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CLERK, U.S. DISTRICT COURT  
SEP 17 2007  
CENTRAL DISTRICT OF CALIFORNIA  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Splash News & Picture Agency, Inc., ) Case No. CV 07-2668-VBF (JCx)  
 )  
 ) SCHEDULING AND CASE MANAGEMENT  
Plaintiff, )  
 ) ORDER FOR CASES ASSIGNED TO  
v. )  
 ) JUDGE VALERIE BAKER FAIRBANK  
Mario Lavandeira, et al., )  
 )  
Defendants. )

This case has been assigned to the calendar of Judge Valerie Baker Fairbank.

This Order is to advise the parties and counsel of the schedule that will govern this action. **SEE THE LAST PAGE OF THIS ORDER FOR THE SPECIFIED DATES.** Ordinarily, the dates set forth on the last page are determined after consultation with the parties at the Fed. R. Civ. P. 16(b) Scheduling Conference. This Order is distributed to them at that time. The dates and requirements are firm. The Court is unlikely to grant continuances, even if stipulated by the parties, unless the parties establish good cause through a concrete showing.

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BY [Signature]

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1           **IT IS HEREBY ORDERED:**

2           1. To secure the just, speedy and inexpensive  
3 determination of every action, all counsel are ordered to  
4 familiarize themselves with and follow the Federal Rules of  
5 Civil Procedure and the Local Rules of the Central District  
6 of California. This Court follows these rules and they will  
7 govern this litigation.

8           2. Because this Order in some respects modifies or adds  
9 to the Local Rules, counsel are advised to read it carefully.  
10 Counsel are advised to pay particular attention to the  
11 requirements of the Court with respect to the filing of  
12 motions for summary judgment and documents to be submitted at  
13 the Final Pretrial Conference and Trial.

14           3. The attorney attending any proceeding before this  
15 court must be an attorney who is thoroughly knowledgeable  
16 about the case, responsible for the conduct of the  
17 litigation, and who has authority to enter into stipulations  
18 and to make admissions regarding all matters that the  
19 participants reasonably anticipate may be discussed. Lead  
20 counsel who will actually try the case must attend the Final  
21 Pretrial Conference. A party who is not represented must  
22 attend all proceedings in person.

23           4. COURTESY COPIES REQUIRED: A courtesy copy of all  
24 papers filed with the court shall be promptly delivered to  
25 the chambers of Judge Valerie Baker Fairbank in the drop  
26 box/tray outside the Judge's chambers on the day of filing,  
27 BY 4:00 p.m. The Judge's Chambers is located at the end of  
28 the hallway, to the right of the courtroom.

1           5.    **Discovery Cut-Off:** All discovery shall be completed  
2 by the discovery cut-off date specified on the last page of  
3 this Order.   **THIS IS NOT THE DATE BY WHICH DISCOVERY**  
4 **REQUESTS MUST BE SERVED; IT IS THE DATE BY WHICH ALL**  
5 **DISCOVERY IS TO BE COMPLETED.**

6           Any motion challenging the adequacy of responses to  
7 discovery must be heard sufficiently in advance of the  
8 discovery cut-off date to permit the responses to be obtained  
9 before that date if the motion is granted.

10          In an effort to provide further guidance to the parties, the  
11 Court notes the following:

12           a.    **Depositions:** All depositions shall be  
13 scheduled to commence sufficiently in advance of the  
14 discovery cut-off date to permit their completion and to  
15 permit the deposing party enough time to bring any discovery  
16 motions concerning the deposition prior to the cut-off date.

17           b.    **Written Discovery:** All interrogatories,  
18 requests for production of documents, and requests for  
19 admissions shall be served sufficiently in advance of the  
20 discovery cut-off date to permit the discovering party enough  
21 time to challenge (via motion practice) responses deemed to  
22 be deficient.

