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**United States District Court
Central District of California**

,
Plaintiff,
v.
,
Defendants.

Case № -ODW(RZx)

**SCHEDULING AND CASE
MANAGEMENT ORDER**

(BENCH TRIAL)

**FOR CASES ASSIGNED TO JUDGE
OTIS D. WRIGHT, II**

This Order is to advise the parties and counsel of the schedule that will govern this case. **THE SCHEDULING CONFERENCE IS VACATED. SEE THE LAST PAGE OF THIS ORDER FOR THE SPECIFIED DATES.** Ordinarily, the dates set forth on the last page are determined after consultation with the parties at the Federal Rule of Civil Procedure 16(b) Scheduling Conference. The dates and requirements are firm. The Court is unlikely to grant continuances, even if stipulated by the parties, unless the parties establish good cause through a concrete showing.

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1 **IT IS HEREBY ORDERED:**

2 1. To secure the just, speedy, and inexpensive determination of every
3 action, all counsel are ordered to familiarize themselves with and follow the Federal
4 Rules of Civil Procedure and the Local Rules of the Central District of California.
5 This Court follows these rules and they will govern this litigation unless otherwise
6 provided in this Order.

7 2. Because this Order in some respects modifies or adds to the Local Rules,
8 counsel are advised to read it carefully. Counsel are advised to pay particular
9 attention to the requirements of the Court with respect to the filing of motions for
10 summary judgment and documents to be submitted at the Final Pretrial Conference
11 and Trial.

12 3. The attorney attending any proceeding before this court must be an
13 attorney who is thoroughly knowledgeable about the case, responsible for the conduct
14 of the litigation, and who has authority to enter into stipulations and to make
15 admissions regarding all matters that the participants reasonably anticipate may be
16 discussed. Lead counsel who will actually try the case must attend the Pretrial
17 Conference. A party who is not represented must attend all proceedings in person.

18 4. **Courtesy Copies:** Courtesy copies of all electronically filed documents
19 are to be delivered to the courtesy box on the 4th floor the following business day.
20 Any original filings (such as under seal documents) are to be filed according to Local
21 Rule 79-5.2.1 for civil cases. Original filings in criminal cases are to be filed
22 according to Judge Wright's procedures available on the Court's website.

23 **Courtesy copies DO NOT need to be blue-backed. All courtesy copies of**
24 **pretrial documents (e.g. witness lists, exhibit lists, pretrial conference orders,**
25 **jury instructions, etc.) shall be three-hole punched.**

26 5. **Discovery Cut-Off:** All discovery shall be completed by the discovery
27 cut-off date specified on the last page of this Order. **THIS IS NOT THE DATE BY**
28 **WHICH DISCOVERY REQUESTS MUST BE SERVED; IT IS THE DATE BY**

1 **WHICH ALL DISCOVERY IS TO BE COMPLETED.**

2 Any motion challenging the adequacy of responses to discovery must be heard
3 sufficiently in advance of the discovery cut-off date to permit the responses to be
4 obtained before that date if the motion is granted. In an effort to provide further
5 guidance to the parties, the Court notes the following:

6 a. **Depositions**: All depositions shall be scheduled to commence
7 sufficiently in advance of the discovery cut-off date to permit their completion and to
8 permit the deposing party enough time to bring any discovery motions concerning the
9 deposition prior to the cut-off date.

10 b. **Written Discovery**: All interrogatories, requests for production of
11 documents, and requests for admissions shall be served sufficiently in advance of the
12 discovery cut-off date to permit the discovering party enough time to challenge (via
13 motion practice) responses deemed to be deficient.

14 c. **Discovery Motions**: Whenever possible, the Court expects the
15 parties to resolve discovery issues among themselves in a courteous, reasonable, and
16 professional manner. The Magistrate Judge assigned to this case will rule on
17 discovery motions. (The Magistrate Judge's initials follow the district judge's initials
18 next to the case number on the first page of this Order.) Counsel are directed to
19 contact the Magistrate Judge's courtroom deputy clerk (CRD) to schedule a hearing
20 on any discovery related matters. Counsel should not deliver courtesy copies of these
21 discovery documents to this Court.

