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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Defendant(s)

Case No. CR -ODW

**CRIMINAL MOTION AND TRIAL
ORDER**

Jury Trial at 9:00 a.m.

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

This matter is set for trial before the Honorable Otis D. Wright II, United States District Judge, Courtroom 5D, United States Courthouse, 350 W. 1st Street, Los Angeles, California 90012.

A. PRETRIAL AND TRIAL DATES AND MOTIONS

1. Pretrial Motions shall be filed on or before (**Court will set ALL dates later**). Motions expected to take more than one hour of court time must include a time estimate beneath the hearing date on the face page of the motion. Oppositions (or notices of non-opposition) shall be filed on (Monday preceding three weeks before trial.) Replies (optional) shall be filed on _____ (Monday one week before trial).

1 Local Rule 7-12 will apply to papers not timely filed by a party. Adherence to these
2 timing requirements is essential to chambers' preparation of motion matters.

3 2. Memoranda of Points and Authorities in support of or in opposition to
4 motions shall not exceed 25 pages. Replies shall not exceed 12 pages. Only in rare
5 instances and for good cause shown will the Court grant an application to extend these
6 page limitations. No supplemental brief shall be filed without prior leave of court.
7 **Typeface shall comply with Local Rule 11-3.1.1. (Civil). NOTE: TIMES NEW**
8 **ROMAN FONT MUST BE USED; THE SIZE MUST BE NO LESS THAN 14.**
9 Footnotes shall be in typeface no less than two sizes smaller than text size and shall be
10 used sparingly.

11 3. Motions in Limine:

12 a. Before filing any motion in limine, counsel for the parties shall
13 confer pursuant to Local Rule 7-3 (Civil) in a good faith effort to eliminate the necessity
14 for hearing the motion in limine or to eliminate as many of the disputes as possible. It
15 shall be the responsibility of counsel for the moving party to arrange for this conference.
16 The motion papers must include a declaration showing a good faith meet and confer
17 effort.

18 b. If counsel are unable to resolve their differences, they shall prepare
19 a separate, sequentially-numbered Motion in Limine for each issue in dispute which
20 contains a clear caption that identifies the moving party and the nature of the dispute
21 (i.e., "Plaintiff's Motion in Limine #1 to exclude the testimony of Defendant's expert").
22 **Neither party may file more than five (5) Motions in Limine absent leave of Court**
23 **upon a showing of good cause, and leave of Court will be granted sparingly.**
24 **Motions in Limine in excess of a party's first five will be stricken.** Each Motion in
25 Limine shall contain a clear identification of the testimony, exhibits, or other specific
26 matters alleged to be inadmissible and/or prejudicial and a statement of the specific
27 prejudice that will be suffered by the moving party if the motion is not granted. The
28 identification of the matters in dispute shall be followed by the moving party's

1 contentions and memorandum of points and authorities. The title page of the Motion
2 in Limine must state the Pretrial Conference date, hearing date for the motions in limine,
3 and the Trial date.

4 c. Motions in Limine made for the purpose of precluding the mention
5 or display of inadmissible and/or prejudicial matter in the presence of the jury shall be
6 accompanied by a declaration that includes the following: (1) a clear identification of
7 the specific matter alleged to be inadmissible and/or prejudicial; (2) a representation to
8 the Court that the subject of the motion in limine has been discussed with opposing
9 counsel, and that opposing counsel has either indicated that such matter will be
10 mentioned or displayed in the presence of the jury before it is admitted in evidence or
11 that counsel has refused to stipulate that such matter will not be mentioned or displayed
12 in the presence of the jury unless and until it is admitted in evidence; and (3) a statement
13 of the specific prejudice that will be suffered by the moving party if the motion in limine
14 is not granted.

