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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

[PLAINTIFF'S NAME],
Plaintiff,

v.

[DEFENDANT'S NAME],
Defendant.

Case No.: MWC(x)
CIVIL TRIAL ORDER

cc: ADR Dept.

1 **I. Schedule**

2 **A. Scheduling Order**

3 The Scheduling Conference scheduled for [date] is hereby VACATED.

4 The Scheduling Order governing this action is set forth in the Schedule of Pretrial and Trial
5 Dates chart below. The box in the upper right-hand corner of the chart states whether the trial will
6 be by jury or court. If the parties¹ seek to set additional dates, they may file a Stipulation and
7 Proposed Order. This may be appropriate in class actions, patent cases, or cases for benefits under
8 the Employee Retirement Income Security Act of 1974 (“ERISA”).

9 The parties are advised that the discovery cut-off date is the last day by which all depositions
10 must be completed, responses to previously served written discovery must be provided, and
11 motions concerning discovery disputes must be heard, not filed. In other words, any motion
12 challenging the adequacy of discovery responses must be filed timely, served, and calendared
13 sufficiently in advance of the relevant discovery cut-off date to permit the responses to be obtained
14 before that date, if the motion is granted.

15 The parties should refer to the Court’s Standing Order for requirements regarding specific
16 motions, discovery, certain types of filings, courtesy copies, emailing signature items to Chambers,
17 alternative dispute resolution, and other matters pertaining to all cases. A copy of the Court’s
18 Standing Order is available on Judge Court’s webpage at [www.cacd.uscourts.gov/honorable-](http://www.cacd.uscourts.gov/honorable-michelle-williams-court)
19 [michelle-williams-court](http://www.cacd.uscourts.gov/honorable-michelle-williams-court). Both the Court and all counsel bear responsibility for the progress of
20 litigation in this Court.

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

22 **All emailed submissions to Chambers referred to in this Order must be in Word format**
23 **and emailed to [MWC Chambers@cacd.uscourts.gov](mailto:MWC_Chambers@cacd.uscourts.gov).**

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

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

**DISTRICT JUDGE MICHELLE W. COURT
SCHEDULE OF PRETRIAL AND TRIAL DATES**

Trial and Final Pretrial Conference Dates	Court Order
Trial	[Monday] at 8:30 a.m. <input type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial Est. _ Days ¹
Final Pretrial Conference (“FPTC”) [L.R. 16], Hearing on Motions in Limine	[Friday] at 1:30 p.m.
Event	Court Order
Note: Hearings shall be on Fridays at 1:30 p.m. ²	
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]	
Fact Discovery Cut-Off ³	
Expert Disclosure (Initial)	
Expert Disclosure (Rebuttal)	
Expert Discovery Cut-Off	
Last Date to <u>Hear</u> Motions [Friday] • Parties shall take note of the Court’s briefing schedule as set forth in the Civil Standing Order, found on Judge Court’s website	
Deadline to Complete Settlement Conference [L.R. 16-15] ⁴	<input type="checkbox"/> 1. Magistrate Judge <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation
<u>Trial Filings</u> (first round) ⁵ • Motions in Limine ⁶ • 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)	
<u>Trial Filings</u> (second round) • Oppositions to Motions in Limine • 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)	

¹ This estimate represents the Court’s assessment of the number of trial days needed for this case. Any requests for additional trial days must be made at the time of the deadline for Trial Filings (First Round). The Court will make a final determination on the days needed for trial at the FPTC.

² By default, all hearings shall proceed in-person, unless a request is made by the parties and granted by the Court. Requests to appear via Zoom must be e-filed seven (7) days before the hearing and must indicate that counsel has met and conferred per Local Rule 7-3.

³ Any motions to compel must be filed and heard *before* the discovery cutoff.

⁴ As stated in the Court’s Order Setting Scheduling Conference, no case will proceed to trial unless all parties, including an officer with full settlement authority for corporate parties, have appeared personally at an ADR proceeding.

⁵ All trial filings must be filed as well as emailed in Word version to the chambers email box at MWC_Chambers@cacd.uscourts.gov.

⁶ Each party may file no more than five (5) motions in limine without seeking leave from the Court.

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

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

8 A proposed Final Pretrial Conference Order (“Proposed FPTCO”) shall be filed and emailed to
9 Chambers at least fourteen (14) days before the FPTC. A template for the Proposed FPTCO is
10 available on Judge Court’s webpage. The parties *must* use this template.

