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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PLAINTIFF'S NAME,
Plaintiff/s,
v.
DEFENDANT'S NAME,
Defendant/s.

Case No.
CIVIL TRIAL ORDER

1 **I. SCHEDULE**

2 **A. Scheduling Order**

3 The Scheduling Order governing this action is set forth in the Schedule of
4 Pretrial and Trial Dates chart below. A copy of the chart can also be found on Judge
5 Sykes’ webpage, at <https://www.cacd.uscourts.gov/honorable-sunshine-s-sykes>, under
6 Order Setting Scheduling Conference at the bottom of the webpage. The box in the
7 upper right-hand corner of the chart states whether the trial will be by jury or the
8 Court. If the parties¹ seek to set additional dates, they may file a Stipulation and
9 Proposed Order. This may be appropriate in class actions, patent cases, or cases for
10 benefits under the Employee Retirement Income Security Act of 1974 (“ERISA”).

11 Any party wishing to *amend* the dates established below may file a Motion or
12 Stipulation for Continuance explaining why good cause exists to modify the existing
13 pretrial and trial calendar. Any such Motion or Stipulation must be accompanied by
14 a Proposed Order Granting Continuance, to be drafted according to the template
15 provided on Judge Sykes’s website. This Proposed Order *must include* a Proposed
16 Amended Schedule of Trial and Pretrial Dates.

17 This Court’s pretrial deadlines are deliberately spaced to ensure that the parties
18 will be able to thoroughly consider and brief all necessary motions, and so that the
19 Court has sufficient time to evaluate the parties’ arguments, hold any necessary
20 hearings, and issue its orders. Litigants are therefore advised that if the Court grants
21 a request to continue one pretrial date, absent good cause, it is likely to postpone any
22 subsequent dates consistent with its usual pretrial scheduling practices. The Court
23 may order such postponements without notice to the litigants and may do so *even*
24 *where the parties have stipulated otherwise*.

25 The parties should refer to the Court’s Civil Standing Order for requirements
26

27 ¹ The term “parties” includes unrepresented parties—that is parties without attorneys,
28 also referred to as “pro se litigants”—as well as counsel for represented parties.

1 regarding specific motions, discovery, certain types of filings, courtesy copies,
2 emailing signature items to Chambers, alternative dispute resolution, and other matters
3 pertaining to all cases. A copy of the Court’s Civil Standing Order is available on
4 Judge Sykes’ webpage at <https://www.cacd.uscourts.gov/honorable-sunshine-s-sykes>.
5 Both the Court and all counsel bear responsibility for the progress of this litigation.

6 “Counsel,” as used in this Order, includes parties appearing pro se.²

7 All emailed submissions to Chambers referred to in this Order must be in
8 Microsoft Word (“Word”) format and emailed to SSS_Chambers@acd.uscourts.gov.

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25 _____
26 ² This Court does not exempt pro se litigants from compliance with the Federal Rules
27 of Civil Procedure, the applicable Local Civil Rules of the Central District of
28 California (“Local Rules”), and this Court’s standing orders and online procedures and
schedules. *See* Local Rules 1-3 and 83-2.2.3.

