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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PLAINTIFF'S NAME,

Plaintiff/s,

v.

DEFENDANT'S NAME,

Defendant/s.

Case No.:

**ORDER ON PRETRIAL AND TRIAL
PROCEDURES (CIVIL CASES)**

Fact Discovery Cut-Off:
[DATE]

Motion Cut-Off:
[DATE]

Final Pretrial Conference:
[DATE] at 8:30 a.m.

Trial:
[DATE]

**PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THIS CASE
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This case has been assigned to Judge Fred W. Slaughter. This matter is set for a trial on the above date in Courtroom 10D of the Ronald Reagan Federal Building and

1 United States Courthouse, 411 West 4th Street, Santa Ana, California 92701.

2 “Counsel,” as used in this Order, includes parties appearing *pro se*.¹ This Order sets
3 forth the court’s mandatory procedures governing pretrial and trial proceedings.

4 **I. PRETRIAL PROCEDURES**

5 Lead counsel for each party must meet and confer in-person forty (40) days
6 prior to the Final Pretrial Conference. Civ. L.R. 16-2. The parties should review
7 Local Rule 16-2 carefully while preparing to attend the meet and confer.

8 A. Schedule of Pretrial Filings

9 Two (2) copies of all pretrial documents shall be delivered to the court, stapled
10 once in the top left corner, and without blue backing. Counsel shall email all
11 documents listed in the court’s Schedule of Pretrial and Trial Dates Worksheet,
12 including any amended documents and proposed orders, in Word-processing format to
13 FWS_Chambers@cacd.uscourts.gov. The only documents not required to be
14 submitted by email are motions *in limine* and oppositions thereto (but counsel shall
15 still send proposed orders by email), the Joint Status Report Regarding Settlement,
16 and declarations containing direct testimony.

- 17 • The following documents and motions must be filed at least twenty-one (21)
18 days before the Final Pretrial Conference (referred to as “Trial Filings (First
19 Round)” in the court’s Schedule of Pretrial and Trial Dates Worksheet):
- 20 ○ Motions *in Limine* with Proposed Orders
 - 21 ○ Memoranda of Contentions of Fact and Law
 - 22 ○ Witness Lists
 - 23 ○ Joint Exhibit List
 - 24 ○ Joint Status Report Regarding Settlement

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27 ¹ This court does not exempt parties appearing *pro se* from compliance with the
28 Federal Rules of Civil Procedure or the Local Rules. *See* Local Rules 1-3 and 83-
2.2.3.

- 1 ○ Proposed Findings of Fact and Conclusions of Law (bench trials only)
- 2 ○ Declarations of Direct Testimony (bench trials only)
- 3 • The following documents and motions must be filed at least fourteen (14) days
- 4 before the Final Pretrial Conference (referred to as “Trial Filings (Second
- 5 Round)” in the court’s Schedule of Pretrial and Trial Dates Worksheet):
- 6 ○ Oppositions to Motions *in Limine*
- 7 ○ Joint Proposed Final Pretrial Conference Order
- 8 ○ Joint/Agreed Proposed Jury Instructions (jury trials only)
- 9 ○ Disputed Proposed Jury Instructions (jury trials only)
- 10 ○ Joint Proposed Verdict Forms (jury trials only)
- 11 ○ Joint Statement of the Case (jury trials only)
- 12 ○ Proposed Additional Voir Dire Questions, if any (jury trials only)
- 13 ○ Evidentiary Objections to Declarations of Direct Testimony (bench trials
- 14 only)

15 If the total number of motions *in limine* filed by the parties in the aggregate

16 exceeds five (5) motions, the parties shall deliver two (2) courtesy copies of the

17 motions *in limine*, oppositions, and proposed orders to the court in an organized

18 binder or folder. The binder or folder must be indexed with tabs or dividers on the

19 right side designating the docket number of each initial motion and the date on which

20 it was filed. The binder or folder must be organized by the filing date of the initial

21 motion, and each motion and its proposed order shall be followed by the opposition to

22 the motion and its proposed order. Each party is responsible for delivering all of the

23 motion papers related to the motions *in limine* that party filed, including any

24 oppositions filed by an opposing party in response. The binder or folder must be

25 delivered to chambers seven (7) days prior to the Final Pretrial Conference but shall

26 not be sent prior to the cut-off date for an opposing party to file an opposition to any

27 outstanding motions *in limine*.

