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8	UNITED STATES DISTRICT COURT			
9	CENTRAL DISTRICT OF CALIFORNIA			
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11		Case No.		
12		CIVIL TRIAL ORDER		
13	Plaintiff(s),			
14	v.			
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16	Defendant(s).			
17	B of of factorial (b).			
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19				
20	PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THIS CASE AND DIFFERS IN SOME RESPECTS FROM THE LOCAL			
21	RULES.	SI ECIS FROM THE LOCAL		
22	I. DEADLINES			
23	A. PARTIES/PLEADINGS			
24	A. FARTIES/TLEADINGS			
25	The Court has established a cut-off date for adding parties or amending			
26	pleadings. All motions to add parties or to amend the pleadings must be			
27	noticed to be heard on or before the cut-off date. All unserved parties will be			
28	dismissed at the time of the Final Pretr	ial Conference pursuant to Local Rule		
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16-8.1.

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B. DISCOVERY AND DISCOVERY CUT-OFF

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1. Discovery Cut-off

6 7 8 The Court has established a cut-off date for fact discovery and if applicable, a cut-off date for expert discovery. These are **not** the dates by which discovery requests must be served; they are the dates by which all discovery, including all hearings on any related motions, must be **completed**.

Counsel are expected to comply with all Local Rules and the Federal

procedures, found at http://www.cacd.uscourts.gov/honorable-patricia-donahue.

Whenever possible, the Court expects counsel to resolve discovery problems

among themselves in a courteous, reasonable, and professional manner. The

Any motion challenging the adequacy of discovery responses must be

filed, served, and calendared sufficiently in advance of the discovery cut-off

date to permit the responses to be obtained before that date if the motion is

granted. Pursuant to this Court's procedures, no discovery motion may be

Professionalism Guidelines, which can be found on the Court's website at:

Rules of Civil Procedure concerning discovery, as well as this Court's

Court expects that counsel will adhere strictly to the Civility and

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2. Discovery Disputes

https://www.cacd.uscourts.gov/attorneys/admissions.

Discovery Motions

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filed until the Court has conducted an informal discovery conference unless the movant has obtained leave of Court sought by an ex parte application. The parties must review those procedures at:

https://www.cacd.uscourts.gov/honorable-patricia-donahue.

3.

4. Depositions

All depositions must commence sufficiently in advance of the discovery cut-off date to permit their completion and to permit the deposing party enough time to bring any discovery motions concerning the deposition before the cut-off date.

5. Written Discovery

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

6. Expert Discovery

All disclosures must be made in writing. The parties should begin expert discovery shortly after the initial designation of experts. The Final Pretrial Conference and trial dates will not be continued merely because expert discovery is not completed. Failure to comply with these or any other orders concerning expert discovery may result in the expert being excluded as a witness.

C. MOTIONS

The Court has established a cut-off date for the hearing of motions. All motions, including summary judgment and *Daubert* motions, must be noticed so that the hearing takes place on or before the motion cut-off date. This does not apply to *in limine* motions.

D. FINAL PRETRIAL CONFERENCE

A Final Pretrial Conference date has been set pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16-8. Each party appearing in this action must be represented at the Final Pretrial Conference by the

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

attorney who is to have charge of the conduct of the trial on behalf of such

must attend the Final Pretrial Conference. Counsel should be prepared to

deposition excerpts or summaries, time limits, and stipulations to admission

of exhibits and undisputed facts. Strict compliance with Local Rule 16 is

requirements of Rule 16. Failure to comply with these requirements may

or in other sanctions. Other documents to be filed in preparation for, and

result in the Final Pretrial Conference being taken off calendar or continued,

issues to be addressed at, the Final Pretrial Conference are discussed below.

discuss streamlining the trial, including presentation of testimony by

required. This order sets forth some different and some additional

requirements. This Court does not exempt pro per parties from the

party, unless excused for good cause. If a party has co-lead trial counsel, both

Counsel must complete an ADR proceeding no later than the date set by the Court. No case will proceed to trial unless all parties, including an officer of all corporate parties (with full authority to settle the case), have appeared personally at an ADR proceeding. If settlement is reached, it must be reported immediately to the courtroom deputy clerk (CRD) as required by Local Rule 16-15.7 regardless of the day or time settlement is reached. In addition, counsel must immediately send a notification of the settlement to the Chambers email box.

In all cases set for jury trial, the parties must notify the Court of any settlement no later than the Wednesday preceding the week that trial is set to start so that the necessary arrangements can be made to schedule a different case for trial or notify the members of the public who would otherwise be reporting for jury duty that their services are not needed on that date.