15 d. **All evidence in support of or in opposition to a motion in limine,**
16 **including declarations and exhibits to declarations, shall be separated by a tab**
17 **divider on the bottom of the page.** If evidence in support of or in opposition to a
18 motion in limine exceeds twenty pages, the evidence must be in a separately bound
19 volume and include a Table of Contents. Though strongly discouraged, if by necessity
20 the supporting evidence exceeds fifty pages, the documents shall be placed in a Slant
21 D-Ring binder with each item of evidence separated by a tab divider on the right side.
22 All documents contained in the binder should be three-hole-punched. For items not
23 conducive to paper format, USC drives should be submitted in lieu of compact discs.

24 e. **Neither party's submissions with respect to a Motion in Limine**
25 **shall exceed eight (8) pages. Unless ordered otherwise, the Court will only consider**
26 **the moving papers and any opposition thereto; no replies are necessary or invited.**

27 4. Discovery Motions: Before filing any motion for discovery, a party shall
28 consult with opposing counsel to ascertain whether the requested discovery will be

1 provided. All discovery motions shall state with particularity what is requested, the
2 basis for the request, whether the discovery has been requested from opposing counsel,
3 and whether the discovery has been declined, in whole or in part. Motions made without
4 prior consultation with opposing counsel or that fail to include the above information
5 may not be heard.

6 5. Filings that do not conform to the Local Rules and this Order may not be
7 considered.

8 6. **Trial is set for Tuesday, at 9:00 a.m.**

9 7. All documents shall be e-filed and served on opposing counsel at
10 approximately the same time.

11 8. The Court does not require courtesy copies for every filing. However,
12 courtesy copies are required for motions necessitating a substantial evidentiary record,
13 and for pretrial and trial documents. Chambers copies shall be delivered to and placed
14 in the Judge's courtesy box, located outside of the Clerk's office on the 4th floor.
15 Chambers copies of under seal documents shall be placed together in a manilla envelope
16 labeled "UNDER SEAL".

17 9. All Counsel are to list e-mail addresses, facsimile transmission numbers,
18 along with street address (no Post Office box numbers) and telephone numbers, on all
19 papers submitted to the Court.

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22 **B. DISCOVERY & NOTICE**

23 Counsel shall comply promptly with discovery and notice pursuant to Rules 12,
24 12.1, 12.2, 12.3, 12.4, 15, and 16 of the Federal Rules of Criminal Procedure. On
25 government counsel's discovery of any evidence within the scope of *Brady v.*
26 *Maryland*, 373 U.S. 83 (1963), such evidence shall be produced forthwith to counsel
27 for the defendant. Counsel for the government shall also disclose to counsel for
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1 defendant the existence or non-existence of: (1) evidence obtained by electronic
2 surveillance; and (2) testimony by a government informer.

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5 **C. TRIAL REQUIREMENTS**

6 1. **No later than one week before trial**, counsel for the government shall file
7 with the Court:

8 a. In camera (under seal) all statements of all witnesses to be called by
9 the government in its case-in-chief;

10 b. A Trial Memorandum setting forth a factual summary of the
11 government's case, a statement of the charges and the elements of each charge, an
12 estimate of the length of the government's case in chief, including anticipated cross-
13 examination, the names of witnesses the government intends to call, and a discussion
14 of relevant legal and evidentiary issues as applied to the facts of the particular case.
15 Counsel for the government shall attempt to obtain defense counsel's agreement to the
16 factual summary, statement of the charges, time estimate for cross-examination of the
17 government's witnesses, and legal and evidentiary issues.

18 2. Counsel shall arrive at the Courtroom no later than 8:30 a.m. on the first
19 day of trial.