DISTRICT JUDGE SUNSHINE SYKES
SCHEDULE OF PRETRIAL AND TRIAL DATES

Case No.:	Case Name:
Trial and Final Pretrial Conference Dates Note: Trial must begin on Mondays at 9:00 a.m. Final Pretrial Conference must be on Fridays at 1:00 p.m.	
	Court Order
Trial	<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial Estimated Duration: _ Days
Final Pretrial Conference (“FPTC”) [L.R. 16]	
Event Note: All deadlines must be on Fridays. Hearings must be on Fridays at 2:00 p.m.	
	Court Order
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties	6 weeks after Scheduling Conference
Fact Discovery Cut-Off (Last Day to Hear Discovery Motions) (no later than deadline for filing dispositive motions)	27 weeks before FPTC
Expert Disclosure (Initial)	26 weeks before FPTC
Expert Disclosure (Rebuttal)	24 weeks before FPTC
Expert Discovery Cut-Off	22 weeks before FPTC
Last Date to <u>Hear</u> Motions <ul style="list-style-type: none"> • Rule 56 Motions are due at least 7 weeks before hearing; Rule 56 Opposition due at least 5 weeks before hearing; Rule 56 Reply due at least 4 weeks before hearing. • Briefing deadlines for all other motions are pursuant to L.R. 6-1, 7-9, 7-10. 	11 weeks before FPTC
Deadline to Complete Settlement Conference [L.R. 16-15]	8 weeks before FPTC <input type="checkbox"/> 1. Magistrate Judge <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation
Deadline to File Motions in Limine	6 weeks before FPTC
Deadline for Oppositions to Motions in Limine	4 weeks before FPTC
<u>Trial Filings</u> <ul style="list-style-type: none"> • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations containing Direct Testimony, if ordered (bench trial only) • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint Agreed Upon Proposed Jury Instructions (jury trial only) • Disputed Proposed Jury Instructions (jury trial only) • Joint Proposed Verdict Forms (jury trial only) • Joint Proposed Statement of the Case (jury trial only) • Proposed Voir Dire Questions, if any (jury trial only) • Evidentiary Objections to Declarations of Direct Testimony (bench trial only) 	2 weeks before FPTC
Hearing on Motions in Limine	1 week before FPTC

1 **B. Final Pretrial Conference/Proposed Final Pretrial Conference Order**

2 The Court has set a Final Pretrial Conference (“FPTC”) pursuant to Federal
3 Rule of Civil Procedure 16 and Local Rule 16-8. The Court requires strict compliance
4 with Federal Rules of Civil Procedure 16 and 26, and Local Rule 16. Each party
5 appearing in this action must be represented at the FPTC by lead trial counsel. The
6 parties should be prepared to discuss streamlining the trial, including presentation of
7 testimony by deposition excerpts or summaries, time limits, stipulation to undisputed
8 facts, and qualification of experts by admitted resumes.

9 A proposed Final Pretrial Conference Order (“Proposed FPTCO”) must be filed
10 and emailed to Chambers at least two (2) weeks before the FPTC. A template for the
11 Proposed FPTCO is available on Judge Sykes’ webpage. The parties **must** use this
12 template.

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

20 The parties must attempt to agree on and set forth as many uncontested facts as
21 possible. The Court will read the uncontested facts to the jury at the start of trial. A
22 carefully drafted and comprehensively stated stipulation of facts will shorten the trial
23 and generally increase the jury’s understanding of the case.

24 In drafting the factual issues in dispute, the parties should list the ultimate facts
25 in dispute and should not argue the sufficiency of the evidence to prove or disprove
26 each fact. The issues of fact should track the elements of a claim or defense on which
27 the jury will be required to make findings.

28 Issues of law should state legal issues on which the Court will be required to

1 rule during the trial and should not list ultimate fact issues to be submitted to the trier
2 of fact.

3 **II. TRIAL PREPARATION**

4 The parties must comply with Local Rule 16. Pursuant to Local Rule 16-2, lead
5 trial counsel for each party are required to meet and confer in person six (6) weeks in
6 advance to prepare for the FPTC. The parties must comply with Local Rule 16-2,
7 except where the requirements set forth in this Order differ from or supplement those
8 contained in Local Rule 16. The Court may take the FPTC and trial off calendar or
9 impose other sanctions for failure to comply with these requirements.

10 **A. Requirements for Pretrial Documents**

11 **All pretrial documents**, including any amended documents, **must be filed and**
12 **emailed** to Chambers the day they are due. Additionally, parties must **deliver a joint**
13 **trial binder** containing all pretrial documents, indexed and with accompanying table
14 of contents, to the “Courtesy Box” located outside of Courtroom 2 on the 2nd floor at
15 the United States District Court, 3470 12th Street, Riverside, California 92501, no
16 later than 5:00 p.m on the day trial filings are due.

17 **1. Motions in Limine**

18 Motions in limine (including *Daubert* motions³) must be noticed for hearing at
19 least one (1) week before the FPTC and no less than one (1) week after trial filings are
20 submitted. The Court may rule orally on motions in limine, instead of in writing.
21 Motions in limine and oppositions must not exceed ten (10) pages in length. The
22 parties are limited to five (5) motions each unless the Court grants leave to file
23 additional motions. The Court does not allow parties to file a reply in support of their
24 motions in limine, and any reply filed to that effect shall be stricken.