23           c.    **Discovery Motions:** Whenever possible, the  
24 Court expects the parties to resolve discovery issues among  
25 themselves in a courteous, reasonable and professional  
26 manner. The Magistrate Judge assigned to this case will rule  
27 on discovery motions. (The Magistrate Judge's initials  
28 follow the district judge's initials next to the case number

1 on the first page of this Order.) Counsel are directed to  
2 contact the Magistrate Judge courtroom deputy clerk to  
3 schedule discovery matters for hearing. Counsel should not  
4 deliver courtesy copies of these discovery documents to this  
5 court.

6 d. **Expert Discovery:** If expert witnesses are to  
7 be called at trial, the parties shall designate affirmative  
8 experts to be called at trial and provide reports required by  
9 Fed. R. Civ. P. 26(a)(2)(B) not later than eight weeks prior  
10 to the discovery cut-off date. Rebuttal expert witnesses  
11 shall be designated and reports provided as required by Fed.  
12 R. Civ. P. 26(a)(2)(B) not later than five weeks prior to the  
13 discovery cut-off date. Failure to timely comply with  
14 deadlines may result in the expert being excluded at trial as  
15 a witness.

16 6. **Motions and Motion Cut-Off Date**

17 a. **General Provisions:** All law and motion  
18 matters, except for motions in limine, must be set for  
19 hearing (not filing) by the motion cut-off date specified on  
20 the last page of this Order.

21 This Court hears motions on Mondays, beginning at 1:30  
22 p.m.

23 The parties must adhere to the requirements of the Local  
24 Rules. See Local Rules 7-1 et seq. If any party does not  
25 oppose a motion, that party shall submit a written statement  
26 that it does not oppose the motion in accordance with Local  
27 Rule 7-9.

28

1 The title page of all motions must state the Final  
2 Pre-Trial Conference date and the Trial date. To insure that  
3 the Court receives oppositions and replies in a timely  
4 fashion, courtesy copies, conformed to reflect that they have  
5 been filed, should be deposited in the drop box/tray located  
6 in the entrance way to the Chambers of Judge Fairbank. The  
7 Judge's chambers is located at the end of the hallway, to the  
8 right of the courtroom.

9 Counsel must comply with Local Rule 7-3, which requires  
10 counsel to engage in a pre-filing conference "to discuss  
11 thoroughly . . . the substance of the contemplated motion and  
12 any potential resolution."

13 Issues left undetermined after the passage of the motion  
14 cut-off date should be listed as issues for trial in the  
15 Final Pre-Trial Conference Order. As an exception to the  
16 above, motions in limine dealing with evidentiary matters may  
17 be heard pursuant to the schedule specified on the last page  
18 of this Order.

19 *Ex parte* practice is discouraged. See *Mission Power*  
20 *Eng'g v Co. . Continental Cas. Co.*, 883 F. Supp. 488 (C.D.  
21 Cal. 1995). The Court will require strict adherence to  
22 proper *ex parte* procedures for any *ex parte* application filed  
23 with the Court. *Id.* at 492; see also Local Rule 7-19.

24 b. **Applications and Stipulations to Extend Time:**  
25 Applications to extend the time to file any required document  
26 or to continue any hearing, Final Pre-Trial Conference or  
27 Trial date must set forth the following:

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1 (i) the existing due date or hearing date, as  
2 well as the discovery cut-off date, the Final Pre-Trial  
3 Conference date, and the Trial date;

4 (ii) specific, concrete reasons supporting  
5 good cause for granting the extension; and

6 (iii) whether there have been prior requests  
7 for extensions, and whether these requests were granted or  
8 denied by the Court.

9 c. Joinder of Parties and Amendment of Pleadings:

10 The deadline for joining parties and amending pleadings is  
11 ninety days after the date of this Order. Any motions to  
12 join other parties or for leave to amend the pleadings shall  
13 be filed within sixty days of the date of this Order so that  
14 they can be heard and decided prior to the deadline.

15 In addition to the requirements of Local Rule 15-1, all  
16 motions to amend the pleadings shall: (1) state the effect of  
17 the amendment; (2) be serially numbered to differentiate the  
18 amendment from previous amendments; and (3) state the page,  
19 line number(s), and wording of any proposed change or  
20 addition of material.

