

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\_\_\_\_\_,

Defendant(s).

Case No.

**INITIAL STANDING ORDER FOR  
CRIMINAL CASES ASSIGNED TO  
JUDGE MARK C. SCARSI**

1 This case has been assigned to the calendar of Judge Mark C. Scarsi. Please read  
2 this Order carefully as it differs in some respects from the Local Rules. Counsel are  
3 advised that the Court, at any time, may amend one or more of its Standing Orders. It  
4 is the responsibility of counsel to refer to this Court's Procedures and Schedules found  
5 on the website for the United States District Court, Central District of California  
6 ([www.cacd.uscourts.gov](http://www.cacd.uscourts.gov)) to obtain the operative order. The Court thanks the parties  
7 and their counsel for their anticipated cooperation in carrying out these requirements.

8 The parties were referred to the Court's Procedures and Schedules to obtain a  
9 copy of this Order at the time of the Post Indictment Arraignment ("PIA") Hearing.  
10 Counsel shall comply with this Order, which is effective from the date of the PIA  
11 Hearing.

## 12 **A. GENERAL REQUIREMENTS**

### 13 **1. Formatting of Pleadings**

14 The caption title of every pleading shall contain the name of the first-listed  
15 defendant if the pleading applies to all defendants. If the document applies only to  
16 certain defendants, the caption shall list the name of the first defendant followed by the  
17 name(s) and number(s) of the remaining defendants involved (in the order listed on the  
18 docket).

19 In an effort to create a docket that is clear and that can be searched easily, the title  
20 of every pleading shall include the name of the defendant(s) to which it refers. However,  
21 if the pleading applies to all defendants or if there is only a single defendant, the name(s)  
22 of the defendant(s) do not need to appear in the title.

### 23 **2. Mandatory Chambers Copies**

24 Mandatory chambers copies are to be submitted pursuant to Local Civil Rule 5-  
25 4.5. The Court requires copies of only: (i) initial pleadings (information, indictment,  
26 superseding information or indictment); (ii) motion papers (motions, oppositions,  
27 replies, non-oppositions, and any related document); (iii) trial documents (joint  
28 statement of the case, proposed voir dire, jury instructions, verdict form, joint exhibit

1 list, joint witness list, and any disputes relating to any of the foregoing); (iv) plea  
2 agreements; and (v) sentencing position papers. Mandatory chambers copies must be  
3 delivered to the Clerk's Office, located on the fourth floor of the First Street Courthouse,  
4 no later than 12:00 p.m. on the court day following the filing of the document.

5 Mandatory chambers copies must be printed from CM/ECF, and must include the  
6 CM/ECF generated header (consisting of the case number, document control number,  
7 date of filing, page number, etc.). Any stapling or binding should not obscure the  
8 CM/ECF-generated header. The Court prefers that chambers copies not be two-hole  
9 punched or blue-backed; when possible, staple each copy only in the upper left hand  
10 corner.

## 11 **B. DISCOVERY**

12 Counsel shall comply promptly with discovery and notice pursuant to Rules 12–  
13 12.4 of the Federal Rules of Criminal Procedure. The Court orders the Government to  
14 produce the discovery it currently has in its possession within seven days from the date  
15 of the PIA Hearing. This includes: (a) the existence or non-existence of evidence  
16 obtained by electronic surveillance and testimony by a government informant; and (b)  
17 any evidence within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963) and related  
18 cases. Counsel are ordered to confer and file a joint report no later than 14 days from  
19 the date of the PIA Hearing, which shall include: (i) the status of discovery and whether  
20 the Government anticipates further discovery to be produced and the date by which it  
21 will be submitted to defendant(s); (ii) whether there are any disputes as to the discovery  
22 produced thus far; (iii) the anticipated motions to be filed by each party; (iv) whether  
23 the parties expect to proceed on the current trial date; and (v) the anticipated length of  
24 the trial.