Failure to comply with this notification requirement will cause counsel/parties

to be charged for the costs related to processing potential jurors.

II. TRIAL PREPARATION AND DEADLINES

A. MOTIONS IN LIMINE

All motions in limine must be filed by the date established by the Court. Each side is limited to four motions in limine unless the Court orders otherwise for good cause shown. Counsel are to meet and confer as required by Local Rule 7-3 to determine whether opposing counsel intends to introduce the disputed evidence, and to attempt to reach an agreement that would obviate the motion. An opposition must be filed by the date established by the Court. The Court generally will rule on motions in limine at the Final Pretrial Conference. Motions in limine should address specific issues (i.e., not "to exclude all hearsay"). Motions in limine should not be disguised motions for summary adjudication of issues.

Motions *in limine* and oppositions thereto may be no more than 2,800 words. Reply briefs, if any, may be no more than 2,100 words. Each side is limited to four motions *in limine* and each motion shall not be compound, *i.e.*, each motion shall address only one item of evidence or witness or, if common grounds for exclusion or admission apply to multiple items of evidence or witnesses, only one category of evidence or witness. A party seeking to file more than four motions *in limine* must request leave of the Court to do so.

B. PROPOSED PRETRIAL CONFERENCE ORDER

A (Proposed) Pretrial Conference Order must be filed no later than five (5) court days before the Final Pretrial Conference and must comply with the format and content required in the Local Rules.

C. TRIAL-RELATED DOCUMENTS

1. Statement of the case (jury trials only)

Counsel will prepare a joint statement of the case which may be read by the Court to the prospective panel of jurors prior to the commencement of voir dire. The statement shall not exceed one page. The statement must be filed with the Court no later than five (5) court days before the Final Pretrial Conference date.

2. Witness List

Using the format provided below, the parties shall file a joint witness list no later than five (5) court days prior to the Final Pretrial Conference. Counsel are to submit the full names of the witnesses in the order that they are expected to testify, and provide, to the extent possible, an accurate estimate of the time needed for each witness for direct, cross, redirect, and recross. Counsel will also provide a description of each witness' testimony, e.g., "eyewitness to accident." If more than one witness is offered on the same subject, the description should be sufficiently detailed to allow the Court to determine if the testimony is cumulative. Any special considerations should be noted in the "comments" section, e.g., "will testify through a Spanish language interpreter." Further, the parties shall comply with the requirements of Local Rule 16-5. The "Date Testified" column should be left blank; the Courtroom Deputy will fill it in during trial.

	JOI	NT WITNESS	LIST		
Case Name	: :				
Case Numb	ber:				
No. of Witness	Witness Name; Party Calling Witness; Estimate	X-Ex Estimate	Description of Testimony	Comment	Date Testified

3. Findings of Fact and Conclusions of Law (Court Trials only)

Notwithstanding Local Rule 52, for any matter requiring findings of fact and conclusions of law, unless otherwise expressly ordered by the Court, counsel will be required to file (Proposed) Findings of Fact and Conclusions of Law after the conclusion of the trial. The (Proposed) Findings of Fact must include citations to admitted evidence. Where witness trial testimony is necessary to establish a given fact, the party must obtain a transcript of the proceedings and file relevant excerpts of those transcripts with the (Proposed) Findings of Fact and Conclusions of Law. In addition to filing, counsel must email Microsoft Word versions of their (Proposed) Findings of Fact and Conclusions of Law to the chambers email address: pdchambers@cacd.uscourts.gov.

4. Jury Instructions and Verdict Forms

- a. At least 14 days before the meeting of counsel required by Local Rule 16-2 (which must occur at least 40 days before the date set for the Final Pretrial Conference), counsel for plaintiff(s) must serve on defense counsel proposed jury instructions and proposed verdict/special verdict forms. Within seven (7) days, defense counsel must serve objections, if any, to those instructions and verdict forms, as well as any proposed alternative or additional instructions and verdict forms. Before or at the Rule 16-2 meeting, counsel must attempt to come to agreement on the proposed jury instructions and verdict forms.
- **b.** When the Manual of Model Jury Instructions for the Ninth Circuit provides an applicable jury instruction, the parties should submit the most recent version, modified and supplemented to fit the circumstances of this case. Where language appears in brackets, the appropriate language should be selected. All blanks should be completed. Where California law applies, counsel should use the current edition of California Jury

Instructions—Civil (BAJI or CACI). If neither is applicable, counsel should consult the instructions manuals from other circuits or states, as applicable. When submitting other than Ninth Circuit or California instructions, counsel should be sure that the law on which the instruction is based is the same as Ninth Circuit law (or California or other state law, if applicable) on the subject. Counsel may submit alternatives to the Ninth Circuit model jury instructions, or BAJI or CACI, only if counsel has a reasoned argument that those instructions do not properly state the law or they are incomplete.