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

16 The parties must attempt to agree on and set forth as many uncontested facts as possible. The
17 Court will read the uncontested facts to the jury at the start of trial. A carefully drafted and
18 comprehensively stated stipulation of facts will shorten the trial and generally increase jury
19 understanding of the case.

20 In drafting the factual issues in dispute, the parties must state issues in ultimate fact form, not in
21 the form of evidentiary fact issues. The issues of fact should track the elements of a claim or
22 defense on which the jury will be required to make findings.

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⁷ The Court has a strong commitment to fostering the development of new and diverse lawyers in the legal
26 community. Consequently, the Court strongly encourages litigants to provide opportunities for less
27 experienced lawyers or lawyers whose identities and/or backgrounds further the diversity of the legal
28 profession to participate in trial and in the FPTC, particularly where they contributed significantly to the
underlying issue or prepared the witness. Of course, the ultimate decision of who speaks on behalf of the
client is for the client and not the Court.

1 Issues of law should state legal issues on which the Court will be required to rule during the trial
2 and should not list ultimate fact issues to be submitted to the trier of fact.

3 **II. Trial Preparation**

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

9 **A. Schedule for Filing Pretrial Documents**

10 The schedule for filing pretrial documents is as follows:

- 11 • At least twenty-eight (28) days before the FPTC:
- 12 ○ Motions in Limine
 - 13 ○ Memoranda of Contentions of Fact and Law
 - 14 ○ Witness list
 - 15 ○ Joint Exhibit list
 - 16 ○ Joint Status Report Regarding Settlement
 - 17 ○ Proposed Findings of Fact and Conclusions of Law (bench trial only)
 - 18 ○ Declarations containing Direct Testimony (bench trial only)
- 19 • At least fourteen (14) days before the FPTC:
- 20 ○ Oppositions to Motions in Limine
 - 21 ○ Joint Proposed FPTCO
 - 22 ○ Joint Agreed Upon Proposed Jury Instructions (jury trial only)
 - 23 ○ Disputed Proposed Jury Instructions (jury trial only)
 - 24 ○ Joint Proposed Verdict Forms (jury trial only)
 - 25 ○ Joint Proposed Statement of the Case (jury trial only)
 - 26 ○ Proposed Voir Dire Questions, if any (jury trial only)
 - 27 ○ Evidentiary Objections to Declarations of Direct Testimony (bench trial only)
- 28

1 *All pretrial documents* listed above, including any amended documents, shall be filed *and*
2 *emailed in Word version* to MWC_Chambers@cacd.uscourts.gov the day they are due.

3 **B. Requirements for Pretrial Documents**

4 **1. Motions in Limine**

5 Motions in limine will be heard and ruled on at the FPTC. The Court may rule orally instead of
6 in writing. All motions in limine shall be filed and emailed to Chambers at least twenty-eight (28)
7 days before the FPTC. Oppositions shall be filed and emailed to Chambers at least fourteen (14)
8 days before the FPTC. There shall be no replies. Motions in limine and oppositions must not exceed
9 ten (10) pages in length.

10 Before filing a motion in limine, the parties must meet and confer to determine whether the
11 opposing party intends to introduce the disputed evidence and attempt to reach an agreement that
12 would obviate the need for the motion. Motions in limine should address specific issues (e.g., not
13 “to exclude all hearsay”). Motions in limine should not be disguised motions for summary
14 adjudication of issues. **No party may file more than five (5) motions in limine without seeking**
15 **leave from the Court to do so.**

16 **2. Witness Lists**

17 Witness lists shall be filed and emailed to Chambers twenty-eight (28) days before the FPTC.
18 They must be in the format specified in Local Rule 16-5 and must include for each witness (1) a
19 brief description of the testimony; (2) the reasons the testimony is unique and not redundant; and
20 (3) a time estimate in hours for direct and cross-examination. If any witness is included in both
21 parties’ witness lists, the parties must indicate that fact (e.g., by highlighting the witness’ name in
22 yellow or using red font for the witness’ name). The parties must also meet and confer about time
23 estimates for each witness.

24 Any Amended Witness List must be filed and emailed to Chambers by 12:00 p.m. (noon) on the
25 Friday before trial.

1 The parties must use the following format.

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Witness's Name,* Phone Number, Address	Summary of Testimony / Why Testimony Unique	Time for Direct Exam (Hours)	Time for Cross Exam (Hours)	Dates of Testimony
Jane Doe 1111 Main St., Los Angeles, CA 99999 213-999-9999	Will testify what she saw at accident. Unique in that she is the only eyewitness	2 hours	1 hour	[To be filled in during trial]

10 * Indicates that the witness will be called only if the need arises.

