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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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Plaintiff(s),

v.

,

Defendant(s).

-) CASE NO.
) **ORDER RE COURT TRIAL**
) **I. DEADLINES:**
) A. Motion to Amend Pleadings or Add Parties:
) B. Discovery Cut Off:
) C. Expert Witness Exchange Deadline
) Initial:
) Rebuttal:
) Cut-off:
) D. Motion Hearing Cut-off:
) E. ADR Cut-off:
) F. Trial Documents (Set One):
) G. Trial Documents (Set Two):
) H. Pretrial Conference: @ 3:00 p.m.
) I. Trial Date: @ 8:30 a.m.
) **II. TRIAL PREPARATION**
) **III. CONDUCT OF ATTORNEYS AND PARTIES**

1 I

2 **DEADLINES**

3 A. **PARTIES/PLEADINGS**

4 The Court has established a cut-off date for adding parties or amending
5 pleadings. All motions to add parties or to amend the pleadings must be noticed
6 to be heard on or before the cut-off date. All unserved parties will be dismissed at
7 the time of the pretrial conference pursuant to Local Rule 16-8.1.

8 B. **DISCOVERY AND DISCOVERY CUT-OFF**

9 1. Discovery Cut-off: The Court has established a cut-off date for
10 discovery, including expert discovery, if applicable. This is not the date by which
11 discovery requests must be served; it is the date by which all discovery, including
12 all hearings on any related motions, is to be completed.

13 2. Discovery Disputes: Counsel are expected to comply with all Local
14 Rules and the Federal Rules of Civil Procedure concerning discovery. Whenever
15 possible, the Court expects counsel to resolve discovery problems among
16 themselves in a courteous, reasonable, and professional manner. The Court
17 expects that counsel will adhere strictly to the Civility and Professionalism
18 Guidelines, which can be found on the Court’s website under “Attorney
19 Information>Attorney Admissions.”

20 3. Discovery Motions: Any motion challenging the adequacy of discovery
21 responses must be filed, served, and calendared sufficiently in advance of the
22 discovery cut-off date to permit the responses to be obtained before that date, if
23 the motion is granted.

24 4. Depositions: All depositions must commence sufficiently in advance of
25 the discovery cut-off date to permit their completion and to permit the deposing
26 party enough time to bring any discovery motions concerning the deposition
27 before the cut-off date. The parties should review carefully any motion
28 requirements of the assigned magistrate judge to ensure that motions are made

1 timely.

2 5. Written Discovery: All interrogatories, requests for production of
3 documents, and requests for admissions must be served sufficiently in advance of
4 the discovery cut-off date to permit the discovering party enough time to
5 challenge (via motion practice) responses deemed to be deficient.

6 6. Expert Discovery: All disclosures must be made in writing. The parties
7 should begin expert discovery shortly after the initial designation of experts. The
8 pretrial conference and trial dates will not be continued merely because expert
9 discovery is not completed. Failure to comply with these or any other orders
10 concerning expert discovery may result in the expert being excluded as a witness.

11 C. MOTIONS

12 The Court has established a cut-off date for the hearing of motions. All
13 motions must be noticed so that the hearing takes place on or before the motion
14 cut-off date. Counsel must provide Chambers with conformed paper Chambers
15 copies of all documents. Chambers copies should not be put in envelopes.
16 Counsel should consult the Court's Standing Order, previously provided, to
17 determine the Court's requirements concerning motions. A copy of the Standing
18 Order is also available on the Court's website at www.cacd.uscourts.gov>Judges'
19 Procedures and Schedules>Hon. Dale S. Fischer.

20 D. PRETRIAL CONFERENCE

21 1. A pretrial conference date has been set pursuant to Rule 16 of the
22 Federal Rules of Civil Procedure and Local Rule 16-8. Each party appearing in
23 this action must be represented at the pretrial conference by the attorney who is to
24 have charge of the conduct of the trial on behalf of such party, unless that attorney
25 is excused for good cause. Counsel should not claim to be co-lead trial counsel
26 for the purpose of avoiding this requirement. If counsel purport to be co-lead trial
27 counsel, **both** must attend the pretrial conference. Counsel should be prepared to
28 discuss streamlining the trial, including presentation of testimony by deposition

1 excerpts or summaries, time limits, stipulations as to undisputed facts, and
2 qualification of experts by admitted resumés. The Court encourages, but generally
3 does not require, counsel to agree to submit direct testimony of witnesses by way
4 of declaration or written statement confirmed under oath by the witness. See
5 Local Rule 16-11.2(b). If the trial estimate is more than three days, direct
6 testimony of party witnesses is required.

