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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

_____,

Plaintiff,

v.

_____,

Defendant.

Case No. _____

**CIVIL PRETRIAL SCHEDULE AND
TRIAL ORDER**

The Scheduling Conference scheduled for _____ is hereby VACATED.

The Request to Appear Telephonically filed _____ (ECF No. ____), is therefore MOOT. The pretrial schedule governing this case is set forth in the far right column labeled “Court Order” located on the parties’ Schedule of Pretrial and Trial Dates Worksheet, which accompanies this Order. While parties should be prepared to start trial on the date set by the Court and should appear on that date absent further order, the parties and their witnesses should be prepared to trail for up to 30 days if needed. If the parties wish to set additional or alternative dates, they must file a stipulation and proposed order setting forth the dates requested and demonstrating good cause. Setting additional or alternative dates may be especially appropriate in class actions, patent cases, or cases for benefits under the Employee Retirement Income Security Act of 1974 (“ERISA”).

1 Please refer to the Court’s Standing Order for Newly Assigned Civil Cases for
2 requirements for specific motions, discovery, certain types of filings, courtesy copies,
3 emailing signature items to chambers, settlement, and other matters pertaining to all
4 civil cases. A copy of the Court’s Standing Order for Newly Assigned Civil Cases is
5 available on Judge Hsu’s webpage at [https://www.cacd.uscourts.gov/honorable-](https://www.cacd.uscourts.gov/honorable-wesley-l-hsu)
6 [wesley-l-hsu](https://www.cacd.uscourts.gov/honorable-wesley-l-hsu).

7 “Counsel,” as used in this Order, includes parties who are represented by
8 counsel and parties who have elected to appear without counsel and are representing
9 themselves in this litigation (hereinafter referred to as “*Pro Se* Litigants”). Counsel,
10 including *Pro Se* Litigants, must comply with this Order, the Federal Rules of Civil
11 Procedure, and the Central District of California Local Rules. See L.R. 1-3, 83-2.2.3.
12 *Pro Se* Litigants are required to participate in the scheduling conference.

13 **A. SCHEDULE OF PRETRIAL AND TRIAL DATES**

14 **1. Discovery Cut-Off and Discovery Motions.**

15 **(a) Fact and Expert Discovery Cut-Offs.** The cut-off date for
16 discovery is not the date by which discovery requests must be served; it is the date by
17 which all discovery, including all hearings on any related motions, must be completed.
18 Thus, written discovery must be served and depositions must begin sufficiently in
19 advance of the discovery cut-off date to permit the propounding party enough time, if
20 the party chooses, to challenge via motion practice any responses the party asserts are
21 deficient.

22 **(b) Expert Disclosures.** All expert disclosures must be made in
23 writing. The parties should begin expert discovery shortly after the initial designation
24 of experts. The Final Pretrial Conference (“FPTC”) and trial dates will not be
25 continued merely because expert discovery has not been completed. Failure to
26 comply with these or any other orders concerning expert discovery may result in the
27 expert being excluded as a witness.

1 **(c) Discovery Motions.** Discovery motions are handled by the
2 Magistrate Judge assigned to the case. Any motion challenging the adequacy of
3 discovery responses must be filed, served, and calendared before the assigned
4 Magistrate Judge sufficiently in advance of the discovery cut-off date to permit the
5 responses to be obtained before that date if the motion is granted. The parties are
6 expected to meet and confer to attempt to resolve discovery disputes before filing a
7 discovery motion and must use their best effort to resolve all discovery disputes in a
8 courteous, reasonable, and professional manner. Counsel must adhere to the Civility
9 and Professionalism Guidelines at:

10 <http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism->
11 [guidelines.](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-)

12 **2. Non-Discovery Motions Deadline.**

13 **(a) Meet and Confer Requirement.** The parties are required under
14 Local Rule 7-3 to meet and confer to attempt to resolve disputes before filing a
15 motion. The parties should review the Court’s Standing Order Re: Civil Cases for
16 instructions regarding motions to dismiss, motions to amend, and other types of
17 motions. The Court employs special procedures for motions under Fed. R. Civ. P. 56
18 for summary judgment (“MSJ”), including the parties’ preparation of a joint brief and
19 joint related documents. The parties should review the Court’s MSJ Standing Order
20 for a full explanation of the Court’s briefing schedule and requirements.

21 **(b) Cut-Off Date is the Last Day for *Hearing* the Motion.** Judge
22 Hsu hears non-discovery motions in civil cases generally through in-person
23 appearances on Fridays at 1:30 p.m. All non-discovery motions must be noticed to be
24 heard on or before their respective cut-off dates listed in the above schedule (i.e., all
25 non-discovery motions, except for MSJ, must be filed at least twenty-eight (28) days
26 before the deadline in accordance with the requirements of L.R. 6-1; MSJ must be
27 *filed* at least six (6) weeks before the cut-off date).