22 d. **Expert Discovery**: If expert witnesses are to be called at trial, the
23 parties shall designate affirmative experts to be called at trial and provide reports
24 required by Federal Rule of Civil Procedure 26(a)(2)(B) not later than eight weeks
25 prior to the discovery cut-off date. Rebuttal expert witnesses shall be designated and
26 reports provided as required by Rule 26(a)(2)(B) not later than five weeks prior to the
27 discovery cut-off date. Failure to timely comply with deadlines may result in the
28 expert being excluded as a trial witness.

1 6. **Motions and Motion Cut-Off Date**

2 a. **General Provisions:** All law and motion matters, except for
3 motions in limine, must be set for hearing (not filing) by the motion cut-off date
4 specified on the last page of this Order. This Court hears motions in civil matters on
5 **Mondays at 1:30 p.m.** The parties must adhere to the requirements of the Local
6 Rules. *See* Local Rules 7-1 *et seq.* If any party does not oppose a motion, that party
7 shall submit a written statement that it does not oppose the motion in accordance with
8 Local Rule 7-9. The parties should note that failure to meet the time limits for filing
9 an opposition set forth in Local Rule 7-9 shall be deemed consent to the granting of
10 the motion. *See* Local Rule 7-12.

11 The title page of all motions must state the Pre-Trial Conference date and the
12 Trial date. Counsel must comply with Local Rule 7-3, which requires counsel to
13 engage in a pre-filing conference “to discuss thoroughly . . . the substance of the
14 contemplated motion and any potential resolution.”

15 Issues left undetermined after the passage of the motion cut-off date should be
16 listed as issues for trial in the Final Pre-Trial Conference Order. As an exception to
17 the above, motions in limine dealing with evidentiary matters may be heard pursuant
18 to the schedule specified on the last page of this Order.

19 b. **Ex Parte Applications:** Ex parte practice is discouraged. *See*
20 *Mission Power Eng’g v Co. v. Continental Cas. Co.*, 883 F. Supp. 488 (C.D. Cal.
21 1995). The Court will require strict adherence to proper ex parte procedures for any
22 ex parte application filed with the Court. *Id.* at 492; *see also* Judge Wright’s Standing
23 Order and Local Rule 7-19. **Any opposition to an ex parte application must be**
24 **filed within 24 hours.** Failure to submit a timely opposition constitutes consent to the
25 granting of the application. *See* Local Rule 7-12. No party may file a reply unless
26 expressly authorized by the Court. All ex parte applications will be decided on the
27 papers and without a hearing unless the Court orders otherwise.

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1 c. **Applications and Stipulations to Extend Time**: Applications to
2 extend the time to file any required document or to continue any hearing, Pre-Trial
3 Conference, or Trial date must set forth the following:

- 4 (i) The existing due date or hearing date, as well as the discovery cut-
5 off date, the Pre-Trial Conference date, and the Trial date;
6 (ii) Specific, concrete reasons supporting good cause for granting the
7 extension; and
8 (iii) Whether there have been prior requests for extensions, and whether
9 these requests were granted or denied by the Court.

10 The parties are cautioned that the Court will not necessarily grant an extension
11 or continuance simply because all parties have stipulated to it.

12 d. **Joinder of Parties and Amendment of Pleadings**: The deadline
13 for joining parties and amending pleadings is set forth on the last page of this Order.
14 Any motions to join other parties or for leave to amend the pleadings shall be set for
15 hearing on or before this date. If any party moves to amend a pleading after this date,
16 they must address the propriety of amendment under *Johnson v. Mammoth*
17 *Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

18 In addition to the requirements of Local Rule 15-1, all motions to amend the
19 pleadings shall: (1) state the effect of the amendment; (2) be serially numbered to
20 differentiate the amendment from previous amendments; and (3) state the page, line
21 number(s), and wording of any proposed change or addition of material. The parties
22 shall deliver to Chambers a redlined version of the proposed amended pleading
23 indicating all additions and deletions of material.

