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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 XXX,

12 Plaintiff(s),

13 v.

14 XXX,

15 Defendant(s).  
16

Case No. CV

FMO (\_\_\_x)

**ORDER RE: JURY TRIAL PROCEDURES  
and REQUIREMENTS**

17 A. Generally.

18 On the first day of trial, **counsel must appear at 8:45 a.m.** to discuss preliminary matters  
19 with the court. The jury panel will be called when the court is satisfied that the matter is ready for  
20 trial. Jury selection usually takes only a few hours. Counsel should be prepared to proceed with  
21 opening statements and witness examination immediately after jury selection.

22 B. Voir Dire.

23 1. The court will conduct the voir dire. In most cases, the court will conduct its  
24 initial voir dire of 20 to 24 prospective jurors. Generally, the court will select eight jurors.

25 2. Each side will have three peremptory challenges. After all peremptory  
26 challenges have been exercised, the eight jurors in the lowest numbered seats will be the  
27 jury. The court will not necessarily accept a stipulation to a challenge for cause. If one or  
28 more challenges for cause are accepted, and all six peremptory challenges are exercised,

1 the court may decide to proceed with six or seven jurors.

2 C. Opening Statements, Examining Witnesses, and Summation.

- 3 1. Counsel must use the lectern at all times.
- 4 2. Counsel shall not discuss the law or argue the case in opening statements.
- 5 3. Counsel must not consume time by writing out words, drawing charts or
- 6 diagrams, etc. Counsel must prepare such materials in advance.
- 7 4. The court may set time limits for opening and closing arguments, examination
- 8 of witnesses, etc.

9 D. Objections to Questions.

- 10 1. Counsel must not use objections to make a speech, recapitulate testimony,
- 11 or attempt 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
- 14 further, counsel must ask for permission to do so.

15 E. General Decorum.

- 16 1. Counsel should not approach the Courtroom Deputy Clerk ("CRD") or the
- 17 witness box, or enter the well of the court, without specific permission and must return to
- 18 the lectern when the purpose for approaching has been accomplished.
- 19 2. Counsel should rise when addressing the court and when the court or the jury
- 20 enters or leaves the courtroom, unless directed otherwise.
- 21 3. Counsel should address all remarks to the court. Counsel are not to address
- 22 the CRD, the court reporter, persons in the audience, or opposing counsel. If counsel wish
- 23 to speak with opposing counsel, counsel must ask permission to do so. Any request for
- 24 the re-reading of questions or answers or to have an exhibit placed in front of a witness
- 25 shall be addressed to the court.
- 26 4. Counsel should not address or refer to witnesses or parties by first names
- 27 alone, with the exception of witnesses under 14 years of age.
- 28

1           5. Counsel must not offer a stipulation unless counsel have conferred with  
2 opposing counsel and have verified that the stipulation will be acceptable.

3           6. While court is in session, counsel must not leave the counsel table to confer  
4 with any person in the back of the courtroom unless permission has been granted in  
5 advance.

6           7. Counsel shall not make facial expressions; nod or shake their heads;  
7 comment; or otherwise exhibit in any way any agreement, disagreement, or other opinion  
8 or belief concerning the testimony of a witness. Counsel shall admonish their clients and  
9 witnesses not to engage in such conduct.

10          8. Counsel should not talk to jurors at all, and should not talk to co-counsel,  
11 opposing counsel, witnesses, or clients where the conversation can be overheard by jurors.  
12 Each counsel shall admonish his or her clients and witnesses to avoid such conduct.

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

15          10. Water is permitted in the courtroom. Food is not permitted in the courtroom.

16 F. Promptness of Counsel and Witnesses.

17          1. Promptness is expected from counsel and witnesses. The court will not delay  
18 the trial or inconvenience jurors.

19          2. If a witness was on the stand at a recess or adjournment, counsel who called  
20 the witness shall ensure that the witness is back on the stand and ready to proceed when  
21 trial resumes.

22          3. Counsel must notify the CRD in advance if any witness needs to be  
23 accommodated based on a disability or for other reasons.

24          4. No presenting party may be without a witness. If a party's remaining  
25 witnesses are not immediately available and there is more than a brief delay, the court may  
26 deem that party to have rested.

27          5. The court will attempt, except in extraordinary circumstances, to  
28 accommodate professional witnesses by permitting them to be called out of sequence.

Counsel must anticipate any such possibility and discuss it with opposing counsel. If there is an objection, counsel must confer with the court in advance.

G. Trial Exhibits.

Exhibits must be placed in three-ring binders indexed by exhibit number with tabs or dividers on the right side. The spine portion of the binder shall indicate the volume number **and** contain an index of each exhibit included in the volume. Plaintiff shall be responsible for submitting hard copies of all trial exhibits as follows:

1. On the **first day of trial**, plaintiff shall submit to the CRD four (4) three-ring binders, one of which contains the **original exhibits** to be used at trial (except those to be used for impeachment only) with official exhibit tags attached and bearing the same number shown on the exhibit list. The other three-ring binders shall contain **copies** of each exhibit, tabbed with exhibit numbers, for use by the court and the witness.

