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

Case No.: CV - JLS(XXXx)

Plaintiff/s,

CIVIL TRIAL ORDER

v.

Defendant/s.

**PLEASE READ THIS ORDER CAREFULLY.
IT GOVERNS THIS CASE AND DIFFERS IN SOME RESPECTS
FROM THE LOCAL RULES.**

This case has been assigned to the calendar of Judge Josephine L. Staton. Both the Court and counsel bear responsibility for the progress of this litigation in federal court. To “secure the just, speedy, and inexpensive determination” of this case, as called for in Federal Rule of Civil Procedure 1, all parties or their counsel are ordered to become familiar with the Federal Rules of Civil Procedure, the Local Rules of the Central District of California, and this Court’s Orders.

1 **THE COURT ORDERS AS FOLLOWS:**

2 Judge Staton's Procedures web page is incorporated in this Order.

3 The parties and counsel are ORDERED to review and comply with those
4 procedures and notices, which may be accessed at:

5 <http://www.cacd.uscourts.gov/honorable-josephine-l-staton>

6 **I. SCHEDULING**

7 **A. Deadline for Adding Parties:** The last day to file a motion to join other
8 parties or to amend the pleadings is specified in the Scheduling Order. All unserved
9 parties shall be dismissed no later than the date set for the Final Pretrial Conference.

10 **B. Motions for Summary Judgment or Partial Summary Judgment:**
11 Motions for Summary Judgment or Partial Summary Judgment shall be filed no later than
12 the last day for filing motions, as set forth in the Scheduling Order.

13 **C. Fact Discovery Cut-Off Date:** The Scheduling Order establishes a cut-off
14 date for discovery in this action. This is not the date by which discovery requests must be
15 served; it is the date by which all discovery is to be completed. In accordance with
16 Federal Rule of Civil Procedure 16(b)(4), the Court will not approve stipulations between
17 counsel that permit responses to be served after the cut-off date unless the parties show
18 good cause.

19 **D. Discovery Motions:** Any motion regarding the inadequacy of responses to
20 discovery must be filed and served not later than ten (10) days after the discovery cut-off
21 date. Whenever possible, the Court expects counsel to resolve discovery problems among
22 themselves in a courteous, reasonable, and professional manner. The Court expects that
23 counsel will strictly adhere to the Civility and Professional Guidelines adopted by the
24 United States District Court for the Central District of California.

25 **E. Expert Discovery:** The Court sets a separate expert discovery cut-off date.
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1 **II. FINAL PRETRIAL CONFERENCE**

2 This case has been placed on calendar for a Final Pretrial Conference pursuant to
3 Federal Rule of Civil Procedure 16. Strict compliance with the requirements of the
4 Federal Rules of Civil Procedure and the Local Rules is mandatory. Counsel shall lodge
5 carefully prepared Memoranda of Contentions of Fact and Law (which may also serve as
6 the trial briefs) and a (Proposed) Final Pretrial Conference Order in accordance with the
7 provisions of Local Rules 16-4 and 16-7. The Memoranda of Contentions of Fact and
8 Law will be served no later than twenty-one (21) calendar days before the Final Pretrial
9 Conference. *See* Local Rule 16-4. The (Proposed) Final Pretrial Conference Order shall
10 be lodged no later than eleven (11) calendar days before the Final Pretrial Conference.
11 *See* Local Rule 16-7. The form of the (Proposed) Final Pretrial Conference Order shall
12 be in conformity with the form set forth in Appendix A to the Local Rules. Counsel are
13 directed to email to the Court a Microsoft Word version of the (Proposed) Final Pretrial
14 Conference Order on the date it is lodged.

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16 **III. TRIAL PREPARATION**

17 The Court ORDERS that all counsel comply with the following in their
18 preparation for trial:

19 **A. Daubert Motions:** The deadline for *Daubert* motions is one week after the
20 close of expert discovery. *Daubert* motions are to be noticed for hearing on the first
21 available civil motions hearing date. If no dates are available before the Final Pretrial
22 Conference, then they may be set for the same date and time as the Final Pretrial
23 Conference.

24 **B. Motions in Limine:** Motions in limine must be filed no later than twenty-
25 eight (28) days in advance of the Final Pretrial Conference. Generally, they are to be
26 noticed for hearing at the time and date of the Final Pretrial Conference. They may be
27 noticed for hearing at an earlier date. The purpose of these motions is to alert the Court
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1 to significant evidentiary issues that can be addressed and resolved prior to trial. All
2 motions in limine must be filed and served in compliance with Local Rule 6-1, and the
3 briefing schedule is that specified in Local Rules 7-9 through 7-10.