25 Before filing a motion in limine, the parties must meet and confer to determine
26

27 ³ The Court prefers that *Daubert* motions are heard at least 4 weeks in advance of all
28 other motions in limine.

1 whether the opposing party intends to introduce the disputed evidence and attempt to
2 reach an agreement that would obviate the need for the motion. Motions in limine
3 should address specific issues (e.g., not “to exclude all hearsay”). Motions in limine
4 should not be disguised motions for summary adjudication of issues.

5 The Mandatory Chambers Copy of all motions in limine and associated exhibits
6 must be provided in a three-ring binder. Plaintiffs’ and Defendants’ motions should
7 be placed together in a single 3-inch binder if possible; if these materials do not fit
8 easily into a 3-inch binder, the parties may submit separate binders. In either case,
9 each motion should be tabbed and accompanied by the corresponding Memorandum
10 of Opposition.

11 **2. Withdrawal of and Non-Opposition to Pretrial Motions**

12 Per Local Rule 7-16, any moving party who intends to withdraw its motion
13 prior to the hearing date, or any opposing party who no longer intends to oppose a
14 motion, must promptly file and serve a notice of withdrawal of the motion or
15 opposition. Failure to comply with this notification requirement may result in
16 sanctions against the offending counsel or party.

17 **3. Joint Witness List**

18 The Joint Witness List must be in the format specified in Local Rule 16-5 and
19 must include for each witness (1) a brief description of the testimony; (2) the reasons
20 the testimony is unique and not redundant; and (3) a time estimate in hours for direct
21 and cross-examination. The parties must use the template posted on Judge Sykes’
22 webpage. Any Amended Joint Witness List must be filed and emailed to Chambers
23 by 12:00 p.m. (noon) on the Friday before trial.

24 **4. Joint Exhibit List**

25 The Joint Exhibit List must be in the format specified in Local Rule 16-6 and
26 must include an additional column stating any objections to authenticity and/or
27 admissibility and the reasons for the objections. The parties must use the template
28 posted on Judge Sykes’ webpage. Any Amended Joint Exhibit List must be filed and

1 emailed to Chambers by 12:00 p.m. (noon) on the Friday before trial.

2 **5. Jury Instructions (Jury Trials Only)**

3 The parties must make every effort to agree upon jury instructions before
4 submitting proposals to the Court. The Court expects the parties to agree on the
5 substantial majority of instructions, particularly when pattern or model jury
6 instructions exist and provide a statement of applicable law. The parties must meet
7 and confer regarding jury instructions according to the following schedule:

- 8 • Five (5) weeks before the FPTC: The parties must exchange proposed
9 general and special jury instructions.
- 10 • Four (4) weeks before the FPTC: The parties must exchange any objections
11 to the instructions.
- 12 • Three (3) weeks before the FPTC: The parties must meet and confer with the
13 goal of reaching agreement on one set of Joint Proposed Jury Instructions.
- 14 • Two (2) weeks before the FPTC: The parties must file and email to
15 Chambers clean and/or redline sets of their (1) their Joint Agreed Upon
16 Proposed Jury Instructions and (2) their Disputed Jury Instructions. The
17 redline sets must include all modifications made by the parties to pattern or
18 model jury instructions, any disputed language, and the factual or legal basis
19 for each party's position as to each disputed instruction. Where appropriate,
20 the disputed instructions must be organized by subject, so that instructions
21 that address the same or similar issues are presented sequentially. If there are
22 excessive or frivolous disagreements over jury instructions, the Court will
23 order the parties to meet and confer immediately until they substantially
24 narrow their disagreements.

25 Sources: When the *Manual of Model Jury Instructions for the Ninth Circuit*⁴

26
27 ⁴ The Manual of Model Jury Instructions for the Ninth Circuit may be found on the
28 Ninth Circuit's website at <https://www.ce9.uscourts.gov/jury-instructions/model-civil>.

1 provides an applicable jury instruction, the parties should submit the most recent
2 version, modified and supplemented to fit the circumstances of the case. Where
3 California law applies, the parties should use the current edition of the *Judicial*
4 *Council of California Civil Jury Instructions*⁵ (“CACI”). If neither applies, the
5 parties should consult the current edition of O’Malley, et al., *Federal Jury Practice*
6 *and Instructions*. The parties may submit alternatives to these instructions only if
7 there is a reasoned argument that they do not properly state the law or are incomplete.
8 The Court seldom gives instructions derived solely from case law.