25 The Government shall produce to defendant(s) the discovery related to evidence  
26 it seeks to introduce at trial no later than two (2) weeks prior to the scheduled trial date.  
27 If there is discovery related to trial evidence that is produced after this date, such  
28 evidence will not be admitted at trial subject to an ex parte application being filed by

1 the Government seeking such relief that is approved by the Court.

2 **C. CONTINUANCES**

3 Counsel requesting a continuance must e-file any application or stipulation with  
4 a proposed order, which shall include a detailed explanation of the grounds for the  
5 requested continuance or other extension of time. The Court will not consider any  
6 request that does not comply with the Local Rules and this Order. Applications or  
7 stipulations extending dates become effective only if, and when, approved by this Court  
8 and an associated order is entered. Counsel shall submit requests for a continuance at  
9 least seven calendar days prior to the scheduled date.

10 Stipulations for excludable time shall conform to the format and standards of this  
11 District.

12 **D. UNDER SEAL DOCUMENTS**

13 Counsel shall comply with Local Criminal Rule 49-1 with respect to serving and  
14 filing criminal documents under seal. All applications must provide the reason(s) why  
15 the parties' interest in maintaining the confidentiality of the document(s) outweighs the  
16 public's right of access to materials submitted in connection with a judicial proceeding.  
17 Counsel are ordered to meet and confer in person or by telephone at least seven calendar  
18 days prior to the filing of an application in which the basis for the requested sealing is  
19 stated to determine if they can agree on the proposed under seal filing. Not later than  
20 two calendar days after the meet and confer process has concluded, the non-proposing  
21 party shall confirm whether it agrees to having such information designated as  
22 confidential or whether it opposes an under seal filing. Any application for under seal  
23 filing, whether or not opposed, shall contain the dates and method by which the parties  
24 met and conferred. If such information is not provided, the application will be denied  
25 without prejudice to an amended application being filed that complies with the  
26 foregoing terms.

27 ///

1           **1. For Requests to Seal Documents Only, Not the Application and Order**

2           a. Electronically file the application to seal. The supporting declaration, proof of  
3 service, if applicable, and proposed order shall be attached to the application (standard  
4 procedure for filing application with a proposed order pursuant to Local Civil Rule 52-  
5 4.1).

6           b. Indicate which of the three following actions will be taken if the application is  
7 denied:

8           (i) Counsel will file the document(s) in their entirety for public view and  
9 consideration by the Court;

10          (ii) Counsel will contact the Courtroom Deputy Clerk to pick up the chambers  
11 copy(ies) of the document(s) within 24 hours; or

12          (iii) Counsel will request that the Courtroom Deputy Clerk destroy the chambers  
13 copy(ies) of the document(s).

14          *Note:* If counsel opt for (ii) above and do not contact the Courtroom Deputy Clerk within  
15 24 hours, the documents will be destroyed.

16          c. After electronically filing the application and related documents, email  
17 [mcs\\_chambers@cacd.uscourts.gov](mailto:mcs_chambers@cacd.uscourts.gov) with an attachment containing: (i) an Adobe PDF  
18 version of the application to seal with the CM/ECF-generated header; (ii) a Word or  
19 WordPerfect version of the proposed order (including the proposed action to be taken  
20 if the application is denied; and (iii) an Adobe PDF of the document(s) to be filed under  
21 seal with a caption page clearly marked “UNDER SEAL.” The subject line of the email  
22 should include: (a) the case number; (b) the name of the represented party; and (c) the  
23 words “UNDER SEAL REQUEST.” If the size of the email requires a second email  
24 that is a continuation of the under seal document(s), the subject line shall also include  
25 “Part 1” or “Part 2,” etc.

26          d. A non-blue backed, tabbed (if appropriate) mandatory paper chambers’ copy  
27 of the document(s) as listed above (together in one envelope) must be delivered to this  
28 Court’s courtesy box, located on the fourth floor of the First Street Courthouse, by noon

1 on the court day after submission. The envelope shall include the words “COURTESY  
2 COPIES FOR UNDER SEAL REQUEST.”