1 **(c) Mandatory Chambers Copies.** The parties must deliver to Judge
2 Hsu's chambers copy box located outside of the Clerk's Office on the fourth floor of
3 the First Street Courthouse one (1) Mandatory Chambers Copy (a paper copy that is
4 sent to Chambers upon electronic filing of the motion) only for Motions for Summary
5 Judgment filings and 26(f) Reports.¹ Mandatory Chambers Copies must be delivered
6 no later than 12:00 p.m. (noon) the following business day after the document is
7 electronically filed. If, however, the electronically filed document is particularly
8 voluminous (more than 500 pages), Mandatory Chambers Copies may be delivered no
9 later than 12:00 p.m. on the second business day after the document is filed.

10 **(d) Settlement Proceedings/Alternative Dispute Resolution (ADR)**
11 **Deadline.** Pursuant to Local Rule 16-15, the parties must participate in a settlement
12 conference/ADR procedure. The Court's Schedule above sets forth the type of
13 procedure the parties must use. If the parties prefer an ADR procedure other than the
14 one ordered by the Court, they shall file a Stipulation and Proposed Order. The
15 parties' request may not necessarily be granted. The parties shall file a Joint Report
16 regarding the outcome of settlement negotiations, the likelihood of possible further
17 negotiations, and any assistance the Court may provide concerning settlement
18 negotiations within seven (7) days after the settlement conference. No case will
19 proceed to trial unless all parties, including the principals of all corporate parties, have
20 appeared personally at a settlement conference. If a settlement is reached, it shall be
21 reported immediately to this Court as required by L.R. 16-15.7. In all cases set for
22 jury trial, the parties must notify the Court no later than the Monday preceding the
23 trial date, of any settlement, so that the necessary arrangements can be made to bring
24 in a different case for trial or to notify the members of the public who would otherwise
25 be reporting for jury duty that their services are not needed that date.

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28 ¹ Please do not sent paper copies of any other documents unless requested by the Court.

1 **3. Final Pretrial Conference/Proposed Final Pretrial Conference.**

2 **(a) Presence of Lead Trial Counsel.** The Court has set the FPTC
3 pursuant to Fed. R. Civ. P. 16 and L.R. 16-8. The Court requires strict compliance
4 with Fed. R. Civ. P. 16 and 26, and L.R. 16 and does not exempt *Pro Se* Litigants
5 from the requirements of L.R. 16. Each party appearing in this action, except *Pro Se*
6 Litigants, must be represented at the FPTC by lead trial counsel. All unserved parties
7 will be dismissed at the time of the FPTC pursuant to L.R. 16-8.1.

8 **(b) Matters to be Discussed During FPTC.** Lead trial counsel² shall
9 be prepared to discuss at the Final Pretrial Conference all matters related to the trial,
10 including, but not limited to, the following:

- 11 **i.** The witnesses all parties intend to call during their respective
12 cases, and the amount of time necessary for direct and cross
13 examination of each witness;
- 14 **ii.** Any anticipated problems in scheduling witnesses;
- 15 **iii.** Efforts made to streamline the trial, including agreeing to
16 testimony by deposition excerpts or summaries, stipulating to
17 facts, and stipulating to an expert’s qualifications;
- 18 **iv.** Any evidentiary issues, including anticipated objections under
19 Fed. R. Evid. 403, and objections to exhibits;
- 20 **v.** Jury selection procedures;
- 21 **vi.** All pretrial motions, including motions *in limine* and motions
22 to bifurcate and to sever;

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² Only one attorney for a party may be designated as lead trial counsel unless
26 otherwise permitted by the Court. If a second lead trial counsel is permitted by the
27 Court, both counsel must attend the pretrial conference. Believing that young lawyers
28 need more opportunities for appearances than they usually receive, the Court
encourages lead trial counsel to permit junior counsel, of five or fewer years out of
law school, to fully participate in Court proceedings, including arguing motions and
participating in the pretrial conference.

1 **vii.** Any disputed jury instructions, and the form of the
2 instructions that will be given to the jury at the outset of the
3 case, i.e., before opening statements and presentation of
4 evidence;

5 **viii.** Whether any counsel intends to use any evidence or
6 demonstrative aid in opening statement³; and

7 **ix.** Motions to exclude witnesses from the courtroom during trial
8 testimony.