11 **3. Joint Exhibit List**

12 The Joint Exhibit List shall be filed and emailed to Chambers twenty-eight (28) days before the
13 FPTC. It must be in the format specified in Local Rule 16-6 and shall include additional columns
14 stating any objections to authenticity and/or admissibility and the reasons for the objections, as well
15 as responses to the objections. Any Amended Joint Exhibit List shall be filed and emailed to
16 Chambers by 12:00 p.m. (noon) on the Friday before trial.

17 The Joint Exhibit List must follow the following format.

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Ex. #	Description	Witness Establishing Foundation	Objections to Admissibility and/or Authenticity (include basis and party objecting)	Response to Objection	Date Identified	Date Admitted
3	1/30/80 letter from Doe to Roe					

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26 **4. Jury Instructions (Jury Trials Only)**

27 Joint Proposed Jury Instructions shall be filed and emailed to Chambers no later than fourteen
28 (14) days prior to the FPTC. The parties must make every effort to agree upon jury instructions

1 before submitting proposals to the Court. The Court expects the parties to agree on the substantial
2 majority of instructions, particularly when pattern or model jury instructions exist and provide a
3 statement of applicable law. The parties shall meet and confer regarding jury instructions according
4 to the following schedule:

- 5 • Thirty-five (35) days before the FPTC: The parties shall exchange proposed general and
6 special jury instructions.
- 7 • Twenty-eight (28) days before the FPTC: The parties shall exchange any objections to
8 the instructions.
- 9 • Twenty-one (21) days before the FPTC: The parties shall meet and confer with the goal
10 of reaching agreement on one set of Joint Proposed Jury Instructions.
- 11 • Fourteen (14) days before FPTC: The parties shall file and email to Chambers: (1) their
12 Joint Agreed Upon Proposed Jury Instructions and (2) their Disputed Jury Instructions.

13 The parties shall file and email to Chambers clean and redline sets of: (1) their Joint Agreed
14 Upon Proposed Jury Instructions; and (2) their Disputed Jury Instructions. The redline sets shall
15 include all modifications made by the parties to pattern or model jury instructions, any disputed
16 language, and the factual or legal basis for each party’s position as to each disputed instruction.
17 Where appropriate, the disputed instructions shall be organized by subject, so that instructions that
18 address the same or similar issues are presented sequentially. If there are excessive or frivolous
19 disagreements over jury instructions, the Court will order the parties to meet and confer
20 immediately until they substantially narrow their disagreements.

21 **Sources:** When the *Manual of Model Jury Instructions for the Ninth Circuit*⁸
22 provides an applicable jury instruction, the parties should submit the most recent version, modified
23 and supplemented to fit the circumstances of the case. Where California law applies, the parties
24 should use the current edition of the *Judicial Council of California Civil Jury Instructions*⁹
25 (“CACI”). If neither applies, the parties should consult the current edition of O’Malley, et al.,
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27 ⁸ The Manual of Model Jury Instructions for the Ninth Circuit may be found on the Ninth Circuit’s website at
28 <https://www.ce9.uscourts.gov/jury-instructions/model-civil>.

⁹ The CACI may be found on the California Court website at <https://www.courts.ca.gov/partners/317.htm>.

1 *Federal Jury Practice and Instructions*. The parties may submit alternatives to these instructions
2 only if there is a reasoned argument that they do not properly state the law or are incomplete. The
3 Court seldom gives instructions derived solely from case law.

4 **Format:** Each requested instruction shall: (1) cite the authority or source of the
5 instruction; (2) be set forth in full; (3) be on a separate page; (4) be numbered; (5) cover only one
6 subject or principle of law; and (6) not repeat principles of law contained in any other requested
7 instruction. If a standard instruction has blanks or offers options (e.g., for gender¹⁰), the parties
8 must fill in the blanks or make the appropriate selections in their proposed instructions.

9 **Index:** All proposed jury instructions must have an index that includes the following
10 for each instruction, as illustrated in the example below:

- 11 • the number of the instruction;
- 12 • the title of the instruction;
- 13 • the source of the instruction and any relevant case citations; and
- 14 • the page number of the instruction.