9 Format: Each requested instruction must: (1) cite the authority or source of the
10 instruction; (2) be set forth in full; (3) be on a separate page; (4) be numbered; (5)
11 cover only one subject or principle of law; and (6) not repeat principles of law
12 contained in any other requested instruction. If a standard instruction has blanks or
13 offers options (*e.g.*, for gender⁶), the parties must fill in the blanks or make the
14 appropriate selections in their proposed instructions.

15 Counsel also must list the instructions in the order they will be given and
16 indicate whether the instruction must be read before opening statements, during trial,
17 or before closing arguments.

18 Index: All proposed jury instructions must have an index that includes the
19 number, title, source, and page number for each instruction, as illustrated below:
20

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
1	Trademark-Defined (15.U.S.C. § 1127)	9th Cir. 8.5.1	1

24 _____
25 ⁵ The CACI may be found on the California Court website at
26 <https://www.courts.ca.gov/partners/317.htm>.

27 ⁶ Per the Court’s Civil Standing Order, litigants and counsel may indicate their
28 honorifics by filing a letter, adding the information in the name block or signature line
of the pleadings, or verbally informing the Court when making an appearance.

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2 During the trial and before closing argument, the Court will meet with the
3 parties to finalize the instructions. At that time, the parties will have an opportunity to
4 make an oral record concerning their objections. Each member of the jury will be
5 given their own copy of the instructions during deliberations. Accordingly, counsel
6 must email Chambers a “clean” set of all instructions in Word format, containing only
7 the text of each instruction, set forth in full on each page, with the caption “Instruction
8 No. __” (eliminating the title and source of the instruction, supporting authority, etc.).

9 **6. Joint Verdict Forms (Jury Trials Only)**

10 The parties must make every effort to agree on a general or special verdict form
11 before submitting proposals to the Court. If the parties are unable to agree on a
12 verdict form, the parties must file and email to Chambers one document titled
13 “Competing Verdict Forms” which must include: (1) the parties’ respective proposed
14 verdict form; (2) a redline of any disputed language; and (3) the factual or legal basis
15 for each party’s respective position. The Court may opt to use a general verdict form
16 if the parties are unable to agree on a special verdict form.

17 **7. Joint Statement of the Case (Jury Trials Only)**

18 The parties must file and email to Chambers a Joint Statement of the Case for
19 the Court to read to the prospective jurors before commencement of voir dire. The
20 joint statement should be brief, neutral, and not more than one page in length.

21 **8. Proposed Voir Dire Questions (Jury Trials Only)**

22 Generally, a jury in a civil action will consist of eight (8) jurors. In most cases,
23 the Court will begin the *voir dire* by questioning all prospective jurors who are seated
24 in the jury box. The Court asks prospective jurors basic biographical questions
25 (jurors’ place of residence, employment, whether familiar with the parties or counsel,
26 etc.) and questions going to their ability to be fair and impartial and carry out the
27 duties required. The Court may ask additional case-specific questions that are
28 proposed by the parties. The parties may propose no more than 5 agreed upon

1 questions. If they cannot agree upon the 5 questions the parties may propose 2
2 questions each. The parties may file and email to Chambers any proposed
3 case-specific *voir dire* questions for the Court's consideration. If the Court considers
4 the questions proper, it will pose the questions to the prospective jurors. After the
5 Court finishes its initial inquiry, each party will have 20 minutes to *voir dire* the entire
6 jury panel (includes those is the jury box and those in the gallery).

7 Each side has three (3) peremptory challenges. All challenges for cause and all
8 *Batson* challenges must be made at side bar or otherwise outside the prospective
9 jurors' presence. The Court will not necessarily accept a stipulation to a challenge for
10 cause. After all challenges have been exercised, the remaining jurors in the eight (8)
11 lowest numbered seats will be the jury.

12 **9. Proposed Findings of Fact and Conclusions of Law (Bench** 13 **Trials Only)**

14 For any trial requiring findings of fact and conclusions of law, each party must
15 file and email to Chambers its Proposed Findings of Fact and Conclusions of Law in
16 the format specified in Local Rule 52-3.