24 e. **Summary Judgment Motions**: Parties need not wait until the
25 motion cutoff to bring motions for summary judgment or partial summary judgment.
26 Early completion of non-expert discovery and filing of motions for summary
27 judgment may eliminate or reduce the need for expensive expert depositions that are
28 normally conducted in the last stages of discovery. **However, the Court requires**

1 **that the party moving for summary judgment will provide no less than thirty-five**
2 **(35) days' notice for such motions.** Because summary judgment motions are fact-
3 dependent, parties should prepare papers in a fashion that will assist the Court in
4 absorbing the mass of facts (e.g., generous use of tabs, tables of contents, headings,
5 indices, etc.). The parties are to comply precisely with Local Rule 56-1 through 56-4.
6 The Court will also require adherence to the following requirements:

7 (i) Statement of Uncontroverted Facts and Statement of Genuine
8 Issues of Material Fact

9 The movant's Separate Statement of Uncontroverted Facts is to be prepared in a
10 two column format. The left-hand column should set forth the allegedly undisputed
11 fact. The right-hand column should set forth the evidence that supports the factual
12 statement. The factual statements should be set forth in sequentially numbered
13 paragraphs. Each paragraph should contain a narrowly focused statement of fact.
14 Each numbered paragraph should address a single subject in as concise a manner as
15 possible.

16 The opposing party's Statement of Genuine Issues of Material Fact must be in
17 two columns and track the movant's Separate Statement exactly as prepared. The
18 document must be in two columns; the left-hand column must restate the allegedly
19 undisputed fact, and the right-hand column must indicate either undisputed or
20 disputed. The opposing party may dispute all or only a portion of the statement, but if
21 disputing only a portion, must clearly indicate what part is being disputed. Where the
22 opposing party is disputing the fact in whole or part, the opposing party must, in the
23 right-hand column, label and restate the moving party's evidence in support of the
24 fact, followed by the opposing party's evidence controverting the fact. Where the
25 opposing party is disputing the fact on the basis of an evidentiary objection, the party
26 must cite the evidence alleged to be objectionable and state the ground of the
27 objection and nothing more. **No argument should be set forth in this document.**

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1 The opposing party may submit additional material facts that bear on or relate
2 to the issues raised by the movant, which shall follow the format described above for
3 the moving party's Separate Statement. These additional facts shall follow the
4 movant's facts, shall continue in sequentially numbered paragraphs (i.e. if movant's
5 last statement of fact was set forth in paragraph 30, then the first new fact will be set
6 forth in paragraph 31), and shall set forth in the right-hand column the evidence that
7 supports that statement.

8 The moving party, in its reply, shall respond to the additional facts in the same
9 manner and format that the opposing party is required to adhere to in responding to
10 the Statement of Uncontroverted Facts, as described above.

11 **The following conduct in connection with a motion for summary judgment**
12 **shall be grounds for sanctions under Federal Rule of Civil Procedure 11: (1)**
13 **disputing a material fact without any reasonable basis for doing so; (2)**
14 **identifying additional facts in opposition to the motion without any reasonable**
15 **basis for believing that the additional facts will materially affect the outcome of**
16 **the motion.**

17 (ii) Supporting Evidence

18 No party should submit any evidence other than the specific items of evidence
19 or testimony necessary to support or controvert a proposed statement of undisputed
20 fact. Thus, for example, the entire transcripts of depositions and/or entire sets of
21 interrogatory responses should generally not be submitted in support of or in
22 opposition to a motion for summary judgment.

23 Evidence submitted in support of or in opposition to a motion for summary
24 judgment should be submitted either by way of stipulation or as exhibits to a
25 declaration sufficient to authenticate the proffered evidence, and should not be
26 attached to the memorandum of points and authorities. The Court will accept
27 counsel's authentication of deposition transcripts, written discovery responses, and the
28 receipt of documents in discovery if the fact that the document was in the opponent's

1 possession is of independent significance. Documentary evidence as to which there is
2 no stipulation regarding foundation must be accompanied by the testimony, either by
3 declaration or properly authenticated deposition transcript, of a witness who can
4 establish its authenticity.