3 **2. For Requests to Seal the Application, Order and Document(s)**

4 a. Electronically file a NOTICE OF MANUAL FILING indicating that the  
5 following has been submitted to the Court: (i) an application to seal with the attached  
6 supporting declaration and proof of service, if applicable; (ii) a proposed order; and (iii)  
7 the documents to be placed under seal.

8 b. Send an email to [mcs\\_chambers@cacd.uscourts.gov](mailto:mcs_chambers@cacd.uscourts.gov) with an attachment  
9 containing: (i) an Adobe PDF version of the application to seal with the CM/ECF  
10 generated header; (ii) a Word or WordPerfect version of the proposed order (including  
11 the proposed action to be taken if the application is denied); and (iii) an Adobe PDF of  
12 the document(s) to be filed under seal with a caption page, clearly marked “UNDER  
13 SEAL.” The subject line of the email should include: (a) the case number; (b) the name  
14 of the represented party; and (c) the words “UNDER SEAL REQUEST.” If the size of  
15 the email requires a second email that is a continuation of the under seal document(s),  
16 the subject line shall also include “Part 1” or “Part 2,” etc.

17 c. A non-blue backed, tabbed (if appropriate) mandatory paper chambers’ copy  
18 of the documents listed above (all in one envelope) must be delivered to this Court’s  
19 courtesy box, located on the fourth floor of the First Street Courthouse, by noon on the  
20 court day after submission. The envelope shall include the words “COURTESY  
21 COPIES FOR UNDER SEAL REQUEST.”

22 **3. Other Important Information Regarding Applications to File Under**  
23 **Seal**

24 a. All documents and exhibits shall have a title/caption page pursuant to Local  
25 Civil Rule 11-3.8. Exhibits can either be attached to the document which refers to them  
26 or submitted as separate Adobe PDFs. Any separate filing shall also contain a title page,  
27 which shall indicate the exhibits attached thereto, e.g., “Exhibits 1-10 to Defendant’s  
28 Motion to Dismiss”.

1           b. The docket text shall reflect the exact title of the document. Therefore, if there  
2 is a known security risk with respect to the identification of a sealed document, the  
3 document text shall then reflect the name of the party and/or defendant and sealed type  
4 of document, i.e., JOHN DOE’S (2) SEALED MEMORANDUM or DEFENDANT’S  
5 SEALED STIPULATION. If the security risk is extreme, then the docket text may  
6 reflect the name of the party and/or defendant and sealed document, i.e.,  
7 GOVERNMENT’S SEALED [DOCUMENT].

8           c. Redacted documents shall conform to paragraph (b) above. However, the  
9 document shall include the word redacted in the title, i.e., JOHN DOE’S (2)  
10 MEMORANDUM [REDACTED].

11           d. Counsel shall make every effort to file a redacted version of a sealed document.  
12 If a redacted version of the document is not filed, counsel shall explain the reason in  
13 either the application or supporting declaration.

14           e. Any sealed document must clearly mark the information that is confidential or  
15 privileged via highlighting in color and/or using brackets.

16           f. Counsel shall adhere to Local Civil Rule 5-4.3.1 with respect to the size of the  
17 PDF and, prior to submitting any document(s) to the Court for consideration, shall  
18 review each such document to confirm that none is presented with any missing pages.

19           g. All PDF documents shall be searchable.

20           h. The Court will review the submitted documents and make a determination as  
21 to whether some or all the documents will remain under seal, made available on the  
22 public docket, and/or whether a redacted version is to be filed.

23 **E. HEARINGS**

24           All criminal matters are heard on Mondays at 3:00 p.m.

25 **1. Sentencing Hearings**

26           A sentencing hearing will be scheduled at the conclusion of the plea hearing. It  
27 will be scheduled for no less than 14 weeks after the plea hearing to permit the  
28 preparation of the presentence report. Both parties will be permitted to file a sentencing

1 brief, which is due no later than 14 days before the sentencing hearing. If either party  
2 does not intend to file a brief, the Courtroom Deputy Clerk shall be notified no less than  
3 14 prior to the sentencing Hearing.

