given to the jury during deliberations.  
2 Accordingly, counsel must email [CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov) a “clean” set of  
3 all instructions in Microsoft Word format, containing only the text of each instruction,  
4 set forth in full on each page, with the caption “Court’s Instruction No. \_\_\_\_”  
5 (eliminating the title and source of the instruction, supporting authority, *etc.*).

## 6 **6. Joint Verdict Form**

7 The parties shall make every effort to agree on a verdict form before submitting  
8 proposals to the Court. If the parties are unable to agree on a verdict form, the parties  
9 shall file and email to Chambers ([CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov)) one document  
10 titled “Competing Verdict Forms” which shall include: (1) the parties’ respective  
11 proposed verdict form; (2) a redline of any disputed language; and (3) the factual or  
12 legal basis for each party’s respective position.

## 13 **7. Proposed *Voir Dire* Questions**

14 The Court will conduct the *voir dire*. The Court will ask prospective jurors  
15 basic biographical questions (jurors’ place of residence, employment, whether  
16 familiar with the parties or counsel, *etc.*), as well as questions regarding their ability  
17 to be fair, impartial, and carry out the duties required. The Court may ask additional  
18 case-specific questions. The parties may file and email to Chambers  
19 ([CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov)) any proposed case-specific *voir dire* questions  
20 for the Court’s consideration. All challenges for cause and all *Batson* challenges shall  
21 be made at side bar or otherwise outside the prospective jurors’ presence. The Court  
22 will not necessarily accept a stipulation to a challenge for cause.

## 23 **B. Trial Requirements**

24 Trial days are generally Tuesday through Friday, from 9:00 a.m. through 4:30  
25 p.m. with two 15-minute breaks and a one-hour lunch break. The parties must appear  
26 at 8:30 a.m. to discuss preliminary matters with the Court. On the first day of trial, the  
27 Court will first address preliminary matters and will call a jury panel only when it is  
28 satisfied the case is ready for trial. Jury selection usually takes a few hours. The

1 parties should be prepared to proceed with opening statements and witness  
2 examination immediately after jury selection.

3 Fridays are usually reserved for the Court's calendar. In the event the Court's  
4 calendar allows trial to proceed on Friday, the Court will inform the parties during the  
5 Final Pretrial Conference. Once the trial concludes, the jury will be expected to  
6 deliberate Monday through Friday.

7 Any party requesting special court reporter services (*i.e.*, "RealTime"  
8 transmission, daily transcripts) shall notify the reporter at least two (2) weeks in  
9 advance.

### 10 **1. Timing of Government Materials**

11 The government must present the following materials to the Courtroom Deputy  
12 Clerk before trial begins on the first day:

- 13 1. Three (3) copies of the indictment/information;
- 14 2. Three (3) copies of the government's witness list;
- 15 3. Three (3) copies of the government's exhibit list; and
- 16 4. All government exhibits in accordance with Section IV.B.3 ("Trial  
17 Exhibits") below.

### 18 **2. Timing of Defense Materials**

19 The Court prefers the defense counsel deliver defense exhibits to the Courtroom  
20 Deputy Clerk on the first day of trial, but counsel are not required to do so unless  
21 these exhibits have previously been provided to the government. Defense counsel  
22 shall provide the government and the Courtroom Deputy the defense witness list and  
23 exhibit list at the start of the defense case, at the latest. Defense counsel shall also  
24 simultaneously email [CV\\_Chambers@cacd.uscourts.gov](mailto:CV_Chambers@cacd.uscourts.gov) a Microsoft Word version of  
25 the defense witness list and defense exhibit list. Defense exhibits shall be submitted  
26 together in accordance with Section V.B.3 below.

### 3. Trial Exhibits

Trial exhibits that consist of documents and photographs must be submitted to the Court in three-ring binders. The parties shall submit to the Court three sets of binders: one (1) original set of trial exhibits, and two (2) copies of trial exhibits. The original set of exhibits shall be for use by the jury during its deliberations, and the two copies are for the Court. The parties should prepare additional copies of exhibits for their own use and for use by witnesses. Before the admitted exhibits will be given to the jury for deliberation, the parties must review the exhibit list and exhibit binders with the Courtroom Deputy Clerk after closing arguments.