7 2. STRICT COMPLIANCE WITH LOCAL RULE 16 IS REQUIRED.
8 THIS ORDER SETS FORTH SOME DIFFERENT AND SOME ADDITIONAL
9 REQUIREMENTS. THIS COURT DOES NOT EXEMPT *PRO PER* PARTIES
10 FROM THE REQUIREMENTS OF RULE 16. Carefully prepared memoranda of
11 contentions of fact and law, witness lists, a joint exhibit list, and a proposed
12 pretrial conference order must be submitted in accordance with the Rules and this
13 Order, and the format of the proposed pretrial conference order must conform to
14 the format set forth in Appendix A to the Local Rules. Failure of documents to
15 comply with these requirements may result in the pretrial conference being taken
16 off-calendar or continued, or in other sanctions.

17 3. The memoranda of contentions of fact and law, witness lists, and the
18 joint exhibit list must be filed not later than the dates set by the Court.

19 4. In addition to the requirements of Local Rule 16, the witness lists must
20 include a brief (one or two paragraph) description of the testimony, and a time
21 estimate for both direct and cross-examination (separately stated). If two or more
22 witnesses will testify on the same topics, counsel must explain why more than one
23 witness is necessary. A separate version of the witness list containing only the
24 names of the witnesses and a separate column to insert the dates on which the
25 witness testified, and the joint exhibit list, must be submitted to the Chambers
26 email box in Word format. Mandatory paper chambers copies must also be
27 submitted.

28 5. Other documents to be filed in preparation for and issues to be addressed

1 at the pretrial conference are discussed below.

2 E. ALTERNATIVE DISPUTE RESOLUTION (ADR)
3 PROCEDURES/NOTICE OF SETTLEMENT

4 1. Counsel must complete an ADR proceeding no later than the date set by
5 the Court.

6 2. No case will proceed to trial unless all parties, including an officer of all
7 corporate parties (with full authority to settle the case), have appeared personally
8 at an ADR proceeding.

9 3. If settlement is reached, it must be reported immediately to the
10 courtroom deputy clerk (CRD) as required by Local Rule 16-15.7 regardless of
11 the day or time settlement is reached. In addition, counsel must immediately send
12 a notification of settlement to the Chambers email box.

13 **II**

14 **ADDITIONAL TRIAL PREPARATION**

15 A. MOTIONS *IN LIMINE*

16 All motions *in limine* must be filed by the date established by the Court.
17 Motions *in limine* are less helpful in court trials and should not be filed unless
18 resolution of the motion will significantly expedite the trial. Counsel are to meet
19 and confer with opposing counsel to determine whether opposing counsel intends
20 to introduce the disputed evidence, and to attempt to reach an agreement that
21 would obviate the motion. Opposition must be filed by the date established by the
22 Court. The Court generally will rule on motions *in limine* at the pretrial
23 conference. Motions *in limine* should address specific issues (i.e., *not* “to exclude
24 all hearsay,” etc.). Motions *in limine* should not be disguised motions for
25 summary adjudication of issues.

26 B. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF
27 LAW

28 1. Unless the Court orders otherwise, for any matter requiring findings of

1 fact and conclusions of law, counsel for each party must, no later than the date
2 established by the Court, file with the Court and serve on opposing counsel that
3 party's proposed findings of fact and conclusions of law in the format specified in
4 Local Rule 52-3.

5 2. The parties may submit supplemental proposed findings of fact and
6 conclusions of law during the course of the trial.

7 C. GLOSSARY, TRIAL EXHIBITS, WITNESS LISTS, ETC.

8 1. At least ten days before trial, counsel are to meet and to stipulate, so far
9 as is possible, to foundation, to waiver of the best evidence rule, and to those
10 exhibits that may be received into evidence at the start of the trial.