9 **(c) Requests for Additional Audio/Visual Equipment.** The court
10 provides audio/visual equipment for use during trial. The parties are encouraged to use
11 it. More information is available at: [http://www.cacd.uscourts.gov/clerk-](http://www.cacd.uscourts.gov/clerk-services/courtroom-technology)
12 [services/courtroom-technology](http://www.cacd.uscourts.gov/clerk-services/courtroom-technology). If counsel for any party needs to arrange for the
13 installation of their own equipment, such as video monitors, notebooks, or projection
14 equipment, counsel shall notify the Courtroom Deputy Clerk (CRD) no later than 4:00
15 p.m. on the Wednesday before trial so that the necessary arrangements can be made.

16 **(d) Filing of Proposed Final Pretrial Conference Order.** A
17 proposed Final Pretrial Conference Order (“Proposed FPTCO”) shall be filed and
18 emailed to Chambers at least fourteen (14) days before the FPTC. A template for the
19 Proposed FPTCO is available on Judge Hsu’s webpage. The parties must use this
20 template. In specifying the surviving pleadings under section 1, the parties are to state
21 which claims or counterclaims have been dismissed or abandoned (e.g., “Plaintiff’s
22 second cause of action for breach of fiduciary duty has been dismissed.”).
23 Additionally, in multiple-party cases where not all claims or counterclaims will be
24 prosecuted against all remaining parties on the opposing side, the parties are to specify
25 to which party or parties each claim or counterclaim is directed. In drafting the

26 _____
27 ³ Absent stipulation of the parties or leave of court, no exhibits or demonstrative
28 evidence may be used during opening statements. If a party seeks to use any exhibits
or demonstrative evidence, leave of court must be sought during the FPTC.

1 Proposed FPTCO, the parties shall make a good faith effort to agree on and set forth
2 as many uncontested facts as possible. The Court may read the uncontested facts to
3 the jury at the start of the trial. A carefully drafted and comprehensively stated
4 statement of uncontested facts will shorten the trial and generally increase jury
5 understanding of the case. The remaining triable issues of fact section on the
6 Proposed FPTCO should track the elements of a claim or defense on which the jury
7 will be required to make findings. Counsel should attempt to state issues in ultimate
8 fact form, not in the form of evidentiary fact issues (i.e., “was the defendant
9 negligent?”; “was such negligence the proximate cause of injury to the plaintiff?”; not,
10 “was the defendant driving the vehicle west on Hill Street at 9:00 p.m. on January
11 1?”). Counsel may list sub-issues under the headings of ultimate fact issues, but shall
12 not use this as a device to list disputes over evidentiary matters. Issues of law should
13 state legal issues upon which the Court will be required to rule after the Pretrial
14 Conference, including during the trial, and should not list ultimate fact issues to be
15 submitted to the trier of fact.

16 **B. TRIAL PREPARATION**

17 The parties must comply with Local Rule 16. Pursuant to L.R. 16-2, lead trial
18 counsel for each party are required to meet and confer in person forty (40) days in
19 advance to prepare for the FPTC. The parties must comply with L.R. 16-2, except
20 where the requirements set forth in this Order differ from or supplement those
21 contained in L.R. 16. The Court may take the FPTC and trial off calendar or impose
22 other sanctions for failure to comply with these requirements.

23 **1. Schedule for Filing Pretrial Documents.** The schedule for filing
24 pretrial documents is as follows:

25 At least twenty-eight (28) days before the FPTC:

- 26 • Motions *in Limine*
- 27 • Memoranda of Contentions of Fact and Law
- 28 • Witness List

- 1 • Joint Exhibit List
- 2 • Joint Status Report Regarding Settlement
- 3 • Proposed Findings of Fact and Conclusions of Law (bench trial
- 4 only)
- 5 • Declarations Containing Direct Testimony (bench trial only)

6 At least fourteen (14) days before the FPTC:

- 7 • Oppositions to Motions *in Limine*
- 8 • Joint Proposed FPTCO
- 9 • Joint Agreed Upon Proposed Jury Instructions (jury trial only)
- 10 • Disputed Proposed Jury Instructions (jury trial only)
- 11 • Proposed Additional Voir Dire Questions, if any (jury trial only)
- 12 • Joint Proposed Verdict Forms (jury trial only)
- 13 • Joint Proposed Statement of the Case (jury trial only)
- 14 • Evidentiary Objections to Declarations of Direct Testimony (bench
- 15 trial only)

16 All pretrial documents listed above, including any amended documents, shall be
17 filed and emailed to Chambers the day set forth in the schedule that they are due.