All exhibits placed in three-ring binders must be indexed by exhibit number with tabs or dividers on the right side. Exhibits shall be numbered sequentially 1, 2, 3, *etc.*, not 1.1, 1.2, *etc.* See Local Civil Rule 16-6. Every page of a multi-page exhibit must be numbered. Defendant's exhibit numbers shall not duplicate the government's numbers. The spine of each binder shall indicate the volume number and the range of exhibit numbers included in the volume. An enlargement of an existing exhibit shall use the original exhibit number followed by an "A." Counsel shall not attempt to display or use any charts or enlargements of exhibits unless all counsel have agreed to their use or objections have been heard and a ruling has been made by the Court.

The original exhibits shall bear the official exhibit tags (yellow tags for the government's exhibits and blue tags for defendant's exhibits) affixed to the front upper right-hand corner of the exhibit, with the case number, case name, and exhibit number stated on each tag. The copy of exhibits must bear copies of the official exhibit tags that were placed on the original exhibits and be indexed with tabs or dividers on the right side. Tags may be obtained from the Clerk's Office, or the parties may print their own exhibit tags using Forms G-14A and G-14B on the "Court Forms" section of the Court's website at:

<https://www.cacd.uscourts.gov/forms/exhibit-tags-plaintiff-g-14a-defendant-g-14b-joint-g-14c>.

1           The government must also submit to the Court a USB flash drive containing  
2 electronic versions of all exhibits before trial begins. Defense counsel must provide a  
3 USB flash drive containing electronic versions of all exhibits at the start of the  
4 defense case, at the latest. The document file names should include the exhibit  
5 number and a brief description of the document, for example: “Ex. 1 - Smith  
6 Declaration.pdf” or “Ex. 105 - Letter Dated 1-5-20.pdf.”

7           Audio, video files, and digital evidence must be contained on a flash drive,  
8 unless otherwise directed by the Court. The party introducing the evidence is  
9 responsible for ensuring that the flash drive contains only admitted evidence. The  
10 parties should meet and confer in an effort to reach an agreement as to the  
11 admissibility of such evidence in its original form, as well as any excerpts thereof.  
12 Exhibits consisting of audio recordings should be accompanied by appropriate  
13 transcripts to assist the trial participants in following along. The party seeking to  
14 admit an audio recording should provide transcripts to the opposing party well in  
15 advance of trial and, during trial, to the Court, court reporter, each juror, and  
16 opposing counsel before the audio recording is played. The transcripts shall use the  
17 original exhibit number of the audio recording followed by an “A” for identification  
18 purposes. The transcripts will not be admitted into evidence and should be collected  
19 after the audio recording has been played.

20           The Court provides audio/visual equipment for use during trial. The parties are  
21 encouraged to familiarize themselves with the equipment if they wish to use it. More  
22 information is available at: [http://www.cacd.uscourts.gov/clerk-services/courtroom-](http://www.cacd.uscourts.gov/clerk-services/courtroom-technology)  
23 [technology](http://www.cacd.uscourts.gov/clerk-services/courtroom-technology). If any counsel wishes to arrange for the use of additional equipment,  
24 counsel shall contact (213) 894-3061 to verify and/or reserve demonstrative  
25 equipment and notify the Courtroom Deputy Clerk no later than 4:00 p.m. at least one  
26 (1) week before trial so that the necessary arrangements may be made.

27           The Court does not permit exhibits to be “published” to the jurors before they  
28 are admitted into evidence. Once admitted, exhibits may be displayed electronically

1 using the equipment and screens in the courtroom. Counsel shall not attempt to  
2 display or use any charts or enlargements of exhibits unless all counsel have agreed to  
3 their use or objections have been heard and a ruling has been made by the Court.