4 Any request for a continuance shall be made no later than seven days prior to the  
5 date of the hearing.

6 The Court discourages the use of sentencing videos. If counsel believes a video  
7 is necessary, it should not be longer than 10 minutes. Videos will not be considered  
8 unless a transcript is provided.

## 9 **2. Change of Plea/Entry of Guilty Plea Hearings**

10 Counsel shall contact the Courtroom Deputy Clerk to set a date for the hearing.

### 11 a. Open Plea / Alford Plea

12 If the parties agree to proceed with an open plea, counsel shall confer and file a  
13 stipulation as to the factual basis no later than seven days prior to the hearing.

### 14 b. Superseding Information or Indictment

15 A superseding information or indictment shall not be attached to the end of the  
16 plea agreement. It shall be filed pursuant to the Local Rules and have its own docket  
17 entry. Counsel will be referred to PIA to be arraigned on the new charges.

## 18 **F. MOTIONS / MOTIONS IN LIMINE**

19 All motions shall be filed 14 days prior to the hearing date. The supporting  
20 memorandum shall not exceed 10 pages. Any opposition shall be filed seven days prior  
21 to the hearing date and shall not exceed 10 pages. The Court does not require a reply.  
22 However, if a party elects to file one, it shall be filed three days prior to the hearing date  
23 by 12:00 p.m., and shall not exceed five pages. Proposed orders for motions are not  
24 required to be filed.

25 The Court hears all motions in limine, which shall be numbered sequentially by  
26 each party who presents them, at the time of the Final Pretrial Conference.

27 The last day to hear motions is the date of the Final Pretrial Conference. All  
28 motions shall be set in accordance with this Order and the Local Rules.

1 **G. TRIAL REQUIREMENTS**

2 No later than 14 days before the Final Pretrial Conference, counsel shall file the  
3 following:

4 **1. Statement of the Case**

5 Counsel shall meet and confer 21 calendar days prior to the Final Pretrial  
6 Conference to determine if, in lieu of a Joint Statement of the Case, they will stipulate  
7 to having each side make a brief (less than five minute) mini-opening statement to the  
8 panel of prospective jurors prior to the commencement of voir dire. Such mini-opening  
9 statements are not to be argument, but rather a summary of the evidence that each side  
10 intends to present. If all parties do not stipulate to the use of mini-opening statements,  
11 they shall meet and confer and seek to reach agreement on a Joint Statement of the Case  
12 to be read by the Court to the panel of prospective jurors prior to the commencement of  
13 voir dire. Counsel shall file the joint statement of the case no later than 14 calendar days  
14 prior to the Final Pretrial Conference. If the parties cannot agree on such a joint  
15 statement, they shall file a “Disputed Joint Statement of the Case,” which shall include  
16 each party’s respective proposed statement, together with a “redline” comparing the  
17 parties’ respective statements. The parties shall deliver a courtesy copy pursuant to  
18 Local Civil Rule 5-4.5. A final version of the joint statement shall be provided to the  
19 Court on the first day of trial.

20 **2. Voir Dire**

21 Counsel may submit proposed voir dire questions that are unique to the particular  
22 trial. Each party may file their respective questions 14 calendar days prior to the Final  
23 Pretrial Conference.

24 **3. Witness List**

25 The Government shall file in camera a witness list no later than 14 calendar days  
26 prior to the Final Pretrial Conference. The list shall include the witnesses in the order  
27 that they are expected to testify, and will provide, to the extent possible, an accurate  
28 estimate of the time needed for each witness for direct testimony. It shall also include a

1 brief summary of each witness' testimony. If more than one witness is offered on the  
2 same subject, the summary should be sufficiently detailed to allow the Court to  
3 determine if the testimony is cumulative.

4 Not later than 12:00 pm on the Friday before the commencement of trial, the  
5 Government and defense counsel shall each email their respective witness lists in Word  
6 to [mcs\\_chambers@cacd.uscourts.gov](mailto:mcs_chambers@cacd.uscourts.gov). If the defendant does not intend to call any  
7 witnesses, the email shall so state.