15 **Example:**

16 Instruction			
17 <u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page Number</u>
18 1	Trademark-Defined (15.U.S.C. § 1127)	9th Cir. 8.5.1	1

19 Counsel also shall list the instructions in the order they will be given and indicate whether the
20 instruction shall be read before opening statements, during trial, or before closing arguments.

21 During the trial and before closing argument, the Court will meet with the parties to settle the
22 instructions. At that time, the parties will have an opportunity to make an oral record concerning
23 their objections. Each member of the jury will be given their own copy of the instructions during
24 deliberations.

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28 ¹⁰ Per the Court’s Standing Order, litigants and counsel may indicate their 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.

1 cited, street/city/country names, all parties/agents/departments/entities involved in the case, names
2 of people interviewed/deposed, names of other individuals who might be mentioned, and other
3 case-specific terminology. The case-specific glossary shall be filed and emailed in Word version to
4 Chambers no later than the Friday before trial.

5 **III. Trial Exhibits**

6 Trial exhibits that consist of documents and photographs must be submitted to the Court in
7 three-ring binders on the first day of trial promptly at 8:00 a.m. The parties shall submit to the Court
8 four (4) sets of binders: one (1) original set of trial exhibits, and three (3) copies of trial exhibits.
9 The original set of exhibits shall be for use by the jury during its deliberations, one copy will be for
10 witnesses, and two copies are for the Court. *The parties must prepare additional copies of exhibits*
11 *for their own use.* The parties must review the exhibit list and exhibit binders with the Courtroom
12 Deputy Clerk before the admitted exhibits will be given to the jury.

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

- 19 • The *original exhibits* shall bear the official exhibit tags (yellow tags for Plaintiff's
20 exhibits, blue tags for Defendant's exhibits, and green tags for joint exhibits) affixed to
21 the front upper right-hand corner of the exhibit, with the case number, case name, and
22 exhibit number stated on each tag. Tags may be obtained from the Clerk's Office, or the
23 parties may print their own exhibit tags using Forms G-14A and G-14B on the "Court
24 Forms" section of the Central District of California's website.
- 25 • For electronic exhibits, the parties should provide a physical caption page with the
26 exhibit tag and attach the physical flash drive or CD containing the electronic exhibits. If
27 there are voluminous electronic exhibits, the parties should raise the issue with the Court
28 at the Final Pretrial Conference.

- 1 • The *copies of exhibits* must bear copies of the official exhibit tags that were placed on
2 the original exhibits and be indexed with tabs or dividers on the right side. For electronic
3 exhibits, the copies should not include any physical flash drives or CDs.

4 In addition to the four (4) sets of binders above, the parties must also submit to the Court a USB
5 flash drive containing electronic versions of all exhibits and any *excerpts of deposition transcripts*
6 to be used at trial, either as evidence or for impeachment. The USB flash drive must be delivered to
7 the judge’s courtesy box located outside the Clerk’s Office on the 4th floor of the courthouse by
8 12:00 p.m. on the Friday before the start of trial. Plaintiff’s exhibits must be placed in a separate
9 folder from Defendant’s exhibits, and the document file names *must* include the exhibit number and
10 a brief description of the document (*e.g.*, “Ex. 1 – Smith Declaration.pdf” or “Ex. 105 –Letter Dated
11 1-5-20.pdf”).

12 The Court provides audio/visual equipment for use during trial. The parties are encouraged to
13 use it. More information is available at: [http://www.cacd.uscourts.gov/clerk-services/courtroom-](http://www.cacd.uscourts.gov/clerk-services/courtroom-technology)
14 technology. The Court does not permit exhibits to be “published” to the jurors before they are
15 admitted into evidence. Once admitted, exhibits may be displayed electronically using the
16 equipment and screens in the courtroom.

17 If electronic equipment must be brought into the courtroom for trial, counsel shall make prior
18 arrangements with the Court Security. Notice must be given to the Courtroom Deputy Clerk at
19 MWC_Chambers@cacd.uscourts.gov no later than four (4) days before trial.

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

24 **IV. Materials to Present on First Day of Trial**

25 The parties must present the following materials to the Courtroom Deputy Clerk on the first day
26 of trial promptly at 8:00 a.m.:

- 27 1. The *four sets of binders* described above, with one (1) original set of trial exhibits for the
28 jury, and three (3) copies of trial exhibits for the Court and witnesses.

1 2. One copy of any *excerpts of deposition* to be used as trial as evidence. This copy is for
2 the Court’s use. The parties must use their own copies during trial.