4 Exhibits such as weapons and narcotics must remain in the custody of a law  
5 enforcement agent during the pendency of the trial. It shall be the responsibility of the  
6 agent to produce any such items for court, secure them at night, and guard them at all  
7 times while in the courtroom. The United States Marshals Service shall be advised  
8 well in advance if weapons or contraband are to be brought into the courthouse.

## 9 **VI. CONDUCT OF ATTORNEYS AND PARTIES**

10 The Court expects counsel to act in a courteous, reasonable, and professional  
11 manner. The Court expects that counsel will adhere strictly to the Central District of  
12 California's Civility and Professionalism Guidelines. *See*

13 [https://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-  
14 guidelines](https://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-<br/>14 guidelines).

### 15 **A. Meeting and Confering Throughout Trial**

16 The parties must continue to meet and confer on all issues that arise during trial.  
17 The Court will not rule on any such issue unless the parties have first attempted to  
18 resolve it informally.

### 19 **B. Opening Statements, Witness Examinations, and Summation**

20 Counsel shall not discuss the law or argue the case in opening statements.  
21 Counsel must use the lectern. Counsel should not consume jury time by writing out  
22 words and drawing charts or diagrams. All such aids must be prepared in advance.  
23 When appropriate, the Court will establish and enforce time limits for all phases of  
24 trial, including opening statements, closing arguments, and the examination of  
25 witnesses.

### 26 **C. Objections to Questions**

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

1           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 at sidebar or  
4 outside the jury’s presence. Sidebar conferences are generally not permitted at the  
5 request of counsel for evidentiary objections, especially for issues that could have  
6 been anticipated. Counsel should anticipate significant issues and schedule a hearing  
7 when the jury is not waiting—e.g., before the jurors arrive or after they leave for the  
8 day.

9           **D. Special Accommodations**

10           Counsel must notify the CRD one week prior to the final pre-trial conference if  
11 a witness or party requires an interpreter or an accommodation under the Americans  
12 with Disabilities Act (or for any other reason). The Court prefers any special  
13 accommodations to be addressed in the government’s Trial Memorandum.

14           **E. General Decorum While in Session**

15           1. Counsel must not approach the Courtroom Deputy Clerk, the jury box, or  
16 the witness stand without court authorization and must return to the lectern when the  
17 purpose for the approach has been accomplished.

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

20           3. Counsel must address all remarks to the Court. Counsel must not address  
21 the Courtroom Deputy Clerk, the court reporter, persons in the audience, or opposing  
22 counsel. Any request to re-read questions or answers shall be addressed to the Court.  
23 Counsel must ask the Court’s permission to speak with opposing counsel.

24           4. Counsel must not address or refer to witnesses or parties by first names  
25 alone, except for witnesses who are below age fourteen (14).

26           5. Counsel must not offer a stipulation unless counsel have conferred with  
27 opposing counsel and have verified that the stipulation will be acceptable. Any  
28 stipulation of fact will require the defendant’s personal concurrence and shall be

1 submitted to the Court in writing for approval. A proposed stipulation should be  
2 explained to the defendant in advance.

3 6. Counsel must remain at counsel table throughout trial except to examine  
4 witnesses or as otherwise needed to present evidence. Counsel must not leave counsel  
5 table to sit in the gallery or confer with any person in the back of the courtroom  
6 without the Court's permission.

7 7. Counsel must not make facial expressions, nod, shake their heads,  
8 comment, or otherwise exhibit in any way any agreement, disagreement, or other  
9 opinion or belief concerning the testimony of a witness or argument by opposing  
10 counsel. Counsel shall instruct their clients and witnesses not to engage in such  
11 conduct.

12 8. When the trial is not in session, counsel must not speak to jurors under  
13 any circumstance, and must not speak to co-counsel, opposing counsel, witnesses, or  
14 clients if the conversation can be overheard by jurors. Counsel must instruct their  
15 clients and witnesses to avoid such conduct.