21 The parties shall deliver to Chambers a redlined version  
22 of the proposed amended pleading indicating all additions  
23 and deletions of material.

24 d. Summary Judgment Motions: The Court will  
25 require adherence to the following requirements:

26 (i) Separate Statement of Uncontroverted Facts  
27 and Statement of Genuine Issues of Material Fact:

28

1 The Separate Statement of Uncontroverted Facts is to be  
2 prepared in a two column format. The left-hand column should  
3 set forth the allegedly undisputed fact. The right-hand  
4 column should set forth the evidence that supports the  
5 factual statement. The factual statements should be set  
6 forth in sequentially numbered paragraphs. Each paragraph  
7 should contain a narrowly focused statement of fact. Each  
8 numbered paragraph should address a single subject in as  
9 concise a manner as possible.

10 The opposing party's Statement of Genuine Issues of  
11 Material Fact must be in two columns and track the movant's  
12 Separate Statement exactly as prepared. The document must be  
13 in two columns; the left-hand column must restate the  
14 allegedly undisputed fact, and the right-hand column must  
15 indicate either undisputed or disputed. The opposing party  
16 may dispute all or only a portion of the statement, but if  
17 disputing only a portion, must clearly indicate what part is  
18 being disputed. Where the opposing party is disputing the  
19 fact in whole or part, the opposing party must, in the  
20 right-hand column, label and restate the moving party's  
21 evidence in the support of the fact, followed by the opposing  
22 party's evidence controverting the fact. Where the opposing  
23 party is disputing the fact on the basis of an evidentiary  
24 objection, the party must cite the evidence alleged to be  
25 objectionable and state the ground of the objection and  
26 nothing more. **No argument should be set forth in this**  
27 **document.**

28

1 The opposing party may submit additional material facts  
2 that bear on or relate to the issues raised by the movant,  
3 which shall follow the format described above for the moving  
4 party's Separate Statement. These additional facts shall  
5 follow the movant's facts, shall continue in sequentially  
6 numbered paragraphs (i.e. if movant's last statement of fact  
7 was set forth in paragraph 30, then the first new fact will  
8 be set forth in paragraph 31), and shall set forth in the  
9 right-hand column the evidence that supports that statement.

10 The moving party, in its reply, shall respond to the  
11 additional facts in the same manner and format that the  
12 opposing party is required to adhere to in responding to the  
13 Statement of Uncontroverted Facts, as described above.

14 (ii) Supporting Evidence. No party should  
15 submit any evidence other than the specific items of evidence  
16 or testimony necessary to support or controvert a proposed  
17 statement of undisputed fact. Thus, for example, the entire  
18 transcripts of depositions, entire sets of interrogatory  
19 responses, and documents that do not specifically support or  
20 controvert material in the Separate Statements should not be  
21 submitted in support of or in opposition to a motion for  
22 summary judgment.

23 Evidence submitted in support of or in opposition to a  
24 motion for summary judgment should be submitted either by way  
25 of stipulation or as exhibits to a declaration sufficient to  
26 authenticate the proffered evidence, and should not be  
27 attached to the memorandum of points and authorities. The  
28 Court will accept counsel's authentication of deposition



1 transcripts, written discovery responses, and the receipt of  
2 documents in discovery if the fact that the document was in  
3 the opponent's possession is of independent significance.

4 Documentary evidence as to which there is no stipulation  
5 regarding foundation must be accompanied by the testimony,  
6 either by declaration or properly authenticated deposition  
7 transcript, of a witness who can establish its authenticity.

8 All evidence in support of or in opposition to a motion  
9 for summary judgment, including declarations and exhibits to  
10 declarations, shall be separated by a tab divider on the  
11 bottom of the page. If evidence in support of or in  
12 opposition to a motion for summary judgment exceeds twenty  
13 pages, the evidence must be in a separately bound volume and  
14 include a Table of Contents. If the supporting evidence  
15 exceeds fifty pages, the Court's courtesy copy of the  
16 supporting evidence shall be placed in a Slant D-Ring binder  
17 with each item of evidence separated by a tab divider on the  
18 right side. All documents contained in the binder should be  
19 three-hole-punched with the oversized 13/32" hole size, not  
20 the standard 9/32" hole size.