- **c**. The Court has its own introductory instructions (instructions read before opening statements). Counsel should provide only instructions to be read after the evidence has been submitted or that may be appropriate during trial.
- d. Each requested instruction must (1) cite the authority or source of the instruction; (2) be set forth in full; (3) be on a separate page; (4) be numbered; (5) cover only one subject or principle of law; and (6) not repeat principles of law contained in any other requested instruction. The instructions should be submitted in the order in which the parties wish to have the instructions read.
- e. Unless otherwise ordered by the Court, all proposed jury instructions and verdict forms are to be filed no later than five (5) days prior to the Final Pretrial Conference date. If one party fails to comply with the provisions of this section, the other party must file a unilateral set of jury instructions, unless that party wishes to waive jury trial. The Court expects counsel to agree on the substantial majority of jury instructions, particularly when pattern or model instructions provide a statement of applicable law. In the event that agreement cannot be reached, counsel will file proposed instructions in the following format: (1) the agreed-upon instructions; (2) the instructions proposed by plaintiff and opposed by defendant; and

(3) the instructions proposed by defendant and opposed by plaintiff.

- **f**. In addition, counsel must submit electronic versions (in Microsoft Word format) of all proposed instructions to the chambers email address.
- g. Each disputed instruction must have attached a short (one or two paragraph) statement, including points and authorities in support of the instruction, as well as a brief statement, including points and authorities, in support of any objections. A proposed alternative instruction must be provided, if applicable. If the Court believes that there are so many disputed instructions that the trial would be unnecessarily interrupted in order for the Court to resolve disputes, the Court will determine that the matter is not yet ready to be tried and will order counsel to continue to meet and confer until most of the disputes are resolved.
- h. With each set of instructions filed, counsel must provide an index of all instructions submitted per the example below, which must include the following:
 - -The number of the instruction;
 - -The title of the instruction;
 - -The source of the instruction and any relevant case citations;
 - -The page number of the instruction.

Instruction No.	Title	Source	Page
1	Duty of the Jury	9 th Cir. 1.4	1

i. During the trial and before closing argument, the Court will meet with counsel and settle the instructions, and counsel will have an opportunity to make a further record concerning their objections.

5. Glossary

No later than five (5) court days before the Final Pretrial Conference, the parties are to file a case-specific glossary for the Court and reporter that includes applicable medical, scientific, or technical terms, slang, the names and spellings of case names likely to be cited, street/city/country names, all parties/entities involved in the case, names of people interviewed/deposed, names of family members, friends, or others who might be mentioned, and other case-specific terminology.

6. Exhibit List and Conferencea) Joint Exhibit List

A joint exhibit list shall be prepared in compliance with the example below and Local Rule 16-6.1.

JOINT EXHIBIT LIST					
Case Name:					
Case Number:					
Exhibit No.	Description	Stip. to Auth.	Stip. to Admiss	Date Identified	Date Admitted

The joint exhibit list will be filed no later than five (5) court days prior to the Final Pretrial Conference and shall contain the information required by Rule 26(a)(3)(A) of the Federal Rules of Civil Procedure. 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. A copy of the exhibit list with all admitted exhibits will be given to the jury during deliberations. Counsel must review and approve the exhibit list with the CRD before the list is given to the jury.

b) Exhibit Preparation

Exhibits are to be tagged in the lower right corner of each original page and numbered in accordance with Local Rule 16-6. Exhibits consisting of more than one page shall be internally paginated in the lower right corner, displaying both the exhibit number and the page number. Exhibit tags may be obtained from the receptionist in the Public Intake Section, located on the first floor of the Edward R. Roybal Federal Building at 255 East Temple St., Room 180. Digital exhibit tags are also available on the Court's website under Court Procedures > Forms > General forms > Form G-14A (plaintiff) and G-14B (defendant).