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

19 10. Bottled water is permitted in the courtroom but may not be placed on  
20 counsel table or the lectern. Food and other beverages are not permitted. Cell phones  
21 must be silenced or may be confiscated.

22 **F. Punctuality**

23 1. The Court expects the parties, counsel, and witnesses to be punctual.  
24 Once the parties and their counsel are engaged in trial, the trial must be their priority.  
25 The Court will not delay progress of the trial or inconvenience jurors.

26 2. If a witness was on the stand at the time of a recess or adjournment, the  
27 party that called the witness shall ensure the witness is back on the stand and ready to  
28 proceed as soon as trial resumes.

1           3.     No presenting party may be without witnesses. If a party's remaining  
2 witnesses are not immediately available, thereby causing an unreasonable delay, the  
3 Court may deem that party to have rested.

4           4.     The Court generally will accommodate witnesses by permitting them to  
5 be called out of sequence. Counsel should meet and confer in advance and make every  
6 effort to resolve the matter.

7           **G.     Exhibits**

8           1.     No document shall be placed before a witness unless a copy has been  
9 provided to the Court and opposing counsel.

10          2.     Once they are admitted in evidence, exhibits may be displayed to the jury  
11 using the monitors in the courtroom. The Court ordinarily does not permit exhibits to  
12 be handed to the jurors in the jury box. In the event an exhibit cannot be displayed  
13 properly via the monitors in the courtroom, counsel must secure approval by the Court  
14 before handing an exhibit to the jury.

15          3.     Counsel must keep track of their exhibits and exhibit list, and record  
16 when each exhibit has been admitted into evidence.

17          4.     Counsel are responsible for any exhibits they secure from the Courtroom  
18 Deputy Clerk and must return them before leaving the courtroom.

19          5.     Any exhibit not previously marked must be accompanied by a request  
20 that it be marked for identification at the time of its first mention. Counsel must show  
21 a new exhibit to opposing counsel before the court session in which it is mentioned.

22          6.     Counsel must inform the Courtroom Deputy Clerk of any agreements  
23 reached regarding any proposed exhibits, as well as those exhibits that may be  
24 received into evidence without a motion to admit.

25          7.     When referring to an exhibit, counsel must refer to its exhibit number.  
26 Counsel should instruct their witnesses to do the same. Counsel should make every  
27 effort to correctly identify for the record the exhibit being referred to and should use  
28 specific descriptions when directing witnesses to identify items within the exhibit



1 (e.g., “turning your attention to the bottom right-hand corner of exhibit 1 . . .,” instead  
2 of “take a look at this right here”).

3 8. Counsel should not ask witnesses to draw charts or diagrams or ask the  
4 Court’s permission for a witness to do so. All demonstrative aids must be prepared  
5 fully in advance of the day’s trial session.

6 9. Counsel are required to seek the admission of any items of evidence  
7 whose admissibility has not been stipulated to while the witness authenticating the  
8 exhibit is on the stand.

9 **VII. SENTENCING**

10 Original Sentencing: Once set, the sentencing hearing shall not be continued  
11 absent a showing of good cause. No later than fourteen (14) days before the hearing,  
12 each party shall submit either a sentencing memorandum or a written notice of intent  
13 not to file one. Absent leave of court based upon a showing of good cause, the Court  
14 does not permit submission or playing of sentencing videos.

15 The Court does not permit sentencing documents to be filed under seal except  
16 as strictly necessary and justified. When necessary, a sentencing document may be  
17 filed under seal along with a redacted version that deletes the confidential information  
18 and that justifies each deletion (e.g., “medical information”).

19 Supervision Violation: Any material submitted for a hearing on an alleged or  
20 adjudicated violation of supervision shall be filed, when possible, seven (7) days  
21 before the hearing, and otherwise no later than two (2) court days, absent a showing of  
22 good cause set forth in a supporting declaration and court approval.

23  
24 **IT IS SO ORDERED.**

25 Dated: March 20, 2025

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27 

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HON. CYNTHIA VALENZUELA  
28 UNITED STATES DISTRICT JUDGE