17 The parties may file and email to Chambers Supplemental Proposed Findings of
18 Fact and Conclusions of Law during the trial. Once trial concludes, the Court may
19 order the parties to file and email to Chambers Revised Proposed Findings of Fact
20 and Conclusions of Law.

21 **10. Declarations of Direct Testimony (Bench Trials Only)**

22 When ordered by the Court in a particular case, each party must file and email
23 to Chambers declarations containing the direct testimony of each witness whom that
24 party intends to call at trial. If such declarations are filed, each party must file and
25 email to Chambers any evidentiary objections to the declarations submitted by any
26 other party. Such objections must be submitted in the following three-column
27 format: (1) the left column should contain a verbatim quote of each statement
28 objected to (including page and line number); (2) the middle column should set forth

1 a concise legal objection (*e.g.*, hearsay, lacks foundation, etc.) with a citation to the
2 corresponding Federal Rule of Evidence or, where applicable, a case citation; and (3)
3 the right column should provide space for the Court’s ruling on the objection. The
4 Court anticipates issuing its ruling on the objections during the FPTC.

5 **III. TRIAL EXHIBITS**

6 Trial exhibits that consist of documents and photographs must be submitted to
7 the Court in three-ring binders. The parties must submit to the Court three (3) sets of
8 binders: one (1) original set of trial exhibits, and two (2) copies of trial exhibits. The
9 original set of exhibits must be for use by the jury during its deliberations, and the
10 copies are for the Court. **The parties must prepare additional copies of exhibits for**
11 **their own use and for use by witnesses.** The CRD will pull the admitted exhibits
12 and prepare a final admitted exhibits binder to be given to the jury.

13 All exhibits placed in three-ring binders must be indexed by exhibit number
14 with tabs or dividers on the right side. Exhibits must be numbered sequentially as 1,
15 2, 3, etc., **not** 1.1, 1.2, etc. *See* Local Rule 16-6. Every page of a multi-page exhibit
16 must be numbered. Defendant’s exhibit numbers must not duplicate Plaintiff’s
17 numbers. The spine of each binder must indicate the volume number and the range of
18 exhibit numbers included in the volume.

19 The **original exhibits** must bear the official exhibit tags (yellow tags for
20 Plaintiff’s exhibits and blue tags for Defendant’s exhibits) affixed to the front upper
21 right-hand corner of the exhibit, with the case number, case name, and exhibit number
22 stated on each tag. Tags may be obtained from the Clerk’s Office, or the parties may
23 print their own exhibit tags using Forms G-14A and G-14B on the “Court Forms”
24 section of the Central District of California’s website.

25 The **copies of exhibits** must bear copies of the official exhibit tags that were
26 placed on the original exhibits and be indexed with tabs or dividers on the right side.

27 In addition to the three (3) sets of binders above, the parties must also submit to
28 the Court a USB flash drive containing any .pdf, audio, or video versions of all

1 exhibits. The USB flash drive must be delivered to Judge Sykes' "Courtesy Box"
2 located outside of Courtroom 2 on the 2nd floor at the United States District Court,
3 3470 12th Street, Riverside, California 92501, no later than 12:00 p.m. (noon) on
4 Friday, three (3) days before the start of trial. Plaintiff's exhibits must be placed in a
5 separate folder from Defendant's exhibits, and the document file names **must** include
6 the exhibit number and a brief description of the document (*e.g.*, "Ex. 1 – Smith
7 Declaration.pdf" or "Ex. 105 – Letter Dated 1-5-20.pdf").

8 The Court provides audio/visual equipment for use during trial. The parties are
9 encouraged to use it. More information is available at
10 <http://www.cacd.uscourts.gov/clerk-services/courtroom-technology>. The Court does
11 not permit exhibits to be "published" to the jurors before they are admitted into
12 evidence. Once admitted, exhibits may be displayed electronically using the
13 equipment and screens in the courtroom.

14 If electronic equipment must be brought into the courtroom for trial, counsel
15 must make prior arrangements with the Court Security. Notice must be given to the
16 CRD at SSS_Chambers@cacd.uscourts.gov no later than four (4) days before trial.