20 3. Counsel for the government shall present the courtroom deputy clerk
21 ("CRD") with the following documents on the first day of trial:

22 a. **Three copies of the government's witness list** (1-clean copy with
23 no header);

24 b. **Three copies of the government's exhibit list** in the form specified
25 in Local Rule 16-5 (Civil) (1-clean copy with no header);

26 c. A bench book containing a copy of the indictment/ information, a
27 copy of all exhibits that can be reproduced, and a copy of the witness list. Each exhibit
28 shall be tabbed with the exhibit number for easy referral;

1 d. All of the government’s exhibits, with official exhibit tags attached
2 and bearing the same number shown on the exhibit list. Exhibit tags may be obtained
3 online on the Court’s website at [https://www.cacd.uscourts.gov/forms/exhibit-tags-](https://www.cacd.uscourts.gov/forms/exhibit-tags-plaintiff-g-14a-defendant-g-14b-joint-g-14c)
4 [plaintiff-g-14a-defendant-g-14b-joint-g-14c](https://www.cacd.uscourts.gov/forms/exhibit-tags-plaintiff-g-14a-defendant-g-14b-joint-g-14c), or counsel may create their own. Exhibits
5 shall be numbered 1, 2, 3, etc., NOT 1.1, 1.2, etc. If a “blow-up” is an enlargement of
6 an existing exhibit, it shall be designated with the number of the original exhibit
7 followed by an “A.”

8 4. The Court orders that exhibits such as firearms, narcotics, etc., remain in
9 the custody of a law enforcement agent during the pendency of the trial. It shall be the
10 responsibility of the agent to produce any such items for court, secure them at night and
11 guard them at all times while in the courtroom.

12 5. Defense counsel needs to deliver defense exhibits to the CRD on the first
13 day of trial; however, defense counsel is responsible for affixing completed exhibit tags
14 with the case name and case number to all exhibits to be used in Defendant’s case.

15 6. Defense counsel shall provide a three ring binder, tabbed with numbers to
16 correspond to the exhibits counsel expects to introduce. Defense counsel shall provide
17 the Court with a copy of defense exhibits on the first day of trial.

18 7. Defense counsel shall provide the CRD with 3-copies, one clean of each
19 document (no header) of the defense witness list and defense exhibit list, unless exhibits
20 are joint, in which case only one side needs to submit the 3-copies to the CRD.

21 8. If any counsel wishes to arrange for the use of additional equipment, such
22 as video monitors, overhead projectors, etc., counsel shall notify the CRD **no later than**
23 **3:00 p.m. one week before trial** so that the necessary arrangements may be made.

24 9. Counsel shall not attempt to display or use any charts or enlargements of
25 exhibits unless all counsel have agreed to their use or objections have been heard and a
26 ruling has been made by the Court

27 10. On the day of jury selection, trial will begin at 9:00 a.m. Counsel will
28 appear at 8:30 a.m. Thereafter, trial days are Tuesday through Friday. If counsel

1 contemplate that this schedule will be problematic due to the unavailability of witnesses,
2 counsel should provide details to the Court at the Status Conference.

3 11. Before trial begins, the Court will give counsel an opportunity to discuss
4 administrative matters and anticipated procedural or legal issues. Before trial begins,
5 and as soon as the information becomes available to counsel, counsel should advise the
6 Court of any concerns or accommodations requested for parties or witnesses. During
7 trial, if there are any matters to be discussed outside the presence of the jury, counsel
8 shall advise the CRD of the request. The Court discourages sidebars during trial.

9 12. On the day of jury selection, the Court reserves the time from 8:30 a.m. to
10 9:00 a.m. to handle legal and administrative matters. Jury selection will commence
11 promptly at 9:00 a.m. or as soon as jurors are available. Thereafter, legal and
12 administrative matters shall be addressed between 8:30 a.m. and 9:00 a.m. All counsel
13 are urged to anticipate matters that may need to be addressed outside of the presence of
14 the jury and to raise them during this period, during breaks, or at the end of the day.
15 The Court does not make jurors wait while counsel discuss matters that should have
16 been addressed previously. Counsel are urged to consider any unusual substantive or
17 evidentiary issues that may arise, and to advise the Court of such issues. Short briefs
18 addressing such disputed issues are welcome.

19 13. Should counsel for the government wish to order transcripts, they shall
20 provide agency authorization to the court reporter at the time the request is made.

21 14. NOTE: Counsel for both parties are instructed not to bring excessive
22 exhibits to trial, but only those exhibits that will actually be used.