4 **C. Statement of the Case (Jury Trials):** Counsel will prepare a joint
5 statement of the case which may be read by the Court to the prospective panel of jurors
6 prior to the commencement of voir dire. The statement should not be more than two or
7 three paragraphs. The statement will be filed with the Court five (5) court days before
8 the Final Pretrial Conference.

9 **D. Voir Dire (Jury Trials):** At least five (5) court days before the Final
10 Pretrial Conference, each counsel shall file with the Court any special questions
11 requested to be put to prospective jurors on voir dire.

12 **E. Witness List:** The witness list will be filed no later than five (5) court days
13 prior to the Final Pretrial Conference. Counsel are to submit the names of the witnesses
14 in the order that they are expected to testify, and provide, to the extent possible, an
15 accurate estimate of the time needed for each witness for direct, cross, redirect and re-
16 cross. Counsel will also provide a brief summary of each witness' testimony. If more
17 than one witness is offered on the same subject, the summary should be sufficiently
18 detailed to allow the Court to determine if the testimony is cumulative. A joint witness
19 list will be prepared in compliance with the example below and Local Rule 16-5.

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21 JOINT WITNESS LIST

22 Case Name:

23 Case Number:

24 No. of Witness	Witness Name	Party Calling Witness and Estimate	X- Examiner's Estimate	Description of Testimony	Comments
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1 **Instructions for Witness List**

2 (1) List witnesses (last name first); (2) for description, be extremely brief, *e.g.*,
3 “eyewitness to accident,” or “expert on standard of care”; (3) use estimates within
4 fractions of an hour, rounded off to closest quarter of an hour (*e.g.*, 25 minutes becomes
5 .5 hour, and 45 minutes would be .75 hour); (4) note special considerations in
6 “Comments” column (*e.g.*, “needs interpreter”); and (5) entries may be in handwriting
7 **only** if the handwriting is very neat and legible.

8 **F. Jury Instructions and Verdict Form(s):** In a jury trial, jury instructions
9 and special verdict form(s) are to be filed no later than five (5) court days prior to the
10 Final Pretrial Conference. The parties are to meet and confer sufficiently in advance of
11 the required filing deadline to prepare joint jury instructions. The instructions should be
12 submitted in the order in which the parties wish to have the instructions read. This order
13 should reflect a single organized sequence agreed to by all of the parties.

14 In the event that agreement cannot be reached, counsel will file instructions in the
15 following format: (1) the agreed-upon instructions; (2) the instructions proposed by
16 plaintiff and opposed by defendant; and (3) the instructions proposed by defendant and
17 opposed by plaintiff. In addition, counsel must submit electronic versions (in Microsoft
18 Word format) to the Court at the following email address:

19 JLS_Chambers@cacd.uscourts.gov

20 Instructions upon which agreement cannot be reached should reflect the basic
21 disagreements among the parties as to the law. For disputed instructions, a party should
22 note its objections to a proposed instruction and its reasons for putting forth its alternative
23 on pages placed after its own alternative instruction.

24 **G. Exhibits and Exhibit Conference:**

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

JOINT EXHIBIT LIST

Case Name:

Case Number:

No. of Exhibit	Description	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted

The joint exhibit list shall contain the information required by Federal Rule of Civil Procedure 26(a)(3)(A). The joint exhibit list will be filed no later than five (5) court days prior to the Final Pretrial Conference, and the parties are to meet and confer sufficiently in advance of the required filing deadline to prepare the joint exhibit list. As part of the meet and confer process, counsel will stipulate so far as is possible as to foundation, waiver of the best evidence rule, and to those exhibits which may be received into evidence at the start of trial. The exhibits to be so received will be noted on the extra copies of the exhibit lists.

2. Exhibit Preparation: All exhibits will be placed in 3-ring loose-leaf binders with divider tabs containing exhibit numbers. The exhibits are to be numbered in accordance with Local Rule 26-3. The face and spine of the notebooks are to be marked with the case name and number, the numbers of the exhibits contained therein, and the volume number. The parties are to provide a set of binders with the original exhibits. The parties shall also provide one additional set of binders containing copies of the original exhibits. Both sets must be provided to the Courtroom Deputy Clerk at the Exhibit Conference.

The original set must be prepared and organized as follows: The original exhibits shall have the appropriate exhibit tag affixed to the lower right-hand corner of the first page of each original exhibit. Exhibits consisting of more than one page shall be internally paginated in the lower right-hand corner, displaying *both* the exhibit number *and* the page number. The original exhibits shall be separated by tabs that indicate their

1 exhibit numbers.