5 All evidence in support of or in opposition to a motion for summary judgment,
6 including declarations and exhibits to declarations, shall be separated by a tab divider
7 on the bottom of the page. If evidence in support of or in opposition to a motion for
8 summary judgment exceeds twenty pages, the evidence must be in a separately bound
9 volume and include a Table of Contents. If the supporting evidence exceeds fifty
10 pages, the documents shall be placed in a Slant D-Ring binder with each item of
11 evidence separated by a tab divider on the right side. All documents contained in the
12 binder should be three-hole-punched.

13 (iii) Objections to Evidence

14 If a party disputes a fact based in whole or in part on an evidentiary objection,
15 the ground for the objection, as indicated above, should be stated in the Separate
16 Statement, but not argued in that document. Evidentiary objections should be
17 addressed in a separate memorandum to be filed with the opposition or reply brief of
18 the party. This memorandum should be organized **to track the paragraph numbers**
19 **of the Separate Statement in sequence.** It should identify the specific item of
20 evidence to which objection is made, the ground for the objection, and a very brief
21 argument with citation to authority as to why the objection is well taken. The
22 following is an example of the format contemplated by the Court:

23 Separate Statement Paragraph 1: Objection to the supporting deposition
24 transcript of Jane Smith at 60:1-10 on the grounds that the statement constitutes
25 inadmissible hearsay and no exception is applicable. To the extent it is offered to
26 prove her state of mind, it is irrelevant since her state of mind is not in issue. Fed. R.
27 Evid. 801, 802.

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1 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO**
2 **THE OPPONENT’S STATEMENTS OF UNDISPUTED FACT. THESE WILL**
3 **BE DISREGARDED AND OVERRULED.**

4 (iv) Memorandum of Points and Authorities

5 The movant’s memorandum of points and authorities should be in the usual
6 form required under Local Rule 7 and should contain a narrative statement of facts as
7 to those aspects of the case that are before the Court. All facts should be supported
8 with citations to the paragraph number in the Separate Statement that supports the
9 factual assertion.

10 Unless the case involves some unusual twist, the motion need only contain a
11 brief statement of the Federal Rule of Civil Procedure 56 standard; the Court is
12 familiar with the Rule and with its interpretation under *Celotex* and its progeny. If at
13 all possible, the argument should be organized to focus on the pertinent elements of
14 the claim(s) for relief or defense(s) in issue, with the purpose of showing the existence
15 or non-existence of a genuine issue of material fact for trial on that element of the
16 claim or defense.

17 Likewise, the opposition memorandum of points and authorities should be in
18 the usual form required by Local Rule 7. Where the opposition memorandum sets
19 forth facts, the memorandum should cite to paragraphs in the Separate Statement if
20 they are not in dispute, to the evidence that contravenes the fact where the fact is in
21 dispute, or, if the fact is contravened by an additional fact in the Statement of Genuine
22 Issues of Material Fact, the citation should be to such fact by paragraph number.

23 f. **Avoid Composite Motions**: Unless clearly justified under the
24 circumstances of the case, “motions to dismiss or in the alternative for summary
25 adjudication” are discouraged. These composite motions tend to blur the distinctions
26 between the two motions.

27 g. **Motions in Limine**: Before filing any motion in limine, counsel
28 for the parties shall confer pursuant to Local Rule 7-3 in a good faith effort to

1 eliminate the necessity for hearing the motion in limine or to eliminate as many of the
2 disputes as possible. It shall be the responsibility of counsel for the moving party to
3 arrange for this conference. The motion papers must include a declaration showing a
4 good faith meet and confer effort. The conference shall take place **in person** within
5 10 calendar days of service upon opposing counsel of a letter requesting such a
6 conference, but in no event later than twenty-one days before the Pre-Trial
7 Conference. The conference may take place by telephone only if both counsel are not
8 located in the same county in the Central District.