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25 **D. JURY INSTRUCTIONS, VERDICT FORMS & QUESTIONNAIRES**

26 1. **No later than one week before trial**, counsel shall submit both general
27 and substantive jury instructions in the form described below. If possible, all
28 instructions should be taken from the *Manual of Model Criminal Jury Instructions for*

1 *the Ninth Circuit* (West Publishing, current edition). In those cases where a special
2 verdict is requested, counsel shall submit a proposed verdict form with the jury
3 instructions. Counsel shall submit the proposed instructions and a “clean” set of such
4 instructions, as set forth below.

5 2. The parties must submit JOINT jury instructions and a JOINT proposed
6 verdict form (if a special verdict is requested). In order to produce these joint
7 instructions, the parties shall meet and confer sufficiently in advance of the required
8 submission date, with the goal of agreeing on instructions and verdict forms. Where
9 the parties cannot agree, disputed instructions shall be submitted one week before trial
10 as follows: (1) JOINT jury instructions (those instructions agreed to by all parties), and
11 (2) DISPUTED jury instructions (those instructions propounded by a party to which
12 another party objects). On a separate page following each disputed jury instruction, the
13 party opposing the instruction shall briefly state the basis for the objection, any authority
14 in support thereof and, if applicable, an alternative instruction. On the following page,
15 the party proposing the disputed instruction shall briefly state its response to the
16 objection, and any authority in support of the instruction. Each requested jury
17 instruction shall be numbered and set forth in full on a separate page, citing the authority
18 or source of the requested instruction.

19 3. Jury instructions should be modified as necessary to fit the facts of the case
20 (*e.g.*, inserting names of defendant(s) to whom instruction applies). Where language
21 appears in brackets in the model instruction, counsel shall select the appropriate text
22 and eliminate the inapplicable bracketed text. Where no applicable Ninth Circuit model
23 instruction is available, counsel are directed to use the instructions from O’Malley,
24 Grenig & Lee (formerly Devitt, et al.), *Federal Jury Practice and Instructions* (West
25 Publishing Co., current edition).

26 4. An index page shall accompany all jury instructions submitted to the
27 Court. The index page shall indicate the following:
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- 1 a. The number of the instruction;
- 2 b. A brief title of the instruction;
- 3 c. The source of the instruction; and
- 4 d. The page number of the instruction.

5 **EXAMPLE:**

6 Number	Title	Source	Page Number
7 #1	Conspiracy-Elements	9th Cir.8.5.1	1

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9 5. One or more copies of the instructions will be given to the jury during
10 deliberations. Accordingly, counsel shall submit a “clean” set of all instructions,
11 containing only the text of each instruction, set forth in full on each page, with the
12 caption “Court’s Instruction No. ____” (eliminating supporting authority, indication of
13 party proposing, etc.).

14 6. If counsel wish to submit a written questionnaire to prospective jurors, a
15 motion shall be made in writing, with the proposed questionnaire attached, no later than
16 eight weeks before the trial date. The Court does not routinely use questionnaires.
17 Counsel should attempt to discuss this issue and reach a proposed agreement before
18 submitting the motion to the Court.

19 7. At least one week before trial, each counsel must file with the CRD and
20 serve on opposing counsel any proposed questions to be asked of prospective jurors.
21 Counsel shall also file a Joint Statement of the Case, which the Court will read to
22 prospective jurors prior to the commencement of voir dire. The statement shall not
23 exceed one page.

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26 **E. INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

27 1. Counsel shall not refer to any witness -- including a client -- over 14 years
28 of age by his/her first name.