18 Except for motions *in limine* and oppositions, the Joint Status Report Regarding
19 Settlement, and Declarations containing direct testimony, Counsel shall email all of
20 the above, including any amended documents, in Microsoft Word format to

21 WLH_Chambers@cacd.uscourts.gov. Mandatory Chambers Copies of electronically
22 filed pretrial documents shall be delivered to Judge Hsu's Chambers copy box outside
23 of the Clerk's Office on the fourth floor of the First Street Courthouse. Chambers
24 copies must be delivered in a "binder-ready" state, meaning they must be three-hole
25 punched on the left side, without blue-backs, and stapled only in the top left corner.

26 **2. Requirements for Pretrial Documents.**

27 (a) **Daubert Motions.** *Daubert* motions will be heard not later than
28 eight (8) weeks before the FPTC.

1 **(b) Motions in Limine.** Motions *in limine* will be heard and ruled on
2 at the FPTC. The court may rule orally instead of in writing. Each side is limited to
3 five (5) motions *in limine* unless the court grants leave to file additional motions. All
4 motions *in limine* must be filed at least twenty-eight (28) days before the FPTC.
5 Oppositions must be filed at least fourteen (14) days before the FPTC. There shall be
6 no replies. Motions *in limine* and oppositions must not exceed 2,500 words in length,
7 including headings, footnotes, and quotations but excluding the caption page,
8 signature block, and any table of contents or table of authorities. Before filing a
9 motion *in limine*, the parties must meet and confer to determine whether the opposing
10 party intends to introduce the disputed evidence and attempt to reach an agreement
11 that would obviate the need for the motion. Motions *in limine* should address specific
12 issues (e.g., not “to exclude all hearsay”). Motions *in limine* should not be disguised
13 motions for summary adjudication of issues. The court may strike excessive or
14 unvetted motions *in limine*.

15 **(c) Witness Lists.** Witness lists must be filed at least twenty-eight
16 (28) days before the FPTC. They must be in the format specified in Local Rule 16-5,
17 and must include for each witness (i) a brief description of the testimony, (ii) the
18 reasons the testimony is unique and not redundant, and (iii) a time estimate in hours
19 for direct and cross-examination. The parties should use the template posted to Judge
20 Hsu’s webpage. Any Amended Witness List must be filed by 12:00 p.m. (noon) on
21 the Friday before trial and emailed to WLH_Chambers@cacd.uscourts.gov in
22 Microsoft Word format.

23 **(d) Joint Exhibit List.** The Joint Exhibit List must be filed at least
24 twenty-eight (28) days before the FPTC. It must be in the format specified in Local
25 Rule 16-6 and shall include an additional column stating any objections to authenticity
26 and/or admissibility and the reasons for the objections. The parties should use the
27 template posted to Judge Hsu’s webpage. Any Amended Joint Exhibit List must be
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1 filed by 12:00 p.m. (noon) on the Friday before trial and emailed to
2 WLH_Chambers@cacd.uscourts.gov in Microsoft Word format.

3 **(e) Jury Instructions (Jury Trial Only).**

4 **i. Schedule.** Joint agreed upon proposed jury instructions
5 must be filed no later than fourteen (14) days prior to the FPTC. The parties shall
6 make every effort to agree upon jury instructions before submitting proposals to the
7 Court. The Court expects the parties to agree on most instructions, particularly when
8 pattern or model jury instructions exist and provide a statement of applicable law.
9 The parties shall meet and confer regarding jury instructions according to the
10 following schedule:

- 11 • At least thirty-five (35) days before the FPTC: The parties shall
12 exchange proposed general and special jury instructions.
- 13 • At least twenty-eight (28) days before the FPTC: The parties shall
14 exchange any objections to the instructions.
- 15 • At least twenty-one (21) days before the FPTC: The parties shall
16 meet and confer with the goal of reaching agreement on one set of
17 Joint Agreed Upon Proposed Jury Instructions.
- 18 • At least fourteen (14) days before the FPTC: The parties shall file
19 their (i) Joint Agreed Upon Proposed Jury Instructions and (ii)
20 Disputed Jury Instructions.

21 **ii. Red-Lined Copy.** The parties shall file clean and redline
22 sets of their (i) Joint Agreed Upon Proposed Jury Instructions, and (ii) Disputed Jury
23 Instructions. The redline sets shall include all modifications made by the parties to
24 pattern or model jury instructions, any disputed language, and the factual or legal
25 basis for each party's position as to each disputed instruction. Where appropriate, the
26 disputed instructions shall be organized by subject, so that instructions that address the
27 same or similar issues are presented sequentially. If there are excessive or frivolous
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1 disagreements over jury instructions, the court will order the parties to meet and
2 confer immediately until they substantially narrow their disagreements.