9 If counsel are unable to resolve their differences, they shall prepare a separate,
10 sequentially-numbered Motion in Limine for each issue in dispute which contains a
11 clear caption that identifies the moving party and the nature of the dispute (i.e.,
12 “Plaintiff’s Motion in Limine #1 to exclude the testimony of Defendant’s expert”).
13 **Neither party may file more than five (5) Motions in Limine absent leave of**
14 **Court upon a showing of good cause, and leave of Court will be granted**
15 **sparingly.** Each Motion in Limine shall contain a clear identification of the
16 testimony, exhibits, or other specific matters alleged to be inadmissible and/or
17 prejudicial and a statement of the specific prejudice that will be suffered by the
18 moving party if the motion is not granted. The identification of the matters in dispute
19 shall be followed by the moving party’s contentions and memorandum of points and
20 authorities. The title page of the Motion in Limine must state the Pre-Trial
21 Conference date, hearing date for the motions in limine, and the trial date.

22 Motions in Limine made for the purpose of precluding the mention or display of
23 inadmissible and/or prejudicial matter in the presence of the jury shall be accompanied
24 by a declaration that includes the following: (1) a clear identification of the specific
25 matter alleged to be inadmissible and/or prejudicial; (2) a representation to the Court
26 that the subject of the motion in limine has been discussed with opposing counsel, and
27 that opposing counsel has either indicated that such matter will be mentioned or
28 displayed in the presence of the jury before it is admitted in evidence or that counsel

1 has refused to stipulate that such matter will not be mentioned or displayed in the
2 presence of the jury unless and until it is admitted in evidence; and (3) a statement of
3 the specific prejudice that will be suffered by the moving party if the motion in limine
4 is not granted.

5 All evidence in support of or in opposition to a motion in limine, including
6 declarations and exhibits to declarations, shall be separated by a tab divider on the
7 bottom of the page. If evidence in support of or in opposition to a motion in limine
8 exceeds twenty pages, the evidence must be in a separately bound volume and include
9 a Table of Contents. Though strongly discouraged, if by necessity the supporting
10 evidence exceeds fifty pages, the documents shall be placed in a Slant D-Ring binder
11 with each item of evidence separated by a tab divider on the right side. All
12 documents contained in the binder should be three-hole-punched.

13 Unless otherwise ordered by the Court, motions in limine will be heard on the
14 date specified on the last page of this Order. The moving party shall file with the
15 Court and serve its Motion in Limine on the responding party on or before the date for
16 filing of motions in limine indicated in the Schedule of Trial and Pre-trial Dates. The
17 responding party shall then file with the Court and serve an opposition to the Motion
18 in Limine on the moving party at least seven (7) days prior to the date for the hearing
19 on motions in limine. Neither party's submissions with respect to a Motion in Limine
20 shall exceed eight (8) pages. **Unless ordered otherwise, the Court will only**
21 **consider the moving papers and any opposition thereto; no replies are necessary**
22 **or invited.**

23 h. **Motions for Class Certification**: All motions for class
24 certification must be filed according to Local Rule 23-3. The Court will rarely grant
25 stipulations or applications to extend that deadline. Specifically, the failure to
26 complete class discovery before the deadline does not constitute good cause to extend
27 the deadline, unless the parties show specific and concrete reasons why, despite their
28 diligence, the failure to complete discovery was **unavoidable**. The Court will

1 consider extensions based on the ordering of issues (e.g., if the defendant seeks to file
2 a dispositive motion before class certification) on a case-by-case basis. Any
3 stipulations or applications for relief must include a specific date by which the
4 plaintiff will move for class certification (the Court will not grant an open-ended
5 extension).

6 i. **Oral Argument**: The Court, in its discretion, may dispense with
7 oral argument on a motion. Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15. However, the
8 Court also encourages law firms to contribute to the professional development of new
9 attorneys by allowing them to present oral argument to the Court on motions. To that
10 end, if any party to a motion files a notice with the Court stating that an attorney with
11 **less than four years' experience** will present oral argument, the Court will hold a
12 hearing on that motion. This notice must be filed no later than **seven days** before the
13 hearing. The Court will take into account the attorney's inexperience when
14 considering their oral arguments.

15 7. **Final Pre-Trial Conferences and Local Rule 16 Filings**

16 Please read this portion carefully, as there are some differences between the
17 Court's requirements and the Local Rules.