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1 All courtesy copies of pretrial filings shall be sent to Judge Slaughter's courtesy
2 box, located on the 10th floor of the Ronald Reagan Federal Building and United
3 States Courthouse in Santa Ana.

4 1. Motions *in Limine*

5 The court will generally hear and rule on motions *in limine* at the Final Pretrial
6 Conference. The court may rule on motions *in limine* orally or by written order. Prior
7 to filing any motion *in limine*, counsel shall first conduct a meaningful meet and
8 confer and make every effort to reach a satisfactory resolution on the motion that
9 negates its filing. If counsel are unable to reach an agreement, counsel shall file all
10 motions *in limine* at least twenty-one (21) days prior to the Final Pretrial Conference.
11 Oppositions must be filed at least fourteen (14) days prior to the Final Pretrial
12 Conference. Unless the court determines otherwise, counsel shall not file any replies.
13 Motions *in limine* and oppositions shall not exceed ten (10) pages in length. Motions
14 *in limine* must concern *specific* issues. Motions *in limine* are not opportunities for
15 summary adjudication and shall not be filed excessively.

16 2. Witness Lists

17 Witness Lists shall be filed twenty-one (21) days prior to the Final Pretrial
18 Conference, in the form specified in Local Rule 16-5. Witness Lists shall also
19 include, for each witness: a brief description of the witness's expected testimony; why
20 the witness's testimony will not be duplicative of other witnesses' testimony; and a
21 time estimate in hours or minutes (as applicable) of the length of direct and cross-
22 examination of the witness. Counsel shall file all Amended Witness Lists by 12:00
23 p.m. (noon) the Thursday prior to the first day of trial.

24 3. Joint Exhibit List

25 The Joint Exhibit List shall be filed twenty-one (21) days prior to the Final
26 Pretrial Conference, in the form specified in Local Rule 16-6. The Joint Exhibit List
27 shall also set forth any objections to authenticity and/or admissibility, including the
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1 basis for any such objections. Counsel shall file all Amended Joint Exhibit Lists by
2 12:00 p.m. (noon) the Thursday before trial.

3 4. Jury Instructions (jury trials only)

4 Jury instructions shall be filed at least fourteen (14) days prior to the Final
5 Pretrial Conference. Counsel should propose jury instructions derived from
6 applicable jury instructions found in the most recent edition of the Manual of Model
7 Jury Instructions for the Ninth Circuit. If the case requires the application of
8 California law, counsel should source its instructions from the most recent edition of
9 the Judicial Council of California Civil Jury Instructions (“CACI”). In other cases,
10 counsel may submit alternatives to these instructions from other authoritative sources
11 of jury instructions only if there is a reasoned argument that the above instructions do
12 not properly state the law or are incomplete. Where a standard instruction does not
13 provide for a certain term to be used or leaves space for counsel to write in a term,
14 counsel must make the appropriate selection(s) or addition(s) in their proposed
15 instructions.

16 The parties shall make every effort to agree upon jury instructions before
17 submitting proposed instructions. At a minimum, the parties shall meaningfully meet
18 and confer regarding their proposed jury instructions pursuant to the following
19 schedule:

- 20 • Twenty-eight (28) days prior to the Final Pretrial Conference: counsel shall
21 exchange their proposed general and special jury instructions.
- 22 • Twenty-one (21) days prior to the Final Pretrial Conference: counsel shall
23 exchange objections to their opposing counsel’s instructions, if any.
- 24 • Until fourteen (14) days prior to the Final Pretrial Conference: counsel shall
25 conduct meaningful meet and confers on an ongoing basis and make every
26 effort to reach an agreement on Joint Proposed Jury Instructions.
- 27 • Fourteen (14) days prior to the Final Pretrial Conference: counsel shall file their
28 (1) Joint/Agreed Proposed Jury Instructions and (2) Disputed Jury Instructions.

1 If the parties disagree on any proposed jury instructions, they shall file: one set
2 of Joint/Agreed Proposed Jury Instructions to which all parties agree; and one set of
3 Disputed Jury Instructions. The Disputed Jury Instructions shall include a “redline”
4 comparison of any disputed language and the factual and/or legal basis for each
5 party’s position. The disputed instructions shall be organized by subject, so that
6 instructions that address the same or similar issues are presented sequentially. The
7 court may order the parties to further meet and confer before and/or during trial to
8 reach agreement on proposed jury instructions.

9 Each requested instruction shall be numbered, include a citation(s) to the
10 authority or source of the instruction, be set forth as a complete instruction on a page
11 separate from any other instruction, cover a single subject or principle of law, and not
12 be duplicative of another instruction.