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

12 **iv. Format.** Each requested instruction shall (i) cite the
13 authority or source of the instruction; (ii) be set forth in full; (iii) be on a separate
14 page; (iv) be numbered; (v) cover only one subject or principle of law; and (vi) not
15 repeat principles of law contained in any other requested instruction. If a standard
16 instruction has blanks or offers options, e.g., for gender, the parties must fill in the
17 blanks or make the appropriate selections in their proposed instructions.

18 **v. Index.** The Proposed Instructions must have an index that
19 includes the following for each instruction, as illustrated in the example below: (1) the
20 number of the instruction; (2) the title of the instruction; (3) the source of the
21 instruction and any relevant case citations; and (4) the page number of the instruction.

22 *Example:*

| Instruction Number | Title | Source | Page Number |
|-------------------------------|---|----------------|------------------------|
| #1 | Trademark-Defined (15 U.S.C. § 1127) | 9th Cir. 8.5.1 | 1 |

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

1 **(f) Joint Verdict Forms (Jury Trial Only).** The parties shall make
2 every effort to agree on a general or special verdict form before submitting proposals
3 to the court. The parties shall file a proposed joint general or special verdict form
4 fourteen (14) days before the FPTC. If the parties are unable to agree on a verdict
5 form, the parties shall file one document titled “Competing Verdict Forms” which
6 shall include: (i) the parties’ respective proposed verdict form; (ii) a “redline” of any
7 disputed language; and (iii) the factual or legal basis for each party’s respective
8 position. The Court may opt to use a general verdict form if the parties are unable to
9 agree on a special verdict form.

10 **(g) Joint Statement of the Case (Jury Trial Only).** The parties must
11 file a Joint Statement of the Case fourteen (14) days before the FPTC for the Court to
12 read to the prospective jurors before commencement of voir dire. The joint statement
13 should be brief and neutral and should not be more than one page in length.

14 **(h) Voir Dire (Jury Trial Only).** Generally, a jury in a civil action
15 will consist of eight (8) jurors. In most cases, the Court will seat sixteen (16)
16 prospective jurors in the jury box and conduct its initial voir dire. Each side has three
17 (3) peremptory challenges. If 16 jurors are seated in the box and all 6 peremptory
18 challenges are exercised, the remaining 8 jurors will constitute the jury panel. If fewer
19 than 6 peremptory challenges are exercised, the 8 jurors in the lowest numbered seats
20 will be the jury. The Court will conduct the initial voir dire. The Court will ask
21 prospective jurors basic biographical questions (jurors’ place of residence,
22 employment, whether familiar with the parties or counsel, etc.), as well as questions
23 regarding their ability to be fair, impartial and carry out the duties required. The
24 Court may ask case-specific questions. Each party will then have ten (10) minutes to
25 ask prospective jurors additional questions. All challenges for cause shall be made at
26 side bar or otherwise outside the prospective jurors’ presence. The Court will not
27 necessarily accept a stipulation to a challenge for cause. If one or more challenges for
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1 cause are accepted, and all 6 peremptory challenges are exercised, the Court may
2 decide to proceed with 6 or 7 jurors.

3 **(i) Proposed Findings of Fact and Conclusions of Law (Bench**
4 **Trial Only).** For any trial requiring findings of fact and conclusions of law, each
5 party shall file and serve on the opposing party, no later than twenty-eight (28) days
6 before the FPTC, its Proposed Findings of Fact and Conclusions of Law in the format
7 specified in Local Rule 52-3. The parties may submit Supplemental Proposed
8 Findings of Fact and Conclusions of Law during the trial. Once trial concludes, the
9 Court may order the parties to file Revised Proposed Findings of Fact and
10 Conclusions of Law with citations to the record.

11 **(j) Declarations of Direct Testimony (Bench Trial Only).** When
12 ordered by the Court in a particular case, each party shall, at least twenty-eight (28)
13 days before the FPTC, file declarations containing the direct testimony of each
14 witness whom that party intends to call at trial. If such declarations are filed, each
15 party shall file any evidentiary objections to the declarations submitted by any other
16 party at least fourteen (14) days before the FPTC. Such objections shall be submitted
17 in the following three-column format: (i) the left column should contain a verbatim
18 quote of each statement objected to (including page and line number); (ii) the middle
19 column should set forth a concise legal objection (e.g., hearsay, lacks foundation, etc.)
20 with a citation to the corresponding Federal Rule of Evidence or, where applicable, a
21 case citation; and (iii) the right column should provide space for the Court's ruling on
22 the objection. The Court anticipates issuing its ruling on the objections during the
23 FPTC.