21 (iii) Objections to Evidence. If a party  
22 disputes a fact based in whole or in part on an evidentiary  
23 objection, the ground for the objection, as indicated above,  
24 should be stated in the Separate Statement, but not argued in  
25 that document. Evidentiary objections should be addressed in  
26 a separate memorandum to be filed with the opposition or  
27 reply brief of the party. This memorandum should be  
28 organized to track the paragraph numbers of the Separate

1 Statement in sequence. It should identify the specific item  
2 of evidence to which objection is made, the ground for the  
3 objection, and a very brief argument with citation to  
4 authority as to why the objection is well taken. The  
5 following is an example of the format contemplated by the  
6 Court:

7 Separate Statement Paragraph 1: Objection to the  
8 supporting deposition transcript of Jane Smith at 60:1-10 on  
9 the grounds that the statement constitutes inadmissible  
10 hearsay and no exception is applicable. To the extent it is  
11 offered to prove her state of mind, it is irrelevant since  
12 her state of mind is not in issue. Fed. R. Evid. 801, 802.  
13 **DO NOT SUBMIT BLANKET OR BOILERPLATE OBJECTIONS TO THE**  
14 **OPPONENT'S STATEMENTS OF UNDISPUTED FACT. THESE WILL BE**  
15 **DISREGARDED AND OVERRULED.**

16 (iv) The Memorandum of Points and Authorities.  
17 The movant's memorandum of points and authorities should be  
18 in the usual form required under Local Rule 7 and should  
19 contain a narrative statement of facts as to those aspects of  
20 the case that are before the Court. All facts should be  
21 supported with citations to the paragraph number in the  
22 Separate Statement that supports the factual assertion.

23 Unless the case involves some unusual twist, the motion  
24 need only contain a brief statement of the Fed. R. Civ. P. 56  
25 standard; the Court is familiar with the Rule and with its  
26 interpretation under Celotex and its progeny. If at all  
27 possible, the argument should be organized to focus on the  
28 pertinent elements of the claim(s) for relief or defense(s)

1 in issue, with the purpose of showing the existence or  
2 non-existence of a genuine issue of material fact for trial  
3 on that element of the claim or defense.

4 Likewise, the opposition memorandum of points and  
5 authorities should be in the usual form required by Local  
6 Rule 7. Where the opposition memorandum sets forth facts,  
7 the memorandum should cite to paragraphs in the Separate  
8 Statement if they are not in dispute, to the evidence that  
9 contravenes the fact where the fact is in dispute, or, if the  
10 fact is contravened by an additional fact in the Statement of  
11 Genuine Issues of Material Fact, the citation should be to  
12 such fact by paragraph number.

13 (v) **Proposed Statement of Decision.** Each party  
14 shall file and serve a Proposed Statement of Decision, which  
15 shall contain a statement of the relevant facts and  
16 applicable law with citations to case law and the record.  
17 The Proposed Statement of Decision shall not exceed five  
18 pages and shall be in a form that would be appropriate for  
19 the Court to enter as its final order on the motion.

20 (vi) **Timing.** In virtually every case, the  
21 Court expects that the moving party will provide more than  
22 the minimum twenty-one day notice for such motions.

23 **[NOTE: Parties need not wait until the motion cut-off to**  
24 **bring motions for summary judgment or partial summary**  
25 **judgment. Early completion of non-expert discovery and**  
26 **filing of motions for summary judgment may eliminate or**  
27 **reduce the need for expensive expert depositions that are**  
28 **normally conducted in the last stages of discovery.]**

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1 e. Avoid Composite Motions. Unless clearly  
2 justified under the circumstances of the case, "motions to  
3 dismiss or in the alternative for summary adjudication" are  
4 discouraged. These composite motions tend to blur the  
5 distinctions between the two motions.