#### 8 **4. Jury Instructions**

9 Jury instructions shall be filed no later than 14 calendar days prior to the Final  
10 Pretrial Conference. The parties shall make every attempt to agree upon jury  
11 instructions before submitting proposals to the Court. The Court prefers Ninth Circuit  
12 model instructions. Counsel shall exchange proposed jury instructions (general and  
13 special) 28 calendar days prior to the Final Pretrial Conference. Counsel shall exchange  
14 any objections to the instructions 21 calendar days prior to the Final Pretrial Conference.  
15 Counsel shall meet and confer with the goal of reaching an agreement on one set of joint  
16 jury instructions, which shall be filed no later than 14 calendar days before the Final  
17 Pretrial Conference. If the parties disagree over any proposed jury instruction(s), the  
18 parties shall file: (i) one set of proposed jury instructions to which all parties agree; and  
19 (ii) one set of disputed jury instructions, which shall include a "redline" of any disputed  
20 language and/or the factual or legal basis for each party's respective position as to each  
21 disputed instruction. Where appropriate, the disputed instructions shall be organized by  
22 subject, so that the instructions that address the same or similar issues are presented  
23 sequentially. The parties shall deliver a courtesy copy of these documents pursuant to  
24 Local Civil Rule 5-4.5. A final "clean" version of the jury instructions, which shall  
25 include the text of each instruction (eliminating titles, supporting authority, indication  
26 of party proposing, etc.), shall be provided to the Court on the first day of trial and sent  
27 via email in Word to [mcs\\_chambers@cacd.uscourts.gov](mailto:mcs_chambers@cacd.uscourts.gov).

28 ///

1           **5. Verdict Forms**

2           The parties shall make every attempt to agree upon a verdict form before  
3 submitting proposals to the Court. Counsel shall file a proposed verdict form(s) no later  
4 than 14 calendar days prior to the Final Pretrial Conference. If the parties are unable to  
5 agree on a verdict form, the parties shall file one document titled “Competing Verdict  
6 Forms” which shall include: (i) the parties’ respective proposed verdict form; (ii) a  
7 “redline” of any disputed language; and (iii) the factual or legal basis for each party’s  
8 respective position if the entire form is being disputed. The parties shall deliver a  
9 courtesy copy of these documents pursuant to Local Civil Rule 5-4.5. A final version  
10 of the verdict form shall be provided to the Court on the first day of trial and sent via  
11 email in Word to mcs\_chambers@cacd.uscourts.gov.

12           **6. Exhibits**

13           a.     Exhibit List

14           Counsel shall each prepare an exhibit list in compliance with the example below  
15 and Local Civil Rule 16-6.

16

<u>EXHIBIT LIST</u>					
Case Name:					
Case Number:					
No. of Exhibit	Description	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted

17  
18  
19  
20  
21  
22  
23

24           Counsel shall meet and confer at least 21 calendar days before the Final Pretrial  
25 Conference to discuss and seek to agree, to the extent possible, on issues including  
26 foundation and admissibility of proposed exhibits by the Government. The exhibit list  
27 shall comply with Local Civil Rule 16-6.1. The Government shall file its exhibit list 14  
28 calendar days prior to the Final Pretrial Conference. Counsel shall file a “Notice of

1 Disputed Exhibits,” if applicable, which shall set forth the basis for any disputed  
2 exhibit(s). Counsel shall confer so that there are no duplicate exhibits.

3 Not later than 12:00 pm on the Friday before the commencement of trial, the  
4 Government and defense counsel shall each email their respective exhibit list in Word  
5 to mcs\_chambers@cacd.uscourts.gov. If the defendant does not intend to offer any  
6 exhibits, then the email shall so state.

7 b. Exhibit Preparation

8 One original (witness copy) and one copy (bench copy) shall be presented to the  
9 Courtroom Deputy Clerk on the first day of trial. The exhibits shall be presented in a  
10 binder. Each binder shall be clearly labeled on the spine to include the case name, party  
11 and volume number. The Court does not require specific exhibit tags so long as each  
12 document is Bates stamped and separated with a divider that is numbered. Each party  
13 shall use a different number sequence and shall comply with Local Civil Rule 26-3.