24 **3. Trial Exhibits.** Trial exhibits that consist of documents and photographs
25 must be submitted to the Court in three-ring binders. The parties shall submit to the
26 Court three (3) sets of binders: one (1) original set of trial exhibits, and two (2) copies
27 of trial exhibits. The original set of exhibits shall be for use by the jury during its
28 deliberations, and the copies are for the Court. The parties should prepare additional

1 copies of exhibits for their own use and for use by witnesses. The parties must review
2 the exhibit list and exhibit binders with the CRD before the admitted exhibits will be
3 given to the jury. All exhibits placed in three-ring binders must be indexed by exhibit
4 number with tabs or dividers on the right side. Exhibits shall be numbered
5 sequentially 1, 2, 3, etc., not 1.1, 1.2, etc. *See* L.R. 16-6. Every page of a multi-page
6 exhibit must be numbered. Defendant’s exhibit numbers shall not duplicate plaintiff’s
7 numbers. The spine of each binder shall indicate the volume number and the range of
8 exhibit numbers included in the volume.

9 **(a) Original Exhibits.** The original exhibits shall bear the official
10 exhibit tags (yellow tags for plaintiff’s exhibits and blue tags for defendant’s exhibits)
11 stapled to the front of the exhibit on the upper right corner with the case number, case
12 name, and exhibit number placed on each tag. Tags may be obtained from the Clerk’s
13 Office, or the parties may print their own exhibit tags using Forms G-14A and G-14B
14 on the “Court Forms” section of the Court’s website.

15 **(b) Exhibit Copies.** The copies of exhibits must bear copies of the
16 official exhibit tags that were placed on the original exhibits and be indexed with tabs
17 or dividers on the right side. In addition to the three (3) sets of binders above, the
18 parties must also submit to the court a USB flash drive containing .pdf versions of all
19 exhibits. The USB flash drive must be delivered to the judge’s courtesy box located
20 outside the Clerk’s Office on the 4th floor of the First Street Courthouse by 12:00 p.m.
21 on the Wednesday before the start of trial. Plaintiff’s exhibits must be placed in a
22 separate folder from Defendant’s exhibits, and the document file names must include
23 the exhibit number and a brief description of the document, for example: “Ex. 1 -
24 Smith Declaration.pdf” or “Ex. 105 - Letter Dated 1-5- 20.pdf.”

25 **(c) Publishing Exhibits.** The Court does not permit exhibits to be
26 “published” to the jurors before they are admitted into evidence. Once admitted,
27 exhibits may be displayed electronically using the equipment and screens in the
28 courtroom. The parties must meet and confer at least ten (10) days before trial to

1 stipulate as much as possible to foundation, waiver of the best evidence rule, and
2 exhibits that may be received into evidence at the start of the trial. All such exhibits
3 should be noted as admitted on the court and CRD's copy of the exhibit list.

4 **4. Materials to Present on First Day of Trial.** The parties must present
5 the following materials to the CRD on the first day of trial: (1) the three sets of
6 binders described above, with one original set of trial exhibits for the jury and two
7 copies of trial exhibits for the court; and (2) any excerpts of deposition transcripts to
8 be used at trial, either as evidence or for impeachment. These lodged depositions are
9 for the Court's use. The parties must use their own copies during trial.

10 **5. Court Reporter.** Any party requesting special court reporter services for
11 any hearing, such as "Real Time" transmission or daily transcripts, shall notify the
12 court reporter at least fourteen (14) days before the hearing date. At least seven (7)
13 days before the commencement of trial, counsel for the parties shall provide the court
14 reporter with a list of unusual words, phrases, and spellings that may come up during
15 trial. This information should be emailed to Court Reporter Services at
16 ReportersCACD@cacd.uscourts.gov.

17 **6. Jury Trial.** On the first day of trial, which will be held on Mondays, the
18 Court will commence at 9:00 a.m. Counsel shall arrive at the Courtroom no later than
19 9:00 a.m. each day of trial. The parties must appear at 9:00 a.m. to discuss
20 preliminary matters with the Court. The Court will call a jury panel only when it is
21 satisfied the case is ready for trial. The Court anticipates jury selection will take only
22 a few hours. The parties should be prepared to proceed with opening statements and
23 witness examination immediately after jury selection. Fridays are usually reserved for
24 the Court's calendar. As a result, trial will not be held on Fridays unless the jury is
25 deliberating or the Court's calendar allows the trial to proceed. Therefore, trial days
26 are generally Monday, Tuesday, Wednesday, and Thursday. Trial days are from 9:00
27 a.m. to approximately 5:00 p.m., with two 15-minute breaks and a one-hour lunch
28 break.