18 a. **General Provisions**

19 The Final Pre-Trial Conference ("PTC") will be held on the date specified on
20 the last page of this Order, unless the Court expressly waived the PTC at the
21 Scheduling Conference. (In the rare cases where the Court waives a PTC, the parties
22 must follow Local Rule 16-10.) If adjustments in the Court's calendar to
23 accommodate congestion become necessary, the Court may re-schedule the PTC
24 instead of the trial date. Therefore, the parties should assume that if the PTC goes
25 forward, the trial will go forward without continuance, although some brief period of
26 trailing may prove necessary.

27 The lead trial attorney on behalf of each party shall attend both the PTC and all
28 meetings of the parties in preparation for the PTC, unless excused for good cause

1 shown in advance of the PTC.

2 A continuance of the PTC at the parties' request or by stipulation is highly
3 unlikely. **Specifically, failure to complete discovery is not a ground for**
4 **continuance**. In the unlikely event that the Court agrees to continue the PTC, the trial
5 date is likely to be delayed as a result. If a change to the trial date is necessitated or
6 likely because of the Court's calendar or otherwise, modifications of that date will be
7 discussed at the PTC.

8 At the PTC, the parties should be prepared to discuss means of streamlining the
9 trial, including, but not limited to the following: bifurcation; presentation of
10 foundational and non-critical testimony and direct testimony by deposition excerpts;
11 narrative summaries and/or stipulations as to the content of testimony; presentation of
12 testimony on direct examination by affidavit or by declaration subject to cross-
13 examination; and qualification of experts by admitted resumes. The Court will also
14 discuss settlement.

15 b. **Courtesy Copies**

16 As with other documents filed with the Court, the parties must submit courtesy
17 copies of all PTC documents. However, the courtesy copies **must** be delivered to the
18 4th floor as follows:

- 19 (i) **One copy** of all PTC documents (i.e., both plaintiff's documents
20 and defendant's documents) shall be delivered to the Court in **one**
21 3-ring binder;
- 22 (ii) Each document shall be separated by numerical side-tabs, and shall
23 be placed in the following order: (1) Proposed Pretrial Conference
24 Order; (2) Plaintiff's Memorandum and Contentions of Facts and
25 Law; (3) Defendant's Memorandum and Contentions of Facts and
26 Law; (4) Joint Witness List; (5) Joint Exhibit List and Stipulation;
27 (6) Plaintiff's Proposed Findings of Fact and Conclusions of Law;
28 (7) Defendant's Proposed Findings of Fact and Conclusions of

1 Law; (8) Joint Report re: Settlement; and (9) Other pretrial
2 documents;

3 (iii) The binder shall include a table of contents.

4 c. **Final Pre-Trial Conference Order (“PTCO”)**

5 The proposed PTCO shall be lodged seven calendar days before the PTC,
6 unless the Court specifically orders otherwise. Adherence to this time requirement is
7 necessary for in-chambers preparation of the matter. The form of the proposed PTCO
8 shall comply with Appendix A to the Local Rules and the following:

9 (i) Place in “**ALL CAPS AND BOLD**” the separately numbered
10 headings for each category in the PTCO (e.g., “**1. THE**
11 **PARTIES**” or “**7. CLAIMS AND DEFENSES OF THE**
12 **PARTIES**”).

13 (ii) Include a table of contents at the beginning.

14 (iii) In specifying the surviving pleadings under section 1, state which
15 claims or counter claims have been dismissed or abandoned, e.g.,
16 “Plaintiff’s second cause of action for breach of fiduciary duty has
17 been dismissed.” Also, in multiple party cases where not all
18 claims or counterclaims will be prosecuted against all remaining
19 parties on the opposing side, please specify to which party each
20 claim or counterclaim is directed.

21 (iv) In specifying the parties’ claims and defenses under section 7, each
22 party shall closely follow the examples set forth in Appendix A of
23 the Local Rules.