3 **V. Court Reporter**

4 Any party requesting special court reporter services for any hearing, such as “Real Time”
5 transmission or daily transcripts, shall notify Court Reporting Services at least fourteen (14) days
6 before the hearing date.¹¹

7 **VI. Daily Schedule for Jury Trials**

8 On the first day of trial, the parties must appear at 8:30 a.m. to discuss preliminary matters with
9 the Court. The hours for the first day of trial will be 9:00 a.m. to 5:00 p.m. with two (2) 15-minute
10 breaks and one (1) 1-hour lunch break, which is the Court’s normal trial schedule.

11 The Court will call a jury panel only when it is satisfied the case is ready for trial. Jury selection
12 usually takes only a few hours. The parties should be prepared to proceed with opening statements
13 and witness examination immediately after jury selection.

14 The parties may choose to proceed with the Court’s normal trial schedule or an alternate
15 schedule for the remaining days of trial. The alternate schedule will be 8:30 a.m. to 2:30 p.m. with
16 two (2) 20-minute breaks. The parties should meet and confer about their preferred schedule and
17 state their preference in their proposed FPTCO.

18 Fridays are usually reserved for the Court’s calendar. As a result, trial will not be held on
19 Fridays unless the jury is deliberating or the Court’s calendar allows trial to proceed. Therefore,
20 trial days are generally Monday through Thursday.

21 **VII. Conduct of Attorneys and Parties**

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

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

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28 ¹¹ Additional information regarding Court Reporting Services may be found on the Central District of
California website at <http://www.cacd.uscourts.gov/court-reporting-services>.

1 **B. Opening Statements, Witness Examinations, and Closing Arguments**

2 Counsel must use the lectern. Counsel should not consume jury time by writing out words and
3 drawing charts or diagrams. All such aids must be prepared in advance. When appropriate, the Court
4 will establish and enforce time limits for all phases of trial, including opening statements, closing
5 arguments, and the examination of witnesses.

6 **C. Objections to Questions**

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

9 When objecting, counsel must rise to state the objection and state only that counsel objects and
10 the legal grounds for the objection. If counsel wishes to argue an objection further, counsel must
11 seek permission from the Court to do so.

12 **D. Court’s Rulings on Motions in Limine**

13 The parties must advise their witnesses of the Court’s rulings on the motions in limine, and
14 instruct them not to make any reference to the evidence excluded by the Court’s orders. All
15 witnesses shall be instructed that to the extent that a witness must testify regarding excluded
16 evidence in order to answer a question truthfully, the witness should not answer the question but
17 request a sidebar by stating “Sidebar needed.” The parties must not make any reference to the
18 Court’s orders on the motions in limine before the jury.

19 **E. Closing Arguments and Post-Trial Briefs (Bench Trials Only)**

20 For an overview and review of the evidence presented during trial, the Court will rely on the
21 parties’ closing arguments. In delivering closing arguments, the parties shall use their respective
22 proposed findings of fact and conclusions of law as a “checklist” and should identify the evidence
23 that supports their proposed findings. The Court will not accept post-trial briefs unless it finds that
24 circumstances warrant additional briefing and such briefing is specifically authorized.

25 **F. General Decorum While in Session**

- 26 1. Counsel must not approach the Courtroom Deputy Clerk, the jury box, or the witness
27 stand without court authorization and must return to the lectern when the purpose for the
28 approach has been accomplished.

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

24 **G. Punctuality**

- 25 1. The Court expects the parties, counsel, and witnesses to be punctual. Once the parties
26 and their counsel are engaged in trial, the trial must be their priority. The Court will not

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28 ¹² In the event that a disability prevents a party from doing so, the party is advised to inform the Court in advance.

1 delay progress of the trial or inconvenience jurors.

- 2 2. If a witness was on the stand at the time of a recess or adjournment, the party that called
3 the witness shall ensure the witness is back on the stand and ready to proceed as soon as
4 trial resumes.
- 5 3. The parties must notify the Courtroom Deputy Clerk in advance if any party, counsel, or
6 witness requires a reasonable accommodation based on a disability or other reason.
- 7 4. No presenting party may be without witnesses. If a party's remaining witnesses are not
8 immediately available, thereby causing an unreasonable delay, the Court may deem that
9 party to have rested.
- 10 5. The Court generally will accommodate witnesses by permitting them to be called out of
11 sequence. Counsel should meet and confer in advance and make every effort to resolve
12 the matter.