14 c. Voluminous/Security Prone Trial Exhibits/Materials

15 Arrangements for bringing voluminous trial materials or exhibits into the  
16 Courtroom through the Building Vehicle Loading Dock, if required, may be made  
17 through the Space & Facilities Help Desk at (213) 894-1400. Before contacting Space  
18 & Facilities for a required security pass, prior approval of delivery time must be  
19 coordinated with the Courtroom Deputy Clerk. Once approval from the Clerk is  
20 received, logistical delivery information must be provided to Space & Facilities no later  
21 than 48 hours prior to the date of arrival to create and issue the required security pass.  
22 Counsel and messengers attempting to access the building parking and loading dock  
23 without a required pass will be denied entry.

24 Exhibits such as firearms, narcotics, etc., must remain in the custody of a law  
25 enforcement agent during the pendency of the trial. It shall be the responsibility of the  
26 agent to produce any such items for the Court, secure them at all times that the Court is  
27 not in session, and guard them at all times while in the courtroom. The United States  
28 Marshals Service shall be advised whenever weapons or contraband are to be brought

1 into the courthouse.

2 d. Video Exhibits

3 Counsel shall seek admission only of the portions of video exhibits played before  
4 the jury. The Court will not admit extraneous portions of videos and will strictly control  
5 the admission of any wasteful or cumulative video exhibits under Rule 403.

6 **7. Glossary/Notice**

7 At least one week before trial, the parties must confer and file a glossary of terms  
8 for the court reporter that includes applicable medical, scientific, or technical terms,  
9 gang terms, slang, the names and spellings of names likely to be cited, and any other  
10 case-specific terminology.

11 **H. ATTORNEY AND PARTY CONDUCT AT TRIAL**

12 **1. Trial Schedule**

13 Trials are generally conducted Tuesday through Friday. The Court will adopt a  
14 particular time schedule on a case-by-case basis. In general, the schedule will be either:  
15 (i) from 8:30 a.m. to 2:30 p.m. with two or three 20-minute breaks; or (ii) from 9:00  
16 a.m. to 4:30 p.m., with a 15-minute break in both the morning and the afternoon, and a  
17 one-hour lunch break. This schedule may be changed for each trial and during each trial  
18 depending on the scheduling needs of jurors, witnesses, counsel or the Court.

19 Defense counsel is responsible for making the necessary arrangements with the  
20 United States Marshals Service so that any defendant who is in custody is provided  
21 clothing and/or snacks.

22 a. Courtesy Copies

23 At the time of trial, counsel shall provide to the Courtroom Deputy Clerk three  
24 (3) copies of: (i) the witness list in the order in which the witnesses will be called to  
25 testify; (ii) the witness list in alphabetical order; (iii) a final set of jury instructions; (iv)  
26 a final version of the verdict form; (v) the exhibit list; (vi) proposed voir dire questions;  
27 and (vii) a statement of the case, if applicable. To the extent changes are made to the  
28 jury instructions, verdict form, or exhibit list, a Word version shall be emailed

1 immediately to mcs\_chambers@cacd.uscourts.gov.

2 **2. Trial Conduct**

3 a. Jury Selection

4 The Court will seat as prospective jurors the same number of jurors who will  
5 serve at trial. The Court will conduct voir dire of this panel, which may include  
6 questions proposed by counsel both prior to trial and during the voir dire process.  
7 Whether counsel voir dire will be permitted will be determined during voir dire. After  
8 any potential juror is excused for cause, a replacement juror will be placed in the vacant  
9 seat and will respond to voir dire. Once a panel is in place to which there are no  
10 remaining or unadjudicated “for cause” challenges, counsel for each side will be  
11 permitted to exercise their respective peremptory challenge(s) through the Court. Upon  
12 the exercise of a peremptory challenge, a replacement juror will be seated, will respond  
13 to voir dire and will be subject to a “for cause” challenge before any remaining  
14 peremptory challenge is exercised.