24 (v) In drafting the PTCO, **the court expects that the parties will**
25 **attempt to agree on and set forth as many non-contested facts**
26 **as possible.** A carefully drafted and comprehensively stated
27 stipulation of facts will reduce the length of trial and increase the
28 Court’s understanding of the case. **It is unacceptable for the**

1 **parties to indicate in the Proposed Pretrial Conference Order**
2 **that they are not able to stipulate to any facts whatever.**

3 (vi) In drafting the factual issues in dispute for the PTCO, the parties
4 should attempt to state issues in ultimate fact form, not in the form
5 of evidentiary fact issues. The issues of fact should track the
6 elements of a claim or defense on which the Court will be required
7 to make findings.

8 (vii) Issues of law should state legal issues on which the court will be
9 required to rule during the trial, and should not list ultimate fact
10 issues to be submitted to the trier of fact.

11 (viii) The Court may submit fact issues to the jury in the form of
12 findings on a special verdict. The issues of fact should track the
13 elements of a claim or defense on which the Court will be required
14 to make findings.

15 (ix) If expert witnesses are to be called at trial, each party must list and
16 identify its respective expert witnesses, both retained and non-
17 retained. Failure of a party to list and identify an expert witness in
18 the PTCO could result in a court order which precludes the party
19 from calling that expert witness at trial.

20 (x) The parties shall submit only ONE proposed PTCO. **It is**
21 **unacceptable to submit multiple or competing proposed**
22 **PTCOs.** *See* Local Rule 16-7.

23 d. **Rule 16 Filings; Memoranda; Witness Lists; Exhibit Lists**

24 Unless otherwise indicated, the parties must comply fully with the requirements
25 of Local Rule 16. See the last page of this Order for applicable dates.

26 Memoranda and Contentions of Fact and Law

27 Memoranda of Contentions of Fact and Law shall be filed by the date listed in
28 this Scheduling Order, and shall comply with the requirements set forth in Local Rule

1 16-4. The parties are strongly encouraged to submit one joint Memorandum where
2 possible.

3 Joint Witness List

4 Counsel shall prepare a **joint** list of their witnesses, including a brief summary
5 (two to three paragraphs) of each witness's expected testimony, **what makes the**
6 **testimony unique** from any other witness testimony, an estimate of the length of time
7 needed for direct examination of each side's own witnesses and an estimate for the
8 cross examination of opposing witnesses, and whether the witness will testify by
9 deposition or in person. The joint witness list shall be filed at the same time counsel
10 lodge the PTCO. If a party intends to offer deposition testimony into evidence at trial,
11 the party shall designate the relevant portions of the deposition testimony to be read at
12 trial and advise opposing counsel of same. Opposing counsel shall then designate any
13 additional portions of such deposition testimony which counsel intends to offer in
14 evidence. All objections to any such testimony shall be made in writing and filed at
15 the same time counsel lodge the PTCO so that the Court may consider whether ruling
16 on the objections will facilitate trial or result in the disposition of evidentiary matters
17 that may assist continuing settlement negotiations.

18 If expert witnesses are to be called at trial, each party shall list and identify their
19 respective expert witnesses. Failure of a party to list and identify an expert witness
20 may preclude a party from calling that expert witness at trial. If expert witnesses are
21 to be called at trial, the parties shall exchange at the PTC short narrative statements of
22 the qualifications of the expert and the testimony expected to be elicited at trial.
23 Previously prepared and exchanged expert reports shall not substitute for the narrative
24 statements required.

25 **On the first day of trial, the parties must lodge with the Court three (3)**
26 **copies of the witness list**, which shall include the names of the witness in the
27 approximate order in which they may be called to testify.

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1 and conclusions of law with the memorandum and contentions of fact and law. The
2 parties should follow Local Rule 52-3 for the format of the proposed findings.

3 Declarations of Witnesses in Lieu of Direct Testimony

4 Counsel may submit the direct testimony of their witnesses in writing in a
5 declaration executed under penalty of perjury. These declarations shall be in
6 admissible form with appropriate foundation established for the declarant's
7 statements. Paragraphs in each declaration shall be numbered consecutively to
8 facilitate the identification of paragraphs for evidentiary objections.

