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 SEP 29 2005  
 CENTRAL DISTRICT OF CALIFORNIA  
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 BY

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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

IDEAFLOOD, INC.,	)	CASE NO. CV 05-3618-RGK (FMOx)
	)	
Plaintiff(s),	)	<b><u>ORDER FOR JURY TRIAL:</u></b>
	)	
vs.	)	<b>Final Pretrial Conference: May 1, 2006 at</b>
	)	<b>9:00 A.M.</b>
ABOUT INC., et al.,	)	
	)	<b>Setting May 16, 2006 at 9:00 A.M. as the</b>
Defendant(s).	)	<b>Trial Date</b>
	)	
	)	<b>Re: Preparation for Jury Trial</b>

**UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING RULES  
 SHALL APPLY:**

**SCHEDULING**

**1. In General**

All motions to join other parties or to amend the pleadings shall be filed and served within fifteen (15) days of the date of this order.

**2. Motions for Summary Judgment or Partial Summary Judgment**

Motions for summary judgment or partial summary judgment shall be filed as soon as practical, however, in no event later than the motion cut-off date.

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1 to be called at trial have been prepared, they shall be exchanged at the Final Pre-Trial Conference  
2 but shall not substitute for the narrative statements required.

3  
4 **TRIAL PREPARATION FOR JURY TRIAL**  
5 **MOTIONS, INSTRUCTIONS AND EXHIBITS**

6  
7 THE COURT ORDERS that all counsel comply with the following in their preparation  
8 for trial:

9 **1. MOTIONS IN LIMINE**

10 All motions in limine must be filed and served a minimum of forty-five (45) days prior to  
11 the scheduled trial date. Each motion should be separately filed and numbered. All opposition  
12 documents must be filed and served at least twenty-five (25) days prior to the scheduled trial  
13 date. All reply documents must be filed and served at least ten (10) days prior to the scheduled  
14 trial date.

15 All motions in limine will be ruled upon on or before the scheduled trial date.

16 **2. JURY INSTRUCTIONS/SPECIAL VERDICT FORMS**

17 Thirty-five (35) days before trial, plaintiff shall serve plaintiff's proposed jury  
18 instructions and special verdict forms on defendant. Twenty-eight (28) days before trial,  
19 defendant shall serve on plaintiff defendant's objections to plaintiff's instructions together with  
20 any additional instructions defendant intends to offer. Twenty-one (21) days before trial, plaintiff  
21 shall serve on defendant plaintiff's objections to defendant's instructions. Twenty-one (21) days  
22 before trial, counsel are ordered to meet and confer to attempt to come to agreement on the  
23 proposed jury instructions. The parties shall make every attempt to agree upon the jury  
24 instructions before submitting them to the Court. It is expected that counsel will agree on the  
25 substantial majority of jury instructions, particularly where patent instructions are involved.

1 Sixteen (16) days before trial, counsel shall file with the Court a JOINT set of jury  
2 instructions on which there is agreement. Defendant's counsel has the burden of preparing the  
3 joint set of jury instructions. At the same time each party shall file its proposed jury instructions  
4 which are objected to by any other party, accompanied by points and authorities in support of  
5 those instructions.

6 When the parties disagree on an instruction, the party opposing the instruction must  
7 attach a short statement (one to two paragraphs) supporting the objection, and the party  
8 submitting the instruction must attach a short reply supporting the instruction. Each statement  
9 should be on a separate page and should follow directly after the disputed instruction.

10 The parties ultimately must submit one document, or if the parties disagree over any  
11 proposed jury instructions, three documents. The three documents shall consist of: (1) a set of  
12 Joint Proposed Jury Instructions; (2) Plaintiff's Disputed Jury Instructions; and (3) Defendant's  
13 Disputed Jury Instructions. Any disputed Jury Instructions shall include the reasons supporting  
14 and opposing each disputed instruction in the format set forth in the previous paragraph.

15 The Court directs counsel to use the instructions from the Manual of Model Jury  
16 Instructions for the Ninth Circuit where applicable. Where California law is to be applied and  
17 the above instructions are not applicable, the Court prefers counsel to use the California Jury  
18 Instructions in either BAJI or CACI. If none of these sources is applicable, counsel are directed  
19 to use the instructions in Devitt, Blackmar and Wolff, Federal Jury Practice and Instructions.

20 Modifications of instructions from the foregoing sources (or any other form instructions)  
21 must specifically state the modification made to the original form instruction and the authority  
22 supporting the modification.