2 The additional copy of the exhibits must also be separated by tabs that indicate
3 their exhibit numbers.

4 **3. Exhibit Conference:** AN EXHIBIT CONFERENCE REQUIRING THE
5 ATTENDANCE OF TRIAL COUNSEL WILL BE HELD AT 3:30 P.M. ON THE
6 FRIDAY BEFORE THE SCHEDULED TRIAL DATE IN COURTROOM 10A,
7 UNLESS THE COURT ORDERS OTHERWISE. Exhibits are to be submitted to the
8 Courtroom Deputy Clerk at the time of the Exhibit Conference.

9 **H. Findings of Fact and Conclusions of Law (Court Trials):**

10 Notwithstanding Local Rule 52, for any matter requiring findings of fact and conclusions
11 of law, unless otherwise expressly ordered by the Court,¹ counsel will be required to file
12 (Proposed) Findings of Fact and Conclusions of Law *after the conclusion of the trial.*

13 The proposed Findings of Fact must include citations to admitted evidence. Where
14 witness trial testimony is necessary to establish a given fact, the party must obtain a
15 transcript of the proceedings and file relevant excerpts of those transcripts with the
16 (Proposed) Findings of Fact and Conclusions of Law. In addition to filing, counsel must
17 email Microsoft Word versions of their (Proposed) Findings of Fact and Conclusions of
18 Law to the chambers email address.

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20 **IV. ATTORNEY AND PARTY CONDUCT AT TRIAL**

21 **A. Trial Schedule:** Unless otherwise ordered, trials will commence on
22 Tuesday and continue on Wednesday and Thursday. If the trial is more than 3 days, it
23 will continue Monday through Thursday until completed. Trial hours are from 9:00 a.m.
24 to 12:00 p.m., and 1:30 p.m. to 4:30 p.m., with a 15-minute break during each session.

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28 ¹ For example, the Court frequently sets a different deadline for cases involving claims for
benefits under the Employee Retirement Income Security Act of 1974 (“ERISA”).

1 **B. Trial Conduct:**

2 **1. Jury Selection:** The Court utilizes the “Arizona blind strike” method.

3 *See United States v. Harper*, 33 F.3d 1143, 1145 (9th Cir. 1994). Under that method, the
4 Court conducts voir dire of the entire jury panel, then permits limited voir dire by
5 counsel. After potential jurors are excused for cause, counsel for each side
6 simultaneously submit their peremptory challenges in writing. The Court then eliminates
7 the subjects of the peremptory challenges and selects the eight lowest numbered
8 remaining panel members as the jury. Prior to the voir dire examination of the jury
9 venire, counsel for each side will give a “mini opening” statement lasting no longer than
10 three to five minutes that summarizes the case.

11 **2. Opening Statements, Examining Witnesses, and Summation:**

12 **a.** Opening statements, examination of witnesses, and summation
13 will be from the lectern only. Counsel must not consume time by writing out words or
14 drawing charts or diagrams. Counsel may do so in advance and explain that the item was
15 prepared earlier as ordered by the Court to save time.

16 **b.** At the end of each day, counsel presenting his or her case shall
17 advise opposing counsel of the witnesses anticipated the following day with an estimate
18 of the length of direct examination. Opposing counsel shall provide an estimate of the
19 length of cross-examination. Cooperation of counsel will ensure a smooth flow of
20 witnesses. It is the responsibility of all counsel to arrange the appearance of witnesses in
21 order to avoid delay.

22 **3. Time Estimates:** The Court will honor reasonable time estimates for
23 opening and closing addresses to the jury.

24 **4. No *Ad Seriatim* Examination:** Where a party has more than one lawyer,
25 only one may conduct the direct or cross-examination of a given witness.

26 **5. Witness Testifying at a Break:** If a witness is on the stand when a
27 recess is taken, it is counsel’s duty to have the witness back on the stand, ready to
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1 proceed, when the Court session resumes.

2 **6. Witness Testifying at Adjournment:** If a witness was on the stand at
3 adjournment, it is counsel’s duty to have the witness adjacent to, but not on, the stand,
4 ready to proceed when the Court session resumes.

5 **7. Witness Disability Accommodation:** It is counsel’s duty to notify the
6 Courtroom Deputy Clerk in advance if any witness requires use of the available
7 automated platform to ascend to the witness stand.

8 **8. Witnesses Testifying out of Sequence:** The Court attempts to
9 accommodate physicians, scientists, and all other professional witnesses and will, except
10 in extraordinary circumstances, permit them to testify out of sequence. Counsel must
11 anticipate any such possibility and discuss it with opposing counsel. If there is objection,
12 counsel shall confer with the Court in advance.