1 **C. CONDUCT OF ATTORNEYS AND PARTIES**

2 1. **Meeting and Conferring Throughout Trial.** The parties must continue
3 to meet and confer on all issues that arise during trial. The Court will not rule on any
4 such issue unless the parties have attempted to resolve it first.

5 2. **Opening Statements, Witness Examinations, and Summation.**
6 Counsel must use the lectern. Counsel should not consume jury time by writing out
7 words and drawing charts or diagrams. All such aids must be prepared in advance.
8 When appropriate, the Court will establish and enforce time limits for all phases of
9 trial, including opening statements, closing arguments, and the examination of
10 witnesses. Absent stipulation of the parties or leave of court, no exhibits or
11 demonstrative evidence may be used during opening statements. If a party seeks to
12 use any exhibits or demonstrative evidence, leave of court must be sought during the
13 final pretrial conference.

14 3. **Objections to Questions.** Counsel must not make speaking objections
15 before the jury or otherwise make speeches, restate testimony, or attempt to guide a
16 witness. When objecting, counsel must rise to state the objection and state only that
17 counsel objects and the legal grounds for the objection. If counsel desires to argue an
18 objection further, counsel must seek permission from the Court to do so.

19 4. **Closing Arguments and Post-Trial Briefs (Bench Trials Only).** For
20 an overview and review of the evidence presented during trial, the Court will rely on
21 the parties' closing arguments. In delivering closing arguments, the parties shall use
22 their respective proposed findings of fact and conclusions of law as a "checklist" and
23 should identify the evidence that supports their proposed findings. The Court will not
24 accept posttrial briefs unless it finds that circumstances warrant additional briefing
25 and such briefing is specifically authorized.

26 5. **General Decorum While in Session.** Counsel are advised to review and
27 adhere to the Central District's Civility and Professionalism Guidelines. *See*
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1 [http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines)
2 [guidelines](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines). At a minimum:

3 (a) Counsel must not approach the CRD, the jury box, or the witness
4 stand without Court authorization and must return to the lectern when the purpose for
5 the approach has been accomplished.

6 (b) Counsel must rise when addressing the Court, and when the Court
7 or the jury enters or leaves the courtroom, unless directed otherwise.

8 (c) Counsel must address all remarks to the Court. Counsel must not
9 address the CRD, the court reporter, persons in the audience, or opposing counsel.

10 Any request to re-read questions or answers shall be addressed to the Court. Counsel
11 must ask the Court's permission to speak with opposing counsel.

12 (d) Counsel must not address or refer to witnesses or parties by first
13 names alone, except for witnesses who are below age fourteen (14), or witnesses who
14 share a last name.

15 (e) Counsel must not offer a stipulation unless counsel have conferred
16 with opposing counsel and have verified that the stipulation will be acceptable.

17 (f) Counsel must not leave counsel table to confer with any person in
18 the back of the courtroom without the Court's permission.

19 (g) Counsel must not make facial expressions, nod, shake their heads,
20 comment, or otherwise exhibit in any way any agreement, disagreement, or other
21 opinion or belief concerning the testimony of a witness or argument by opposing
22 counsel. Counsel shall instruct their clients and witnesses not to engage in such
23 conduct.

24 (h) Counsel must never speak to jurors under any circumstance, and
25 must not speak to co-counsel, opposing counsel, witnesses, or clients if the
26 conversation can be overheard by jurors. Counsel must instruct their clients and
27 witnesses to avoid such conduct.

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

4 (j) Bottled water is permitted in the courtroom. Food, gum, and other
5 beverages are not permitted. Cell phones must be silenced or may be confiscated.

6 **6. Punctuality.**

7 (a) The Court expects the parties, counsel, and witnesses to be
8 punctual. Once the parties and their counsel are engaged in trial, the trial must be
9 their priority. The Court will not delay progress of the trial or inconvenience jurors.

10 (b) If a witness was on the stand at the time of a recess or
11 adjournment, the party that called the witness shall ensure the witness is back on the
12 stand and ready to proceed as soon as trial resumes.

13 (c) The parties must notify the CRD in advance if any party, counsel,
14 or witness requires a reasonable accommodation based on a disability or other reason.

15 (d) No presenting party may be without witnesses. If a party's
16 remaining witnesses are not immediately available, thereby causing an unreasonable
17 delay, the Court may deem that party to have rested.

18 (e) The Court generally will accommodate witnesses by permitting
19 them to be called out of sequence. Counsel should meet and confer in advance and
20 make every effort to resolve the matter.