17 The parties must meet and confer no later than ten (10) days before trial to
18 stipulate as much as possible to foundation, waiver of the best evidence rule, and
19 exhibits that may be received into evidence at the start of the trial. All such exhibits
20 should be noted as admitted on the Court and CRD's copy of the exhibit list.

21 **IV. MATERIALS TO PRESENT ON FIRST DAY OF TRIAL**

22 The parties must present the following materials to the CRD on the first day of
23 trial:

- 24 1. The **three sets of binders** described above, with one (1) original set of
25 trial exhibits for the jury, and two (2) copies of trial exhibits for the
26 Court.
- 27 2. Any **excerpts of deposition transcripts** to be used at trial, either as
28 evidence or for impeachment. These lodged depositions are for the

1 Court's use. **The parties must use their own copies during trial.**

2 **V. COURT REPORTER**

3 Any party requesting special court reporter services for any hearing, such as
4 daily transcripts, must notify Court Reporting Services at least two (2) weeks before
5 the hearing date.⁷

6 **VI. DAILY SCHEDULE FOR JURY TRIALS**

7 On the first day of trial, the parties must appear at 8:30 a.m. to discuss
8 preliminary matters with the Court. The Court will call a jury panel only when it is
9 satisfied the case is ready for trial. Jury selection usually takes only a few hours. The
10 parties should be prepared to proceed with opening statements and witness
11 examination immediately after jury selection.

12 Fridays are usually reserved for the Court's calendar. As a result, trial will not
13 be held on Fridays unless the jury is deliberating or the Court's calendar allows trial to
14 proceed. Therefore, trial days are generally Monday through Thursday. Trial days are
15 from 8:30 a.m. to approximately 4:30 p.m., with two ten-minute breaks and a one-and-
16 a-half hour lunch break. The exact dates and times of trial proceedings will be
17 determined at the Final Pretrial Conference and on a case-by-case basis. The Court
18 may consider the expected length of trial, the witnesses and evidence to be presented,
19 and the availability of counsel and the parties.

20 **VII. CONDUCT OF ATTORNEYS AND PARTIES**

21 **A. Meeting and Confering Throughout Trial**

22 The parties must continue to meet and confer on all issues that arise during trial.
23 The Court will not rule on any such issue unless the parties have attempted to resolve
24 it first. Should the parties need to present any issues to the Court, they must first meet
25

26 ⁷ Additional information regarding Court Reporting Services may be found on the
27 Central District of California's website at [http://www.cacd.uscourts.gov/court-](http://www.cacd.uscourts.gov/court-reporting-services)
28 [reporting-services](http://www.cacd.uscourts.gov/court-reporting-services).

1 and confer, and if they cannot resolve the issue informally, they can inform the CRD
2 of the issue with sufficient time for the Court to address the issue without making the
3 jury wait.

4 **B. Opening Statements, Witness Examinations, and Summation**

5 Counsel must use the lectern. Counsel should not consume jury time by writing
6 out words and drawing charts or diagrams. All such aids must be prepared in
7 advance. Counsel are not permitted to use any PowerPoint presentations during
8 opening statement unless stipulated to by both parties. When appropriate, the Court
9 will establish and enforce time limits for all phases of trial, including opening
10 statements, closing arguments, and witness examinations.

11 **C. Objections to Questions**

12 Counsel must not make speaking objections before the jury or otherwise make
13 speeches, restate testimony, or attempt to guide a witness.

14 When objecting, counsel must rise to state the objection and state only that
15 counsel objects and the legal grounds for the objection. If counsel wishes to argue an
16 objection further, counsel must seek permission from the Court to do so. The counsel
17 conducting the examination is the only counsel who may object.

18 **D. Closing Arguments and Post-Trial Briefs (Bench Trials Only)**

19 For an overview and review of the evidence presented during trial, the Court
20 will rely on the parties' closing arguments. In delivering closing arguments, the
21 parties must use their respective proposed findings of fact and conclusions of law as a
22 "checklist" and should identify the evidence that supports their proposed findings.
23 The Court will not accept post-trial briefs unless it finds that circumstances warrant
24 additional briefing and such briefing is specifically authorized. PowerPoints or other
25 visual aids are permitted for closing arguments without stipulation.