15 b. Opening Statements, Examining Witnesses and Summation

16 At the end of each day, counsel presenting his or her case shall advise opposing  
17 counsel of the witnesses expected to testify the following day, with an estimate of the  
18 length of direct examination for each witness. Opposing counsel shall provide an  
19 estimate of the length of cross-examination for each witness. Cooperation of counsel  
20 will ensure an efficient trial process. It is the responsibility of all counsel to arrange the  
21 appearance of witnesses in order to avoid delay.

22 Opening statements, examination of witnesses and summation will be from the  
23 lectern only. Counsel should not spend an unreasonable amount of time writing out  
24 words or drawing charts or diagrams. Counsel may do so in advance and explain that  
25 the item was prepared earlier to save time as ordered by the Court.

26 The Court will honor reasonable time estimates for opening and closing  
27 presentations to the jury.

28 In jury trials, where a party has more than one lawyer, only one may conduct the

1 direct or cross-examination of a given witness.

2 If a witness is on the stand when a recess is taken, it is counsel's duty to have the  
3 witness back on the stand, ready to proceed, when the trial resumes.

4 If a witness was on the stand at a recess or adjournment, it is counsel's duty to  
5 have the witness adjacent to, but not on, the stand, ready to proceed when the trial  
6 resumes. Any witness who is not a party to the case shall refrain from talking with a  
7 party or with a party's counsel during a recess or adjournment.

8 It is counsel's duty to notify the Courtroom Deputy Clerk in advance if any  
9 witness should be accommodated in an appropriate manner due to any disability or other  
10 physical need.

11 The Court attempts to accommodate physicians, scientists and all other  
12 professional witnesses and will, except in extraordinary circumstances, permit them to  
13 testify out of order.

14 The Court may do the same with respect to non-party witnesses who have work  
15 or family commitments. Counsel must anticipate any such possibility and discuss it with  
16 opposing counsel. If there is objection to having a particular witness called out of order,  
17 counsel shall confer with the Court in advance.

18 c. Objections and General Decorum

19 When objecting, counsel must stand to state the objection and state only that  
20 counsel objects and the legal ground for objection. If counsel wishes to argue an  
21 objection further, counsel must ask for permission to do so; the Court may or may not  
22 grant a request for conference at sidebar. The Court strongly discourages the excessive  
23 use of sidebars because this is inefficient. Instead, evidentiary issues should be  
24 anticipated in advance of trial and should be addressed through motions in limine and/or  
25 in connection with the rulings on exhibits.

26 Counsel must not approach the Courtroom Deputy Clerk or the witness stand  
27 without permission. When permission is given, counsel shall return to the lectern when  
28 the task has been completed. Counsel must not engage in questioning a witness at the

1 witness stand absent specific approval by the Court.

2 Counsel must address all remarks to the Court. Counsel are not to address the  
3 Courtroom Deputy Clerk, the Reporter, persons in the audience or opposing counsel. If  
4 counsel wishes to speak with opposing counsel, counsel must ask permission to talk off  
5 the record. Any request for the re-reading of questions or answers shall be addressed to  
6 the Court, not to the court reporter.

7 Counsel must not make an offer of stipulation unless counsel already has  
8 conferred with opposing counsel and has reason to believe the stipulation will be  
9 acceptable.

10 On the first day of trial counsel shall advise the Court of any commitments that  
11 may result in counsel's absence or late arrival on any day of the trial.

12 **I. LOCAL RULES**

13 Pursuant to Local Criminal Rule 57-1, the Local Civil Rules of the Central  
14 District of California shall govern the conduct of criminal proceedings before this Court  
15 unless otherwise specified.

16  
17 **IT IS SO ORDERED.**

18  
19 Dated: December 14, 2021

20 \_\_\_\_\_  
21 MARK C. SCARSI  
22 UNITED STATES DISTRICT JUDGE  
23  
24  
25  
26  
27  
28