- 1 2. Counsel shall not discuss the law or argue the case in opening statements.
- 2 3. Counsel shall not use objections for the purpose of making a speech,
3 recapitulating testimony, or attempting to guide the witness. When objecting, counsel
4 shall stand, state only the legal ground of the objection, *e.g.*, hearsay, irrelevant, etc.
5 Counsel shall not argue an objection before the jury. Requests to approach sidebar to
6 further argue an objection should be made sparingly, and may not be granted.
- 7 4. Counsel shall not make facial expressions, nod, or shake their heads,
8 comment or otherwise exhibit in any way any agreement, disagreement, or other
9 opinion or belief concerning the testimony of a witness. Counsel shall admonish their
10 clients and witnesses not to engage in such conduct.
- 11 5. Counsel should not talk to jurors at all, and should not talk to co-counsel,
12 opposing counsel, witnesses, or clients where the conversation can be overheard by
13 jurors. Each counsel should admonish counsel’s own clients and witnesses to avoid
14 such conduct.
- 15 6. Counsel shall question witnesses from the lectern. Counsel shall not
16 approach the witness box or enter the well without the Court’s permission, and shall
17 return to the lectern when counsel’s purpose has been accomplished.
- 18 7. Counsel should speak clearly and into the microphone(s) when questioning
19 witnesses, making objections, etc.
- 20 8. No document shall be placed before a witness unless a copy has been
21 provided to the Court. Counsel may consider such devices as overhead projectors, jury
22 notebooks for admitted exhibits, or enlargements of important exhibits. The Court has
23 an Elmo and other equipment available for use during trial. Call the CRD if you wish
24 to visit when the Court is not in session to practice using the equipment. The Court
25 does not permit exhibits to be “published” by passing them up and down the jury box.
26 Exhibits may be displayed using the screen in the courtroom.

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1 9. Water bottles with closed or non-spill caps may be brought to counsel
2 table. Water cups are not to be brought to the lectern. No other beverages are permitted
3 in the courtroom. Food is not permitted in the courtroom.

4 10. Counsel shall rise when addressing the Court. In jury trials, counsel and
5 Defendant shall rise when the jury enters or leaves the courtroom. [Special procedures
6 or exceptions may apply when Defendant is in custody or restrained.]

7 11. In trial, all remarks shall be addressed to the Court. Counsel shall not
8 directly address the CRD, the court reporter, or opposing counsel. All requests for
9 re-reading of questions or answers, or to have an exhibit placed in front of a witness,
10 shall be addressed to the Court.

11 12. Counsel should not offer a stipulation without having first conferred and
12 reached an agreement with opposing counsel. Any stipulation of fact will require
13 Defendant's personal concurrence and shall be submitted to the Court in writing for
14 approval. A proposed stipulation should be explained to Defendant in advance.

15 13. While court is in session, counsel shall not leave counsel table to confer
16 with investigators, paralegals, or witnesses unless permission is granted in advance.

17 14. When a party has more than one lawyer, only one lawyer may conduct the
18 examination of a given witness, and only that same lawyer may handle objections
19 during the testimony of that witness.

20 15. If a witness was on the stand at a recess or adjournment, counsel who called
21 the witness shall ensure the witness is back on the stand and ready to proceed when
22 court resumes.

23 16. Counsel are directed to have witnesses available throughout the court day.
24 If no witnesses are available and there is more than a brief delay, the Court may deem
25 counsel to have rested.

26 17. The Court attempts to cooperate with expert witnesses and other
27 professionals, and will, except in extraordinary circumstances, accommodate them by
28 permitting them to be called out of sequence. Counsel are urged to anticipate any such

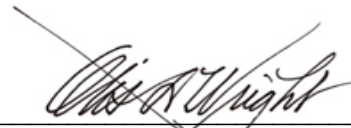
1 possibility and to discuss it with opposing counsel. If there is an objection, counsel
2 shall confer with the Court in advance.

3 18. Counsel must notify the CRD in advance if any witness should be
4 accommodated based on the Americans with Disabilities Act or for other reasons.

5 19. Counsel are advised to be on time, as the Court makes every effort to start
6 promptly.

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8 **IT IS SO ORDERED.**

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12 September 9, 2024



13 **OTIS D. WRIGHT, II**
14 **UNITED STATES DISTRICT JUDGE**