6 f. Motions in Limine. Before filing any motion in  
7 limine, counsel for the parties shall confer in good faith to  
8 eliminate the necessity for hearing the motion in limine or  
9 to eliminate as many of the disputes as possible. It shall  
10 be the responsibility of counsel for the moving party to  
11 arrange for this conference. The motion papers must include  
12 a declaration showing a good faith meet and confer effort.

13 Unless otherwise ordered by the Court, motions in limine  
14 will be heard on the date specified on the last page of this  
15 Order. Unless the Court in its discretion otherwise allows,  
16 no motions in limine shall be filed or heard on an ex parte  
17 basis, absent a showing of irreparable injury or prejudice  
18 not attributable to the lack of diligence of the moving  
19 party.

20 7. Final Pre-Trial Conference and Local Rule 16 Filings

21 a. General Provisions. The Final Pre-Trial  
22 Conference ("FPTC") will be held on the date specified on the  
23 last page of this Order, unless the Court expressly waived  
24 the FPTC at the Scheduling Conference. (In the rare cases  
25 where the Court waives a FPTC, the parties must follow Local  
26 Rule 16-10.)

27 The lead trial attorney on behalf of each party shall  
28 attend both the FPTC and all meetings of the parties in

1 preparation for the FPTC, unless excused for good cause shown  
2 in advance of the FPTC.

3 At the FPTC, the parties should be prepared to discuss  
4 means of streamlining the trial, including, but not limited  
5 to the following: bifurcation; presentation of foundational  
6 and non-critical testimony and direct testimony by deposition  
7 excerpts; narrative summaries and/or stipulations as to the  
8 content of testimony; presentation of testimony on direct  
9 examination by affidavit or by declaration subject to  
10 cross-examination; and qualification of experts by admitted  
11 resumes. The Court will also discuss settlement.

12 b. Form of the Final Pre-Trial Conference Order  
13 ("FPTCO"). The proposed FPTCO shall be lodged by the date  
14 specified on the last page of this Order. Adherence to this  
15 time requirement is necessary for in-chambers preparation of  
16 the matter. The form of the proposed FPTCO shall comply with  
17 Appendix A to the Local Rule and the following:

18 (i) Place in "ALL CAPS" and in **bold** the  
19 separately numbered headings for each category in the FPTCO  
20 (e.g., "**1. THE PARTIES**" or "**7. CLAIMS AND DEFENSES OF THE**  
21 **PARTIES**").

22 (ii) Include a Table of Contents at the  
23 beginning.

24 (iii) In specifying the surviving pleadings  
25 under Section 1, state which claims or counterclaims have  
26 been dismissed or abandoned (e.g., "Plaintiff's second cause  
27 of action for breach of fiduciary duty has been dismissed.").  
28 Also, in multiple party cases where not all claims or

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1 counterclaims will be prosecuted against all remaining  
2 parties on the other side, specify to which party each claim  
3 or counterclaim is directed.

4 (iv) In drafting the FPTCO, the Court expects  
5 that the parties will attempt to agree on and set forth as  
6 many uncontested facts as possible. The Court will usually  
7 read the uncontested facts to the jury at the start of the  
8 trial. A carefully drafted and comprehensively stated  
9 stipulation of facts will reduce the length of trial and  
10 increase jury understanding of the case.

11 (v) In specifying the parties' claims and  
12 defenses in Section 7 of the FPTCO, each party shall closely  
13 follow the examples set forth in Appendix A of the Local  
14 Rules.

15 (vi) The Court may submit fact issues to the  
16 jury in the form of findings on a special verdict. The  
17 issues of fact should track the elements of a claim or  
18 defense on which the jury will be required to make findings.

19 (vii) If expert witnesses are to be called at  
20 trial, each party must list and identify its respective  
21 expert witnesses, both retained and non-retained. Failure of  
22 a party to list and identify an expert witness in the FPTCO  
23 could result in a court order which precludes the party from  
24 calling that expert witness at trial.