13 If counsel’s proposed jury instructions total more than ten (10) pages in length,
14 an index shall accompany counsel’s proposed instructions. The index shall include,
15 for each instruction: the number of the instruction, the title of the instruction, and the
16 page number of the instruction. During trial and before closing argument, the court
17 will meet with counsel to reach an agreement on disputed jury instructions.

18 5. Joint Verdict Forms (jury trials only)

19 The parties shall make every effort to agree upon a verdict form before
20 submitting proposals. Counsel shall file a proposed verdict form(s) at least fourteen
21 (14) days before the Final Pretrial Conference. If the parties are unable to agree on a
22 verdict form, the parties shall jointly file a “Competing Verdict Forms” document,
23 which shall include the parties’ respective proposed verdict form, a “redline”
24 comparison of any disputed language, and the basis for each party’s respective
25 position.

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1 6. Joint Statement of the Case (jury trials only)

2 At least fourteen (14) days before the Final Pretrial Conference, counsel shall
3 file a Joint Statement of the Case. The Joint Statement should not exceed one page,
4 and will be read to a panel of prospective jurors before the court begins voir dire.

5 7. Voir Dire (jury trials only)

6 In general, the court conducts voir dire. The court asks prospective jurors basic
7 questions (such as jurors' general employment information, places of residence, and
8 familiarity with the parties and/or counsel) and may also ask additional case-specific
9 questions. The parties may propose case-specific voir dire questions so long as the
10 proposed questions are filed at least fourteen (14) days prior to the Final Pretrial
11 Conference. Final determination of voir dire will be discussed at the Final Pretrial
12 Conference.

13 8. Proposed Findings of Fact and Conclusions of Law (bench
14 trials only)

15 Counsel for each party shall, no later than twenty-one (21) days prior to the
16 Final Pretrial Conference, file and serve on opposing counsel their Proposed Findings
17 of Fact and Conclusions of Law in the form specified in Local Rule 52-3. The parties
18 may submit Supplemental Proposed Findings of Fact and Conclusions of Law during
19 trial, and the court may order the parties to file Revised Proposed Findings of Fact and
20 Conclusions of Law after trial concludes.

21 9. Declarations for Direct Testimony (bench trials only)

22 When ordered by the court, each party shall, at least twenty-one (21) days prior
23 to the Final Pretrial Conference, file declarations setting forth the direct testimony of
24 each witness whom that party expects to call at trial. Each party shall file any
25 evidentiary objections to the declaration(s) submitted by any other party at least
26 fourteen (14) days prior to the Final Pretrial Conference. Such objections shall
27 include the exact statement to which the party objects with a citation to the page and
28 line of the declaration on which the statement appears, a specific and concise

1 objection with a citation to the Federal Rules of Evidence or, where applicable, a case
2 citation, and at least two lines of blank space below each objection for the court to
3 write in its ruling on the objection.

4 B. Trial Exhibits

5 Trial exhibits that consist of documents must be submitted to the court in three-
6 ring binders, not to exceed 3”, and indexed by exhibit number with tabbed dividers on
7 the right side. Plaintiff’s exhibits shall be numbered 1, 2, 3, and so forth. Other
8 parties’ exhibits shall be numbered in the same sequential, numerical format, but shall
9 not share any exhibit numbers with Plaintiff’s exhibits. For all sets of binders, the
10 spine of each binder must be designated with the volume number and the range of
11 exhibit numbers included in the volume. Counsel shall submit to the court one
12 original set of exhibit binders for the witness(es) and two copies for the court.
13 Counsel shall also submit a copy of the exhibit binder to opposing counsel; however,
14 counsel may agree to deliver the exhibits to each other in another form (*i.e.*, electronic
15 delivery).

- 16 • The original set of exhibits must be demarcated with official exhibit tags filled
17 out, printed on green paper, and attached to the front upper right-hand corner of
18 each exhibit. Each tag shall include the case number, case name, and exhibit
19 number. Tags may be obtained from the Clerk’s Office, or counsel may print
20 their own tags from Forms G-14A and G-14B on the “Court Forms” section of
21 the court’s website.
- 22 • The three sets of copies of the exhibits must be indexed with tabs or dividers on
23 the right side but need not be stamped with official exhibit tags. Counsel will
24 review the exhibit list and the exhibit binders with the Courtroom Deputy
25 before the admitted exhibits are given to the jury.
- 26 • The court provides certain audio/visual equipment for use during trial. More
27 information is available at
28 <http://www.cacd.uscourts.gov/clerk-services/courtroomtechnology>.