11 2. At least one week before trial, counsel must send to the Chambers email
12 box in Word format:

13 a. A case-specific glossary for the court reporter that includes
14 applicable medical, scientific, or technical terms, slang, the names and spellings of
15 case names likely to be cited, street/city/country names, all parties/entities
16 involved in the case, names of people interviewed/deposed, names of family
17 members, friends, or others who might be mentioned, and other case-specific
18 terminology;

19 b. The party's witness list, with a column to add the date on which
20 the witness testified;

21 c. The joint exhibit list in the form specified in Local Rule 16-6. An
22 annotated exhibit list identifying the exhibits to be received into evidence at the
23 start of the trial must also be provided.

24 3. On the first morning of trial, counsel must submit to the CRD:

25 a. All exhibits placed in three-ring binders with divider tabs
26 containing the exhibit numbers. Exhibits must be numbered 1, 2, 3, etc., NOT 1.1,
27 1.2, etc. and in accordance with Local Rule 16-6. The defense exhibit numbers
28 must not duplicate plaintiff's numbers. If a "blow-up" is an enlargement of an

1 existing exhibit, it must be designated with the number of the original exhibit
2 followed by an “A.” The face and spine of the binders must be marked with the
3 case name and number, the volume number, and the number range of the exhibits
4 in the binder. Each binder must contain an index of the exhibits included in the
5 volume. All of the exhibits must have official exhibit tags attached that bear the
6 same number shown on the exhibit list. Exhibit tags may be obtained from the
7 Clerk’s Office. Digital exhibit tags are also available on the Court’s website
8 under Court Forms > General forms > Form G-14A (plaintiff) and G-14B
9 (defendant);

10 b. A bench copy prepared in the same manner, but without exhibit
11 tags.

12 D. TRIAL

13 1. Trial days are Tuesday through Friday from 8:00 a.m. to 2:00 p.m. with
14 three fifteen-minute breaks. If the Court is engaged in a jury trial, this court trial
15 may be conducted during the afternoons if the parties prefer that approach to a
16 continuance.

17 2. All orders for transcripts must be ordered through the court reporter, Pat
18 Cuneo, who can be contacted through www.patcuneo.com.

19 **III.**

20 **CONDUCT OF ATTORNEYS AND PARTIES**

21 A. OPENING STATEMENTS, EXAMINING WITNESSES, AND
22 SUMMATION

23 1. Counsel must use the lectern for opening statements, examination of
24 witnesses, and summation.

25 2. Counsel must not consume time by writing out words, drawing charts or
26 diagrams, etc. Counsel may do so in advance.

27 3. The Court will establish reasonable time estimates for opening
28 statements and closing arguments, examination of witnesses, etc.

1 B. OBJECTIONS TO QUESTIONS

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

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

7 C. GENERAL DECORUM

8 1. Counsel should not approach the CRD or the witness box without
9 specific permission. If permission is given, counsel should return to the lectern
10 when their purpose has been accomplished. Counsel should not question a
11 witness at the witness stand.

12 2. Counsel should rise when addressing the Court, and when the Court
13 enters or leaves the courtroom.

14 3. Counsel should address all remarks to the Court. Counsel are not to
15 address the CRD, the court reporter, persons in the audience, or opposing counsel.
16 If counsel wish to speak with opposing counsel, counsel must ask permission to
17 do so. Any request for the re-reading of questions or answers must be addressed
18 to the Court. Such requests should be limited and are not likely to be granted.

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

22 5. Counsel must not offer a stipulation unless counsel has conferred with
23 opposing counsel and has verified that the stipulation will be acceptable.

24 6. While Court is in session, counsel must not leave counsel table to confer
25 with any personnel or witnesses in the back of the courtroom unless permission
26 has been granted in advance.

27 7. Counsel should not by facial expression, nodding, or other conduct
28 exhibit any opinion, adverse or favorable, concerning any testimony being given

1 by a witness. Counsel should admonish counsel's own clients and witnesses to
2 avoid such conduct.

3 8. Where a party has more than one lawyer, only one may conduct the
4 direct or cross-examination of a particular witness, or make objections as to that
5 witness.