If the parties choose to use paper/physical exhibits (versus digital), all exhibits will be placed in 3-ring, loose-leaf binders, in numerical order, with divider tabs containing exhibit numbers. 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. Each binder must contain an index of the exhibits included in the volume. Any exhibits that a party wishes the jury to see in its original form (versus replicated form), should be placed in a Redweld and labeled and numbered as specified herein.

The parties shall prepare two sets of exhibit binders for the Court, and another set of binders for the opposing party. All sets must be brought to the Exhibit Conference (discussed below) if one is ordered, or otherwise, on the morning trial begins.

If ordered by the Court in a case with a large number of exhibits, or if otherwise desired by the parties, the parties must also prepare individual witness binders: one for the Court; one for the opposing party; and one for the witness. Witness binders are to include only those exhibits that will be used when a particular witness testifies. The name of the witness should appear on the binder, and exhibits must be in numerical order and tabbed so that the

witness, the Court, and the opposing party may easily access each exhibit as the witness's testimony proceeds. Witness binders are used for the convenience of the witness, the Court, and the parties. Accordingly, they need not be given to the CRD or the opposing side until each witness is called. If the parties wish to use a paperless presentation method, details must be discussed at the Final Pretrial Conference.

An exhibit conference requiring the attendance of trial counsel will be held at 1:30 p.m. on the Monday of the week before the scheduled trial date unless the Court orders otherwise. Exhibits are to be submitted to the CRD at the time of this conference.

Exhibit Conference:

7. Jury Selection:

c)

a) Voir Dire

No later than five (5) court days before the Final Pretrial Conference, each counsel may, but is not required to, file any special questions requested to be put to prospective jurors during voir dire. The Court will conduct the voir dire. The Court provides a list of basic questions and may provide a list of additional case-specific questions to jurors before voir dire. (This is not a questionnaire to be completed by jurors; the answers are provided in court.) The Court will allow each side no more than 15 minutes to ask follow-up questions of those jurors.

b) Selection

Generally, the Court will select eight jurors. Each side will have three peremptory challenges. The Court uses the "Arizona blind strike" method. See United States v. Harper, 33 F.3d 1143, 1145 (9th Cir. 1994). Under that method, the Court conducts voir dire of the entire jury panel, then permits limited follow-up by counsel as described above. After potential jurors are

excused for cause, counsel for each side simultaneously submit their peremptory challenges in writing. The Court then eliminates the subjects of the peremptory challenges and selects the eight lowest numbered remaining panel members as the jury.

III. TRIAL

On the day of jury selection, Counsel must be prepared to go on the record at 8:30 a.m.; trial will begin at 9:00 a.m. Thereafter, trial days are generally Monday through Friday, 8:30 a.m. to 2:30 p.m., with three fifteenminute breaks. When necessary, trials may continue beyond the normal schedule. If counsel contemplate that this schedule will be problematic due to the unavailability of witnesses, counsel should provide details to the Court at the Final Pretrial Conference.

On the day of jury selection, the Court reserves the time from 8:30 a.m. to 9:00 a.m. to handle legal and administrative matters. Jury selection will begin promptly at 9:00 a.m. or as soon as prospective jurors are available. Thereafter, legal and administrative matters must be addressed between 8:00 a.m. and 8:30 a.m. All counsel are urged to anticipate matters that may need to be addressed outside of the presence of the jury and to raise them during this period or at the end of the day. The Court discourages sidebars during trial. The Court does not make jurors wait while counsel discuss matters that should have been addressed previously. Counsel are urged to consider any unusual substantive or evidentiary issues that may arise and to advise the Court of such issues as early as possible. Short briefs addressing such disputed issues are welcome.

IV. CONDUCT OF ATTORNEYS AND PARTIES

A. OPENING STATEMENTS, EXAMINING WITNESSES, AND SUMMATION

Counsel must use the lectern for opening statements, examination of witnesses, and summation arguments. The Court will establish reasonable time estimates for opening and closing arguments, examination of witnesses, etc.

B. OBJECTIONS TO QUESTIONS

Counsel must not use objections for the purpose of making a speech, recapitulating testimony, or attempting to guide the witness. When objecting, counsel must rise to state the objection and state only that counsel objects and the legal ground of objection. If counsel wishes to argue an objection further, counsel must ask for permission to do so.