13 **H. Exhibits**

- 14 1. Counsel must keep track of their exhibits and exhibit list, and record when each exhibit
15 has been admitted into evidence.
- 16 2. Counsel are responsible for any exhibits they secure from the Courtroom Deputy Clerk
17 and must return them before leaving the courtroom.
- 18 3. Any exhibit not previously marked must be accompanied by a request that it be marked
19 for identification at the time of its first mention. Counsel must show a new exhibit to
20 opposing counsel before the court session in which it is mentioned.
- 21 4. Counsel must inform the Courtroom Deputy Clerk of any agreements reached regarding
22 any proposed exhibits, as well as those exhibits that may be received into evidence
23 without a motion to admit.
- 24 5. When referring to an exhibit, counsel must refer to its exhibit number. Counsel should
25 instruct their witnesses to do the same.
- 26 6. Counsel should not ask witnesses to draw charts or diagrams or ask the Court's
27 permission for a witness to do so. All demonstrative aids must be prepared fully in
28 advance of the day's trial session.

1 7. Counsel are required to seek to admit any items of evidence whose admissibility has not
2 yet been stipulated to while the witness authenticating the exhibit is on the stand, so that
3 any issues or concerns that arise may be addressed immediately.

4 **I. Depositions**

5 1. In using deposition testimony of an adverse party for impeachment, counsel may adhere
6 to either one of the following procedures:

7 a. If counsel wishes to read the questions and answers as alleged impeachment and
8 ask the witness no further questions on that subject, counsel shall first state the
9 page and line where the reading begins and the page and line where the reading
10 ends and allow time for any objection. Counsel may then read the portions of the
11 deposition into the record.

12 b. If counsel wishes to ask the witness further questions on the subject matter, the
13 deposition shall be placed in front of the witness and the witness told to read the
14 relevant pages and lines silently. Then, counsel either may ask the witness
15 further questions on the matter and thereafter read the quotations or read the
16 quotations and thereafter ask further questions. *Counsel should have available*
17 *for the Court and the witness extra copies of the deposition transcript for this*
18 *purpose.*

19 2. Where a witness is absent and the witness's testimony is to be offered by deposition,
20 counsel may: (1) have an individual sit on the witness stand and read the testimony of
21 the witness while the examining lawyer asks the questions; or (2) have counsel read both
22 the questions and the answers.

23 **J. Using Numerous Answers to Interrogatories and Requests for Admission**

24 Whenever counsel expects to offer a group of answers to interrogatories or requests for
25 admissions extracted from one or more lengthy discovery responses, counsel should prepare a new
26 document listing each question and answer and identifying the document from which it has been
27 extracted. *Copies of this new document must be provided to the Court and the opposing party.*
28

1 **K. Advance Notice of Unusual or Difficult Issues**

2 If any party anticipates that a difficult question of law or evidence will necessitate legal
3 argument requiring research or briefing, that party must give the Court advance notice. The parties
4 must notify the Courtroom Deputy Clerk immediately of any unexpected legal issue that could not
5 have been foreseen and addressed in advance. To the extent such issue needs to be addressed
6 outside the jury’s presence, the relevant party must inform the Courtroom Deputy Clerk before
7 jurors are excused for the day to minimize the time jurors are kept waiting. The Court expects all
8 parties to work diligently to minimize delays and avoid keeping jurors waiting.

9 **L. Continuances of Pretrial and Trial Dates**

10 The Court has a strong interest in keeping scheduled dates certain. Accordingly, pretrial and
11 trial dates set by the Court are firm, and rarely will be changed. Any request for continuance of
12 pretrial and/or trial dates must be by motion, stipulation, or application, and must be supported by a
13 declaration setting forth the reasons for the requested relief. The declaration must contain a highly
14 detailed factual showing of good cause and due diligence demonstrating the necessity for the
15 continuance and a description of the parties’ efforts, dating back to the filing of the complaint, of
16 the steps they have taken to advance the litigation. This detailed showing must demonstrate that the
17 work still to be performed reasonably could not have been accomplished within the applicable
18 deadlines. General statements are insufficient to establish good cause. The declaration should also
19 include whether any previous requests for continuances have been made and whether these requests
20 were granted or denied by the Court.

21 Stipulations extending dates set by the Court are not effective unless approved by the Court, and
22 without compelling factual support and a showing of due diligence, stipulations continuing dates set
23 by the Court will be denied.

24 IT IS SO ORDERED.

25
26 Dated:

HON. MICHELLE WILLIAMS COURT

United States District Judge