13 **9. Objections and General Decorum:**

14 **a.** When objecting, counsel must rise to state the objection and state
15 only that counsel objects and the legal ground of objection. If counsel wishes to argue an
16 objection further, counsel must ask for permission to do so; the Court may or may not
17 grant a request for conference at sidebar. The Court strongly discourages sidebars
18 because they represent an inefficient use of jury time when matters can be anticipated.

19 **b.** Counsel must not approach the Courtroom Deputy Clerk or the
20 witness stand without specific permission. When permission is given, please return to the
21 lectern when the purpose of the permission is finished. Counsel must not engage in
22 questioning a witness at the witness stand.

23 **c.** Counsel must address all remarks to the Court. Counsel are not to
24 address the Courtroom Deputy Clerk, the Court Reporter, persons in the audience, or
25 opposing counsel. If counsel wishes to speak with opposing counsel, counsel must ask
26 permission to talk off the record. Any request for the re-reading of questions or answers
27 shall be addressed to the Court.

1 d. Counsel must not make an offer of stipulation unless counsel has
2 conferred with opposing counsel and has reason to believe the stipulation will be
3 acceptable.

4 e. It is counsel's duty of the first day of trial to advise the Court of
5 any commitments that may result in counsel's absence or late arrival.

6 **10. Exhibits:**

7 a. Each counsel should keep counsel's own list of exhibits and
8 should keep track when each has been admitted in evidence.

9 b. Each counsel is responsible for any exhibits that counsel secures
10 from the Courtroom Deputy Clerk and, during all recesses and noontime and afternoon
11 adjournments, counsel must return all exhibits in counsel's possession to the Courtroom
12 Deputy Clerk.

13 c. Where an exhibit is not previously marked, it must be marked by
14 counsel at the time of its first mention. To save time, counsel must show a new exhibit to
15 opposing counsel before it is mentioned in Court.

16 d. Counsel should move exhibits into evidence as soon as
17 admissibility is established, while they are freshly in the minds of all participants. If
18 there is an objection, the motion to admit will be dealt with at the next available recess.
19 In jury trials, no exhibit shall be read or displayed to the jury until admitted.

20 e. Absent unusual circumstances, counsel must not ask witnesses to
21 draw charts or diagrams nor ask the Court's permission for a witness to do so. If counsel
22 wishes to question a witness in connection with graphic aids, the material must be fully
23 prepared before the court session starts.

24 **11. Depositions:**

25 a. All depositions that will be used in the trial, either as evidence or
26 for impeachment, must be signed and lodged with the Courtroom Deputy Clerk on the
27 first day of trial or such earlier date as the Court may order. For any deposition in which
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1 counsel is interested, counsel should check with the Courtroom Deputy Clerk to confirm
2 that the Courtroom Deputy Clerk has the transcript and that the transcript is properly
3 signed.

4 **b.** When using depositions of an adverse party for impeachment,
5 counsel shall first announce both the beginning and ending page and line references of
6 the passage desired to be read, and allow opposing counsel an opportunity to state any
7 objection. Counsel shall use either of the following procedures:

8 **i.** If counsel wishes to read the questions and answers as
9 alleged impeachment and ask the witness no further questions on that subject, counsel
10 may merely read the relevant portions of the deposition into the record.

11 **ii.** If counsel wishes to ask the witness further questions on
12 the subject matter, the deposition is placed in front of the witness and the witness is told
13 to read silently the pages and lines involved. Then counsel may either ask the witness
14 further questions on the matter and thereafter read the quotations or read the quotations
15 and thereafter ask further questions. Counsel should have an extra copy of the deposition
16 for this purpose.

17 **c.** Where a witness is absent and the witness' testimony is offered by
18 deposition, please observe the following procedure: A reader should occupy the witness
19 chair and read the testimony of the witness while the examining lawyer asks the
20 questions.

21 **12. Advance Notice of Evidentiary or Difficult Questions:**

22 If counsel has reason to anticipate that a difficult question of law or evidence will
23 raise legal argument, requiring research and/or briefing, counsel must give the Court
24 advance notice. Counsel are directed to notify the Courtroom Deputy Clerk at the day's
25 adjournment if an unexpected legal issue arises that could not have been foreseen and
26 addressed by a motion in limine (*see* Fed. R. Evid. 103). To the maximum extent
27 possible, such matters shall be taken outside normal trial hours (*e.g.*, recess, before or
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1 after the trial day).

2 **IT IS SO ORDERED.**

3 DATED:

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JOSEPHINE L. STATON
United States District Judge

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7 Revised: October 24, 2022

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