C. GENERAL DECORUM

- 1. Counsel should not approach the CRD or the witness stand without specific permission. If permission is given, counsel should return to the lectern when the purpose has been accomplished. Counsel should not question a witness at the witness stand.
- 2. Counsel and parties should rise when addressing the Court and when the Court or the jury enters or leaves the courtroom.
- 3. Counsel should address all remarks to the Court. Counsel are not to address the CRD, the court reporter, persons in the audience, or opposing counsel while on the record. If counsel wish to speak with opposing counsel, counsel must ask permission to do so. Any request for the re-reading of questions or answers must be addressed to the Court. Such requests should be limited and are not likely to be granted.
 - 4. Counsel should not address or refer to witnesses or parties by first

name alone. Young witnesses (under 14) may, however, be addressed and referred to by first name.

- **5.** Counsel must not offer a stipulation unless counsel has conferred with opposing counsel and has verified that the stipulation will be acceptable.
- **6**. While Court is in session, counsel must not leave counsel table to confer with any personnel or witnesses unless permission has been granted in advance.
- 7. Counsel should not by facial expression, nodding, or other conduct exhibit any opinion, adverse or favorable, concerning any testimony being given by a witness, statements or arguments by opposing counsel, or rulings by the Court. Counsel should admonish counsel's own clients and witnesses to avoid such conduct.
- 8. Counsel should not talk to jurors at all and should not talk to cocounsel, opposing counsel, witnesses, or clients where the conversation can be overheard by jurors. Each counsel should admonish counsel's own clients and witnesses to avoid such conduct. Where a party has more than one lawyer, only one may conduct the direct or cross-examination of a particular witness or make objections as to that witness.

D. PROMPTNESS OF COUNSEL AND WITNESSES

- 1. The Court makes every effort to begin proceedings at the time set. Promptness is expected from counsel and witnesses. Once counsel are engaged in trial, the trial is counsel's first priority. The Court will not delay the trial or inconvenience jurors except under extraordinary circumstances. The Court will advise other courts that counsel are engaged in trial in this Court on request.
- 2. If a witness was on the stand at a recess or adjournment, counsel must have the witness back on the stand, ready to proceed, when the court

session resumes.

- 3. Counsel must notify the CRD in advance if any witness should be accommodated based on a disability or for other reasons.
- No presenting party may be without witnesses. If counsel has no more witnesses to call and there is more than a brief delay, the Court may deem that party to have rested.
- **5**. The Court attempts to cooperate with professional witnesses and will, except in extraordinary circumstances, accommodate them 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.

\mathbf{E} . **EXHIBITS**

- Each counsel should keep counsel's own list of exhibits and should 1. note when each has been admitted into evidence.
- 2. Each counsel is responsible for any exhibits that counsel secures from the CRD and must return them before leaving the courtroom at the end of the session.
- 3. An exhibit not previously marked should, at the time of its first mention, be accompanied by a request that the CRD mark it for identification. To save time, counsel must show a new exhibit to opposing counsel before it is mentioned in court.
- 4. Counsel are to advise the CRD of any agreements they have with respect to the proposed exhibits and as to those exhibits that may be received so that no further motion to admit need be made.

F. **DEPOSITIONS**

1. All depositions to be used at trial, either as evidence or potentially for impeachment, must be provided to the CRD on the first day of trial or such

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earlier date as the Court may order. Counsel should verify with the CRD that the relevant deposition is in the CRD's possession.

- **2.** In using depositions of an adverse party for impeachment, either one of the following procedures may be used:
- a. If counsel wishes to read the questions and answers as alleged impeachment and ask the witness no further questions on that subject, counsel must first state the page and line where the reading begins and the page and line where the reading ends, and allow time for any objection. Counsel may then read the portions of the deposition into the record.
- **b.** If counsel wishes to ask the witness further questions on the subject matter, the deposition is placed in front of the witness and the witness is told to read silently the pages and lines involved. Counsel may either ask the witness further questions on the matter and then read the quotations, or read the quotations and then ask further questions. Counsel should have an extra copy of the deposition for this purpose.
- 3. Where a witness is absent and the witness's testimony is offered by deposition, counsel may (a) have a reader occupy the witness chair and read the testimony of the witness while the examining lawyer asks the questions, or (b) have counsel read both the questions and answers.

G. USING NUMEROUS ANSWERS TO INTERROGATORIES AND REQUESTS FOR ADMISSIONS

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

1	"COUNSEL," AS USED IN THIS ORDER, INCLUDES PARTIES		
2	APPEARING IN PROPRIA PERSONA.		
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4	IT IS SO ORDERED.		
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6	Dated: PATRICIA DONAHUE		
7	United States Magistrate Judge		
8	Revised: December 11, 2024		
9	Trevised. Becomed 11, 2021		
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