21 **7. Exhibits.**

22 (a) Counsel must keep track of their exhibits and exhibit list, and
23 record when each exhibit has been admitted into evidence.

24 (b) Counsel are responsible for any exhibits they secure from the CRD
25 and must return them before leaving the courtroom.

26 (c) Any exhibit not previously marked must be accompanied by a
27 request that it be marked for identification at the time of its first mention. Counsel
28

1 must show a new exhibit to opposing counsel before the court session in which it is
2 mentioned.

3 (d) Counsel must inform the CRD of any agreements reached
4 regarding any proposed exhibits, as well as those exhibits that may be received into
5 evidence without a motion to admit.

6 (e) When referring to an exhibit, counsel must refer to its exhibit
7 number. Counsel should instruct their witnesses to do the same.

8 (f) Counsel should not ask witnesses to draw charts or diagrams or ask
9 the Court's permission for a witness to do so. All demonstrative aids must be
10 prepared fully in advance of the day's trial session.

11 (g) Counsel are required to seek to admit any items of evidence whose
12 admissibility has not yet been stipulated to while the witness authenticating the exhibit
13 is on the stand, so that any issues or concerns that arise may be addressed
14 immediately.

15 8. **Depositions.** In using deposition testimony of an adverse party for
16 impeachment, counsel may adhere to either one of the following procedures:

17 (a) If counsel wishes to read the questions and answers as alleged
18 impeachment and ask the witness no further questions on that subject, counsel shall
19 first state the page and line where the reading begins and the page and line where the
20 reading ends and allow time for any objection. Counsel may then read the portions of
21 the deposition into the record.

22 (b) If counsel wishes to ask the witness further questions on the
23 subject matter, the deposition shall be placed in front of the witness and the witness
24 told to read the relevant pages and lines silently. Then, counsel either may ask the
25 witness further questions on the matter and thereafter read the quotations or read the
26 quotations and thereafter ask further questions. Counsel should have available for the
27 Court and the witness extra copies of the deposition transcript for this purpose.

28 Where a witness is absent and the witness's testimony is to be offered by

1 deposition, counsel may: (i) have an individual sit on the witness stand and read the
2 testimony of the witness while the examining lawyer asks the questions; or (ii) have
3 counsel read both the questions and the answers.

4 **9. Using Numerous Answers to Interrogatories and Requests for**
5 **Admission.** Whenever counsel expects to offer a group of answers to interrogatories
6 or requests for admissions extracted from one or more lengthy discovery responses,
7 counsel should prepare a new document listing each question and answer and
8 identifying the document from which it has been extracted. Copies of this new
9 document must be provided to the Court and the opposing party.

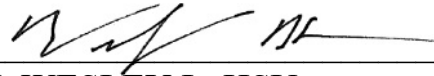
10 **10. Advance Notice of Unusual or Difficult Issues.** If any party anticipates
11 that a difficult question of law or evidence will necessitate legal argument requiring
12 research or briefing, that party must give the Court advance notice. The parties must
13 notify the CRD immediately of any unexpected legal issue that could not have been
14 foreseen and addressed in advance. To the extent such issue needs to be addressed
15 outside the jury's presence, the relevant party must inform the CRD before jurors are
16 excused for the day to minimize the time jurors are kept waiting. The Court expects
17 all parties to work diligently to minimize delays and avoid keeping jurors waiting.

18 **11. Continuances of Pretrial and Trial Dates.** The Court has a strong
19 interest in keeping scheduled dates certain. Accordingly, dates set by the Court are
20 firm, subject to the Court's ability to trail the trial start date by up to 30 days, as noted
21 on the first page of this Order. Any request for continuance of case management dates
22 must be by motion, stipulation, or application, and must be supported by a declaration
23 setting forth the reasons for the requested relief. The declaration must contain a
24 detailed factual showing of good cause and due diligence demonstrating the necessity
25 for the continuance and a description of the parties' efforts taken to advance the
26 litigation. This showing should demonstrate that the work still to be performed
27 reasonably could not have been accomplished within the applicable deadlines.
28 General statements are insufficient to establish good cause. The declaration should

1 also include whether any previous requests for continuances have been made and
2 whether these requests were granted or denied by the Court. Stipulations extending
3 dates set by the Court are not effective unless approved by the Court, and without
4 compelling factual support and a showing of due diligence, stipulations continuing
5 dates set by the Court will be denied. The Court thanks the parties and their counsel
6 for their anticipated cooperation.

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8 **IT IS SO ORDERED.**

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10 Dated:



11 HON. WESLEY L. HSU
12 UNITED STATES DISTRICT JUDGE
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