9 Counsel are to exchange and file these declarations with the Court at least
10 **eleven** calendar days before trial, unless otherwise ordered by the Court. **Seven**
11 calendar days before trial, counsel may file evidentiary objections to those
12 declarations. Counsel shall prepare a separate document for each declaration for
13 which they have an evidentiary objection, in which they shall quote the specific
14 language from the declaration to which they object, followed by the objection and any
15 relevant argument. Counsel shall file any reply or response to the objections by noon
16 on the fourth calendar day before trial. Courtesy copies of the declarations and
17 evidentiary objections shall be deposited on the 4th floor on the date due. The Court
18 urges the parties to be judicious with their objections and any arguments in support of
19 or in opposition to those objections. **Do not submit blanket or boilerplate**
20 **objections to the opposing party's witness declarations. These will be**
21 **disregarded and overruled.**

22 At trial, the Court will rule on the evidentiary objections and, depending upon
23 the ruling, the declarations will be received in evidence, either in whole or in part, or
24 rejected. Counsel will then conduct the cross-examination and re-direct examination
25 at trial. Failure to comply with the literal terms of this Order will result in sanctions
26 or the Court may refuse to allow that witness to testify.

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1 **e. First Day of Trial**

2 Trial Exhibits

3 Counsel must deliver two sets of exhibits to the Court Clerk (one for witnesses
4 and one for the Judge) on the morning of the first day of trial as follows:

5 (i) Judge's Copy: Counsel are to prepare the Judge's copy of the
6 exhibits by placing them in 3-ring binders. The holes are to be
7 3/8" in diameter. The notebooks are to be tabbed down the right
8 side with numeric tabs separating each exhibit.

9 (ii) Witnesses' Copy: Counsel are to prepare the Witnesses' copy of
10 the exhibits by placing each exhibit in its own separate manilla
11 folder. Each manilla folder should have a tab on the right side with
12 the exhibit number written on it. The manilla folders should be put
13 in a box in numerical order, with the tabs facing upward. The
14 exhibits used in this folder should be the original exhibits, and
15 should be tagged with Court-approved tags. Court-approved
16 exhibit tags can be obtained from the Clerk's Office Window,^{4th}
17 floor, 350 w. 1st Street, Los Angeles, CA 90012.

18 The exhibits are to be numbered sequentially, with Plaintiff's exhibits
19 numbered 1, 2, 3, etc. and Defendant's exhibits numbered 1000, 1001, 1002, etc.
20 Exhibit numbering must further comply with Local Rule 26-3.

21 Other Documents

22 The Court requires that the following be submitted to the Courtroom Deputy
23 Clerk on the first day of trial (which is **in addition to any other documents**
24 referenced above):

25 (i) Judge's copy of exhibits (as described above).

26 (ii) Witnesses' copy of exhibits (as described above).

27 (iii) Three (3) copies of the exhibit list.

28 (iv) Three (3) copies of the witness list. In addition to the information

JUDGE OTIS D. WRIGHT, II
SUMMARY OF TRIAL AND PRE-TRIAL DATES
(BENCH TRIAL)

Event	Date
Trial at 9:00 a.m. Estimated Length: XX days	Tuesday
Last Date to File Final Trial Exhibit Stipulation	5 days before trial
Hearing on Motions in Limine at 1:30 p.m.	1 week and 1 day before trial
Pretrial Conference at 1:30 p.m. Deadline to File: <ul style="list-style-type: none"> • Motions in Limine; 	3 weeks and 1 day before trial
Deadline to File: <ul style="list-style-type: none"> • Proposed Pretrial Conference Order; • Memoranda and Contentions of Fact and Law; • Joint Witness List; • Joint Exhibit List and Exhibit Stipulation; • Proposed Findings of Fact and Conclusions of Law • Joint Report re: Settlement 	4 weeks and 1 day before trial
Last Date for Hearing Motions*	7 weeks and 1 day before trial
Last Date to Conduct Settlement Conference	8 weeks and 1 day before trial
Discovery Cutoff for <i>All</i> Discovery	13 weeks and 1 day before trial
Last Date to Hear Motions to Amend Pleadings or Add Parties	12 weeks after Sch. Conference

* This does not apply to motions for class certification, which **must** be filed in accordance with Local Rule 23-3 unless expressly waived by Court order.