6 D. PROMPTNESS OF COUNSEL AND WITNESSES

7 1. The Court makes every effort to begin proceedings at the time set.
8 Promptness is expected from counsel and witnesses. Once counsel are engaged in
9 trial, the trial is counsel's first priority. The Court will not delay the trial except
10 under extraordinary circumstances. The Court will advise other courts that
11 counsel are engaged in trial in this Court on request.

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

15 3. Counsel must notify the CRD in advance if any witness should be
16 accommodated based on a disability or for other reasons.

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

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

25 E. EXHIBITS

26 1. Each counsel should keep counsel's own list of exhibits and should note
27 when each has been admitted into evidence.

28 2. Each counsel is responsible for any exhibits that counsel secures from

1 the CRD and must return them before leaving the courtroom at the end of the
2 session.

3 3. An exhibit not previously marked should, at the time of its first mention,
4 be accompanied by a request that the CRD mark it for identification. To save
5 time, counsel must show a new exhibit to opposing counsel before it is mentioned
6 in Court.

7 4. Counsel are to advise the CRD of any agreements they have with respect
8 to the proposed exhibits and as to those exhibits that may be received so that no
9 further motion to admit need be made.

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

12 6. Counsel must not ask witnesses to draw charts or diagrams nor ask the
13 Court's permission for a witness to do so. If counsel wishes to question a witness
14 in connection with graphic aids, the material must be fully prepared before the
15 court session starts.

16 F. DEPOSITIONS

17 1. All depositions to be used at trial, either as evidence or potentially for
18 impeachment, must be with the CRD on the first day of trial or such earlier date as
19 the Court may order. Counsel should verify with the CRD that the relevant
20 deposition is in the CRD's possession.

21 2. In using depositions of an adverse party for impeachment, either one of
22 the following procedures may be adopted:

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

28 b. If counsel wishes to ask the witness further questions on the

1 subject matter, the deposition is placed in front of the witness and the witness is
2 told to read silently the pages and lines involved. Then counsel may either ask the
3 witness further questions on the matter and thereafter read the quotations, or read
4 the quotations and thereafter ask further questions. Counsel should have an extra
5 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
8 testimony of the witness while the examining lawyer asks the questions, or (b)
9 have counsel read both the questions 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
13 requests for admissions extracted from one or more lengthy documents, counsel
14 should prepare a new document listing each question and answer, and identifying
15 the document from which it has been extracted. Copies of this new document
16 should be given to the Court and opposing counsel.

17 H. ADVANCE NOTICE OF DIFFICULT OR UNUSUAL ISSUES

18 If any counsel has reason to anticipate that a difficult or unusual question of
19 law or evidence will necessitate legal argument requiring research or briefing,
20 counsel must give the Court advance notice. Counsel are directed to notify the
21 CRD at the day's adjournment if an unexpected legal issue arises. *N.B.*

22 **“COUNSEL,” AS USED IN THIS ORDER, INCLUDES PARTIES**
23 **APPEARING *IN PROPRIA PERSONA*.**

24 IT IS SO ORDERED.

25
26 DATED:

27 _____
Dale S. Fischer
United States District Judge

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff(s),
vs.
Defendant(s).

CASE NO.

EXHIBIT LIST

SAMPLE FORMAT

EX. No.	DESCRIPTION	IDENTIFIED	ADMITTED

JOINT TRIAL WITNESS ESTIMATE FORM

CASE: _____

TRIAL DATE: _____

	WITNESS NAME	PARTY CALLING WITNESS AND ESTIMATE	X-EXAMINER'S ESTIMATE	DESCRIPTION OF TESTIMONY	COMMENTS
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2					
3					
4					
5					
6					
7					
8					
9					
10					
	TOTAL ESTIMATES THIS PAGE:				

Instructions:

(1) List witnesses (last name first); (2) For description, be extremely brief, e.g., "eyewitness to accident" or "expert on standard of care;" (3) Use estimates within fractions of an hour, rounded off to closest quarter of an hour, e.g., if you estimate 20 minutes, make it .25. An estimate of one and one-half hours would be 1.5. An estimate of three-quarters of an hour would be .75; (4) Note special factors in "Comments" column, e.g., "Needs interpreter;" (5) Entries may be in handwriting if very neat and legible.