26 **E. General Decorum While in Session**

- 27 1. Counsel must not approach the CRD, the jury box, or the witness
28 stand without court authorization and must return to the lectern

1 when the purpose for the approach has been accomplished.

- 2 2. Counsel must rise when addressing the Court, and when the Court
3 or the jury enters or leaves the courtroom, unless directed
4 otherwise.⁸
- 5 3. Counsel must address all remarks to the Court. Counsel must not
6 address the Courtroom Deputy Clerk, the court reporter, persons in
7 the audience, or opposing counsel. Any request to re-read
8 questions or answers must be addressed to the Court. Counsel
9 must ask the Court's permission to speak with opposing counsel.
- 10 4. Counsel must not address or refer to witnesses or parties by first
11 names alone, except for witnesses who are below age fourteen
12 (14).
- 13 5. Counsel must not offer a stipulation unless counsel have conferred
14 with opposing counsel and have verified that the stipulation will be
15 acceptable.
- 16 6. Counsel must not leave counsel table to confer with any person in
17 the back of the courtroom without the Court's permission.
- 18 7. Counsel must not make facial expressions, nod, shake their heads,
19 comment, or otherwise exhibit in any way any agreement,
20 disagreement, or other opinion or belief concerning the testimony
21 of a witness or argument by opposing counsel. Counsel must
22 instruct their clients and witnesses not to engage in such conduct.
- 23 8. Counsel must never speak to jurors under any circumstance, and
24 must not speak to co-counsel, opposing counsel, witnesses, or
25 clients if the conversation can be overheard by jurors. Counsel
26

27 ⁸ In the event that a disability prevents a party from doing so, the party is advised to
28 inform the Court in advance.

1 must instruct their clients and witnesses to avoid such conduct.

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

5 10. Bottled water is permitted in the courtroom. Food and other
6 beverages are not permitted. Cell phones must be silenced or may
7 be confiscated.

8 **F. Promptness**

9 1. The Court expects the parties, counsel, and witnesses to be
10 punctual. Once the parties and their counsel are engaged in trial,
11 the trial should be their priority. The Court will not delay progress
12 of the trial or inconvenience jurors.

13 2. If a witness was on the stand at the time of a recess or
14 adjournment, the party that called the witness must ensure the
15 witness is back on the stand and ready to proceed as soon as trial
16 resumes.

17 3. The parties must notify the CRD in advance if any party, counsel,
18 or witness requires a reasonable accommodation based on a
19 disability or other reason.

20 4. No presenting party may be without witnesses. If a party's
21 remaining witnesses are not immediately available, thereby
22 causing an unreasonable delay, the Court may deem that party to
23 have rested.

24 5. The Court generally will accommodate witnesses by permitting
25 them to be called out of sequence. Counsel should meet and
26 confer in advance and make every effort to resolve the matter.

27 **G. Exhibits**

28 1. Counsel must keep track of their exhibits and exhibit list, and

1 record when each exhibit has been admitted into evidence.

2. Counsel are responsible for any exhibits they secure from the Courtroom Deputy Clerk and must return them before leaving the courtroom.
3. Any exhibit not previously marked must be accompanied by a request that it be marked for identification at the time of its first mention. Counsel must show a new exhibit to opposing counsel before the court session in which it is mentioned.
4. Counsel must inform the CRD of any agreements reached regarding any proposed exhibits, as well as those exhibits that may be received into evidence without a motion to admit.
5. When referring to an exhibit, counsel must refer to its exhibit number. Counsel should instruct their witnesses to do the same.
6. Counsel should not ask witnesses to draw charts or diagrams or ask the Court's permission for a witness to do so. All demonstrative aids must be prepared fully in advance of the day's trial session.
7. Counsel are required to seek to admit any items of evidence whose admissibility has not yet been stipulated to while the witness authenticating the exhibit is on the stand, so that any issues or concerns that arise may be addressed immediately.

21 **H. Depositions**

- 22 1. In using deposition testimony of an adverse party for
23 impeachment, counsel may adhere to either one of the following
24 procedures:
 - 25 a. If counsel wishes to read the questions and answers as
26 alleged impeachment and ask the witness no further
27 questions on that subject, counsel must first state the page
28 and line where the reading begins and the page and line

1 where the reading ends and allow time for any objection.
2 Counsel may then read the portions of the deposition into
3 the record.