23 Each requested instruction shall be set forth in full; be on a separate page; be numbered;  
24 cover only one subject or principle of law; not repeat principles of law contained in any other  
25 requested instructions; and cite the authority for a source of the requested instruction. In addition  
26 to the foregoing, each party shall file with the Courtroom Deputy on the first day of trial a "clean  
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1 set" of the aforesaid requested duplicate jury instructions in the following form: Each requested  
 2 instruction shall be set forth in full; be on a separate page with the caption "COURT'S  
 3 INSTRUCTION NUMBER \_\_\_"; cover only one subject or principle of law; and not repeat  
 4 principles of law contained in any other requested instruction. The "clean set" shall not cite the  
 5 authority for a source of the requested instruction. Counsel shall also provide the Court with a  
 6 CD in WordPerfect format containing the proposed jury instructions.

7 An index page shall accompany all jury instructions submitted to the Court. The index  
 8 page shall indicate the following:

- 9 • the number of the instruction;
- 10 • a brief title of the instruction;
- 11 • the source of the instruction and any relevant case citation; and
- 12 • the page number of the instruction.

13 **EXAMPLE:**

<u>NO.</u>	<u>TITLE</u>	<u>SOURCE</u>	<u>PAGE NO.</u>
14 5	Evidence for Limited Purpose	9 <sup>th</sup> Cir. 1.5	9

17 During the trial and before argument, the Court will meet with counsel and settle the  
 18 instructions. Strict adherence to time requirements is necessary for the Court to examine the  
 19 submissions in advance so that there will be no delay in starting the jury trial. **Failure of counsel**  
 20 **to strictly follow the provisions of this section may subject the non-complying party and/or**  
 21 **its attorney to sanctions and SHALL CONSTITUTE A WAIVER OF JURY TRIAL in all**  
 22 **civil cases.**

1           **3.     TRIAL EXHIBITS**

2           Counsel are to prepare their exhibits for presentation at the trial by placing them in  
3 binders which are indexed by exhibit number with tabs or dividers on the right side. Counsel  
4 shall submit to the Court an original and one copy of the binders. The exhibits shall be in a  
5 three-ring binder labeled on the spine portion of the binder as to the volume number and contain  
6 an index of each exhibit included in the volume. Exhibits must be numbered in accordance with  
7 Fed.R.Civ.P. 16, 26 and the Local Rules.

8           Exhibit list shall indicate which exhibits are objected to, the reason for the objection, and  
9 the reason it is admissible. Failure to object will result in a waiver of objection.

10          The Court requires that the following be submitted to the Courtroom Deputy Clerk on the  
11 first day of trial:

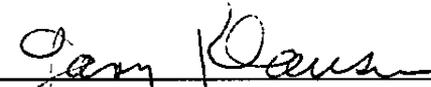
- 12           •     The original exhibits with the Court's exhibit tags shall be stapled to the front of  
13 the exhibit on the upper right-hand corner with the case number, case name, and  
14 exhibit number placed on each tag. Exhibit tags can be obtained from the Clerk's  
15 Office, Room G-8, 312 North Spring Street, Los Angeles, CA 90012.
- 16           •     One bench book with a copy of each exhibit for use by the Court, tabbed with  
17 numbers as described above. (Court's exhibit tags not necessary.)
- 18           •     Three (3) copies of exhibit lists.
- 19           •     Three (3) copies of witness lists in the order in which the witness may be called to  
20 testify.
- 21           •     Counsel are ordered to submit a short joint statement of the case seven (7) days  
22 before trial that the Court may read to the prospective panel.
- 23           •     All counsel are to meet not later than ten (10) days before trial and to stipulate so  
24 far as is possible as to foundation, waiver of the best evidence rule, and to those  
25 exhibits which may be received into evidence at the start of trial. The exhibits to  
26 be so received will be noted on the copies of the exhibit lists.

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- 1 • Counsel may, but need not, submit brief proposed voir dire questions for the jury
- 2 seven (7) calendar days before the Pretrial Conference. The Court will conduct its
- 3 own voir dire after considering any proposed voir dire submitted by counsel.
- 4 • Any items that have not been admitted into evidence and are left in the courtroom
- 5 overnight without prior approval, will be discarded.

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8 DATED: \_\_\_\_\_

11   
 12 \_\_\_\_\_  
 13 R. Gary Klausner, Judge  
 14 UNITED STATES DISTRICT COURT