2. Exhibit tags may be obtained from the Clerk's Office, located on the fourth floor of the First Street Courthouse. Plaintiff shall use yellow tags and defendant shall use blue tags. Digital exhibit tags are also available on the Court's website under Court Forms > General forms > Form G-14A (plaintiff) and G-14B (defendant). Digital exhibit tags may be used in lieu of tags available from the Clerk's Office. The tags shall be stapled to the upper right-hand corner of each exhibit with the case number, case name, and exhibit number placed on each tag. Exhibits shall be numbered 1, 2, 3, etc., **not** 1.1, 1.2, 1.3, etc. The defense exhibit numbers shall not duplicate plaintiff's numbers. When referring to an exhibit, counsel should refer to its exhibit number. Witnesses should be asked to do the same.

3. Each counsel shall keep counsel's own list of exhibits and should note when each exhibit has been admitted into evidence (if not already admitted pursuant to the pretrial exhibit stipulation). Counsel shall designate any "blow-up" enlargement of an existing exhibit with the number of the original exhibit followed by an "A."

4. Admitted exhibits will be given to the jury during deliberations. Counsel shall review all admitted exhibits with the CRD before the jury retires to begin deliberations. Any

1 party who fails to review or raise objections to the exhibits that will be sent to the jury will  
2 be deemed to have waived any objections or arguments regarding improper exhibits being  
3 sent to the jury.

4 5. Where a significant number of exhibits will be admitted, the court encourages  
5 counsel, preferably by agreement, to consider ways in which testimony about exhibits may  
6 be made intelligible to the jury while it is presented. For example, counsel should consider  
7 using courtroom technology or other devices, such as jury notebooks for admitted exhibits.  
8 Information concerning the availability, training, and use of courtroom technology is  
9 available on the Central District's website. The court does not permit exhibits to be  
10 "published" by passing them up and down the jury box. Exhibits may be displayed briefly  
11 using the screens in the courtroom, unless the process becomes too time-consuming.

12 6. Each counsel is responsible for any exhibits that counsel secures from the  
13 CRD and must return them before leaving the courtroom at the end of the session.

14 7. An exhibit not previously marked should, at the time of its first mention, be  
15 accompanied by a request that it be marked for identification. **Counsel must show a new**  
16 **exhibit to opposing counsel before the court session in which it is mentioned.**

17 8. Counsel must advise the CRD of any agreements with respect to the  
18 proposed exhibits and as to those exhibits that may be received without further motion.

19 9. Counsel must neither ask witnesses to draw charts or diagrams nor ask the  
20 court's permission for a witness to do so. Any graphic aids must be fully prepared before  
21 the court session starts.

22 H. Depositions.

23 1. The parties shall submit to the CRD all depositions that they intend to use as  
24 substantive evidence at trial (i.e., not merely for impeachment purposes) **on the first day**  
25 **of trial or such earlier date as the court may order**, with all objections noted in the  
26 margins. Counsel should verify with the CRD that the relevant deposition is in the CRD's  
27 possession.

28 2. Where a witness is absent and the witness's testimony is offered by

1 deposition, counsel may: (a) have a reader occupy the witness chair and read the  
2 testimony of the witness while the examining lawyer asks the questions; or (b) have  
3 counsel read both the questions and answers.

4 3. In using depositions for impeachment, either one of the following procedures  
5 may be adopted:

6 a. If counsel wishes to read the questions and answers as alleged  
7 impeachment and ask the witness no further questions on that subject, counsel shall  
8 first state the page and line where the reading begins and the page and line where  
9 the reading ends, and allow time for any objection. Counsel may then read the  
10 portions of the deposition into the record.

11 b. If counsel wishes to ask the witness further questions on the subject  
12 matter, the deposition shall be placed in front of the witness and the witness shall  
13 be told to read the relevant pages and lines silently. Then counsel may: (a) ask the  
14 witness further questions on the matter and thereafter read the quotations; or (b)  
15 read the quotations and thereafter ask further questions. Counsel should have an  
16 extra copy of the deposition for this purpose.

17 I. Interrogatories and Requests for Admissions.

18 Whenever counsel expects to offer a group of answers to interrogatories or requests for  
19 admissions extracted from one or more lengthy documents, counsel must prepare a new  
20 document listing each question and answer and identifying the document from which it has been  
21 extracted. Copies of this new document should be given to the court and opposing counsel.

22 J. Advance Notice of Unusual or Difficult Issues.

23 If any counsel have reason to anticipate that a difficult question of law or evidence will  
24 necessitate legal argument requiring research or briefing, counsel must give the court advance  
25 notice. Counsel are directed to notify the CRD at the day's adjournment if an unexpected legal  
26 issue arises that could not have been foreseen and addressed by a motion in limine. Counsel  
27 must also advise the CRD at the end of each trial day of any issues that must be addressed  
28 outside the presence of the jury, so that there is no interruption of the trial. **The court will not**

**keep jurors waiting.**

Dated: July 2025.

/s/

Fernando M. Olguin  
United States District Judge