1 Exhibits may not be “published” by virtue of handing them to the jury. Counsel
2 shall meaningfully meet and confer no later than ten (10) days before trial to stipulate
3 as far as possible to foundation, to waiver of the best evidence rule, and to exhibits
4 that may be received into evidence at the start of trial.

5 The court disfavors admitting multiple exhibits at the close of a party’s case
6 when the corresponding witness is not on the stand. If counsel believes the
7 circumstances warrant or require the submission of multiple exhibits in this manner,
8 counsel is encouraged to request permission from the court to do so as soon as
9 possible.

10 C. Materials to Present on First Day of Trial

11 Counsel shall present these materials to the Courtroom Deputy on the first day
12 of trial:

- 13 1. The three sets of exhibit binders (one original, two copies) described above.
14 Counsel shall also present opposing counsel with the fourth set of exhibit
15 binders (a third copy).
- 16 2. Any deposition transcripts to be used at trial, for the court’s use.

17 D. Court Reporter

18 Any party seeking special court reporter services for any hearing, including real
19 time transmission or daily transcripts, shall notify the court reporter at least fourteen
20 (14) days before the hearing date.

21 E. Date and Time of Trial

22 The court generally holds trials Tuesdays through Fridays from 8:30 a.m. to
23 12:00 p.m. and 1:30 p.m. to 4:30 p.m. The exact dates and times of trial proceedings
24 will be determined at the Final Pretrial Conference and on a case-by-case basis. The
25 court may consider the expected length of trial, the witnesses and evidence to be
26 presented, and the availability of counsel and the parties. Thursdays are typically
27 reserved for the court’s calendar.

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1 **II. TRIAL PROCEDURES**

2 A. Ongoing Obligation to Meet and Confer

3 The parties shall meet and confer on an ongoing basis throughout trial. The
4 court requires the parties to attempt to resolve any issue that arises during trial among
5 themselves first before the court will resolve it.

6 B. Opening Statements, Examining Witnesses, and Summation

7 Counsel must use the lectern. Counsel may prepare notes or materials in
8 advance for personal use, but must not do so during trial. The court will determine
9 time limits for opening statements, closing arguments, and examination of witnesses
10 on a case-by-case basis.

11 C. Objections to Questions

12 Counsel must rise to state an objection and state only that counsel objects and
13 counsel’s legal ground for objecting. Counsel shall not use objections to speak in
14 narrative form, restate testimony, argue the case, or attempt to guide the witness’s
15 answers. Unless the court orders otherwise, counsel may not argue an objection
16 beyond stating counsel’s legal ground for objecting.

17 D. Decorum

- 18 1. Unless granted specific permission by the court, in which case
19 counsel shall return to the lectern as soon as possible thereafter,
20 counsel must not approach the Courtroom Deputy or the
21 witness box.
- 22 2. Unless ordered otherwise, counsel shall rise when addressing
23 the court, and when the court or the jury enters or leaves the
24 courtroom.
- 25 3. All remarks by counsel, including any request to re-read
26 questions or answers, must be addressed to the court. Counsel
27 must ask the court’s permission to speak with opposing
28 counsel. Counsel shall not address the Courtroom Deputy,

1 parties, court reporter, or opposing counsel absent permission
2 from the court.

- 3 4. All witnesses, except witnesses under the age of 14, are to be
4 addressed only by their last names.
- 5 5. Counsel shall meet and confer with opposing counsel and
6 obtain opposing counsel's approval before submitting any
7 stipulation to the court.
- 8 6. Counsel shall not leave counsel's table to confer with any
9 person outside the view of the court without the court's
10 permission while court is in session.
- 11 7. Counsel must not, by explicit or implicit means, display any
12 opinion or belief concerning the testimony of a witness,
13 including with respect to the witness's credibility. Counsel
14 shall instruct their clients and witnesses to do the same.
- 15 8. Counsel shall not speak to jurors about any subject. Counsel
16 shall not speak with co-counsel, opposing counsel, witnesses, or
17 clients about the case if the conversation could be overheard by
18 a juror. Counsel shall instruct their clients and witnesses to do
19 the same.
- 20 9. Only one lawyer for a party may conduct the direct or cross-
21 examination of a particular witness, or make objections as to
22 that witness, during that witness's testimony.
- 23 10. Counsel must strictly abide by all motion *in limine* rulings.
24 Counsel shall instruct their clients and witnesses to do the same.