- 4 b. If counsel wishes to ask the witness further questions on the
5 subject matter, the deposition must be placed in front of the
6 witness and the witness told to read the relevant pages and
7 lines silently. Then, counsel either may ask the witness
8 further questions on the matter and thereafter read the
9 quotations or read the quotations and thereafter ask further
10 questions. **Counsel should have available for the Court
11 and the witness extra copies of the deposition transcript
12 for this purpose.**

13 2. Where a witness is absent and the witness's testimony is to be
14 offered by deposition, counsel may either:

- 15 a. have an individual sit on the witness stand and read the
16 testimony of the witness while the examining lawyer asks
17 the questions; or
18 b. have counsel read both the questions and the answers.

19 3. If a party, or the parties, intend to present any evidence by way of
20 deposition, the presentation of such evidence must be done in
21 accordance with Local Rule 16-2.7. In brief, Local Rule 16-2.7
22 requires:

- 23 a. the party offering the evidence to identify on the original
24 transcript the portion or portions it is offering by bracketing
25 the questions and answers in the margins;
26 b. the opposing party shall then likewise countermark any
27 testimony that it plans to offer;
28 c. the parties shall agree between themselves to use different

1 colors for their designations;

2 d. and, at the time of lodging under L.R. 32-1, the party
3 offering the evidence must serve and file a **joint index** on all
4 parties and the Court that reflects (1) the portions of the
5 depositions offered, (2) which party is offering them, (3) the
6 pages and lines being offered, (4) any objections to each
7 designation, and (5) the grounds for all objections. Counsel
8 are required to meet and confer regarding any objections to
9 designations before filing the index with the Court.

10 **I. Using Numerous Answers to Interrogatories and Requests for**
11 **Admission**

12 Whenever counsel expects to offer a group of answers to interrogatories or
13 requests for admissions extracted from one or more lengthy discovery responses,
14 counsel should prepare a new document listing each question and answer and
15 identifying the document from which it has been extracted. **Copies of this new**
16 **document must be provided to the Court and the opposing party.**

17 **J. Advance Notice of Unusual or Difficult Issues**

18 If any party anticipates that a difficult question of law or evidence will
19 necessitate legal argument requiring research or briefing, that party must give the
20 Court advance notice. The parties must notify the CRD immediately of any
21 unexpected legal issue that could not have been foreseen and addressed in advance.
22 To the extent such issue needs to be addressed outside the jury's presence, the relevant
23 party must inform the CRD before jurors are excused for the day to minimize the time
24 jurors are kept waiting. The Court expects all parties to work diligently to minimize
25 delays and avoid keeping jurors waiting.
26
27
28

1 **K. Continuances of Pretrial and Trial Dates**

2 Requests for continuances of pretrial or trial dates must be by motion,
3 stipulation, or application⁹ and must be supported by a declaration setting forth the
4 reasons for the request. The declaration must include a detailed factual showing of
5 good cause and due diligence demonstrating the necessity for the continuance, dating
6 back to the filing of the complaint, stating the steps the parties have taken to advance
7 the litigation, demonstrating why the remaining steps could not have been performed
8 within the applicable deadlines, and stating whether any previous requests for
9 continuances have been made and whether these requests were granted or denied by
10 the Court. The Court will not grant requests to continue pretrial or trial dates absent
11 this detailed showing. General statements are insufficient to establish good cause.

12 If the parties jointly request a continuance, the request should clearly state that
13 the plaintiff and defendant(s) agree. If the case is complex, one or more parties
14 require additional time to prepare for trial, or other circumstances apply necessitating
15 a continuance, the request should so state and describe in detail.

16 A list of counsel’s upcoming scheduled trials in other actions will not support a
17 showing of good cause.

18 Any request for continuance of trial must be filed no later than one (1) week
19 prior to the Final Pretrial Conference. Requests extending dates set by the Court are
20 not effective unless approved by the Court.

21 **IT IS SO ORDERED.**

22
23 Dated:

24 _____
25 SUNSHINE S. SYKES
26 United States District Judge

27 _____
28 ⁹ For the relevant standard for motion for continuance, please review the section titled
“Continuances” in the Court’s Civil Standing Order.