25 E. Timeliness

- 26 1. Counsel and witnesses are expected to be prepared to
27 immediately commence trial proceedings on the time at which
28 the proceedings are scheduled to start.

- 1 2. To accommodate witnesses based on a disability or other
2 reasons, counsel must notify the Courtroom Deputy at least
3 forty-eight (48) hours in advance.
- 4 3. All presenting parties must call a witness to take the stand if
5 one is not currently testifying. The court may interpret a
6 party's failure to present one of their remaining witnesses
7 within a reasonable time as that party resting their case.
- 8 4. If the court adjourns trial or orders a recess while a witness is
9 on the stand, it is the responsibility of counsel who called the
10 witness to secure the witness's presence on the stand when trial
11 resumes. The court will seek to resume trial as soon as
12 possible.
- 13 5. The court may permit parties to call witnesses, such as
14 professional witnesses, out of sequence. It is the responsibility
15 of counsel to discuss in advance whether counsel intends to call
16 any witnesses out of sequence. Counsel must raise any
17 objection to such sequencing of testimony to the court before
18 the testimony is scheduled to begin.

19 F. Exhibits

- 20 1. Each counsel shall keep track of when each of its own exhibits
21 has been admitted into evidence. Counsel shall also keep their
22 own list of exhibits.
- 23 2. Counsel must advise the court and the Courtroom Deputy of
24 any agreements with respect to proposed exhibits and as to
25 those exhibits that may be received without further motion to
26 admit. Any related stipulations must be in writing.
- 27 3. If the Courtroom Deputy provides counsel with any exhibits
28 during a trial session, counsel shall be responsible for those

1 exhibits, and shall return them to the Courtroom Deputy at the
2 end of the session.

3 4. Counsel shall request any exhibit not previously marked for
4 identification to be marked at the time of its first mention.

5 Counsel shall show any such exhibit to opposing counsel before
6 the trial session in which the exhibit is first mentioned.

7 5. Counsel shall refer to exhibits by their official exhibit numbers.
8 Witnesses should be asked to do the same.

9 6. Counsel must not ask witnesses to draw charts or diagrams
10 without first requesting the court's permission. Any graphic
11 aid(s) shall be fully prepared before the trial session at which
12 counsel intends to present the graphic aid(s).

13 G. Depositions

14 If counsel seeks to read the questions and answers from an adverse party's
15 deposition for impeachment purposes, counsel shall first identify for the witness the
16 page and line on which the reading begins and ends. Counsel shall allow time for any
17 objection. If counsel seeks to ask the witness questions on the subject matter of the
18 deposition excerpts read, the witness shall be provided a copy of the relevant pages of
19 the deposition and shall be told to read the relevant pages and lines silently. Counsel
20 may then read further excerpts from the deposition and ask questions of the witness, in
21 no particular order. The witness may then read the deposition excerpts into the record
22 if questioned about its subject matter; otherwise, counsel may read the deposition
23 excerpts into the record.

24 If a witness is unavailable and that witness's testimony is offered by deposition,
25 the court may allow a reader to read the deposition testimony from the witness stand
26 while counsel asks questions, or counsel shall read the questions and the answers.

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1 H. Condensing Answers to Interrogatories and Requests for Admission

2 If counsel anticipates offering more than one answer to interrogatories or
3 requests for admissions based on documents exceeding twenty (20) total pages in
4 length, counsel should prepare a new document listing each question and answer, and
5 the source documents from which the new document was prepared. Counsel shall
6 provide copies of the new document to the court and opposing counsel.

7 I. Advance Notice of Issues Requiring Research or Briefing

8 Counsel must advise the court of any question of evidence or law that counsel
9 believes will necessitate legal argument requiring research or briefing prior to the trial
10 session at which the question will first be implicated. If an unforeseeable and
11 unexpected legal issue arises during a trial session, counsel shall notify the Courtroom
12 Deputy at the day's adjournment, but counsel shall not make any comments or
13 argument to the Courtroom Deputy regarding its merits. Counsel shall advise the
14 Courtroom Deputy at the end of each trial session of any issues that must be addressed
15 outside the presence of the jury.

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18 **IT IS SO ORDERED.**

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21 DATED: _____

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23 HONORABLE FRED W. SLAUGHTER
24 UNITED STATES DISTRICT JUDGE
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