25 c. **Rule 16 Filings; Memoranda; Witness Lists;**  
26 **Exhibit Lists.** The parties must comply fully with the  
27 requirements of Local Rule 16. They shall file carefully  
28 prepared Memoranda of Contentions of Fact and Law (which may

1 also serve as the trial brief), along with their respective  
2 Witness Lists and Exhibit Lists, all in accordance with Local  
3 Rules 16-3, 16-4, and 16-5. See the last page of this Order  
4 for applicable dates.

5 d. **Summary of Witness Testimony and Time**

6 **Estimates.** Counsel shall prepare a list of their witnesses,  
7 including a brief summary (two to three paragraphs) of each  
8 witness's expected testimony, an estimate of the length of  
9 time needed for direct examination, and whether the witness  
10 will testify by deposition or in person. Counsel shall  
11 exchange these lists with opposing counsel. **Counsel shall**  
12 **jointly file a single list of witness testimony summaries,**  
13 **including estimates for direct examination of their own**  
14 **witnesses and estimates for cross-examination of opposing**  
15 **witnesses.** The joint witness testimony summaries shall be  
16 filed at the same time counsel lodge the FPTCO. If a party  
17 intends to offer deposition testimony into evidence at trial,  
18 the party shall designate the relevant portions of the  
19 deposition testimony to be read at trial and advise opposing  
20 counsel of same. Opposing counsel shall then designate any  
21 additional portions of such deposition testimony which  
22 counsel intends to offer in evidence. All objections to any  
23 such testimony shall be made in writing and filed at the same  
24 time counsel lodge the FPTCO so that the Court may consider  
25 whether ruling on the objections will facilitate trial or  
26 result in the disposition of evidentiary matters that may  
27 assist continuing settlement negotiations.

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1 e. Final Pre-Trial Conference - Exhibit  
 2 Stipulation. The parties shall prepare a Final Pre-Trial  
 3 Exhibit Stipulation that shall contain each party's numbered  
 4 list of all trial exhibits, with objections, if any, to each  
 5 exhibit including the basis of the objection and the offering  
 6 party's response. All exhibits to which there is no  
 7 objection shall be deemed admitted. All parties shall  
 8 stipulate to the authenticity of exhibits whenever possible,  
 9 and the Final Pre-Trial Exhibit Stipulation shall identify  
 10 any exhibits for which authenticity has not been stipulated  
 11 to and the specific reasons for the party's failure to  
 12 stipulate.

13 The Stipulation shall be substantially in the following  
 14 form:

15 Pre-Trial Exhibit Stipulation

16 Plaintiff(s)' Exhibits  
 17 Number Description If Objection, State Grounds  
 18 Response to Objection  
 19 Defendant(s)' Exhibits  
 20 Number Description If Objection, State Grounds  
 21 Response to Objection

22 The Final Pre-Trial Exhibit Stipulation shall be filed at  
 23 the same time counsel lodge the FPTCO. Failure to comply  
 24 with this paragraph could be deemed to constitute a waiver of  
 25 all objections..

26 c. Jury Instructions, Verdict Forms, Special  
 27 Interrogatories

28



1 (i) Fourteen days before the Local Rule 16-2  
2 meeting, the parties shall exchange proposed jury  
3 instructions, verdict forms and special interrogatories.  
4 Seven days before the meeting, counsel shall exchange written  
5 objections, if any, to proposed jury instructions, verdict  
6 form and special interrogatories. At the Local Rule 16-2  
7 meeting, the parties shall confer with the objective of  
8 submitting one set of agreed upon instructions, a mutually  
9 agreed upon verdict form and, if necessary, special  
10 interrogatories.

11 (ii) If the parties cannot agree upon one  
12 complete set of instructions, verdict form and/or special  
13 interrogatories, they shall file two documents with the  
14 Court: a joint document reflecting the agreed upon  
15 instructions, verdict form and/or special interrogatories;  
16 and a second document in the form of a joint statement  
17 regarding the disputed instructions, verdict form, and/or  
18 special interrogatories in the following format for each  
19 instruction, verdict form and/or special interrogatories in  
20 issue:

21 (a) A separate page containing the text of the  
22 disputed language with an identification of the party  
23 proposing it;

24 (b) Following the text of the disputed  
25 language, the opposing party's statement of objections to the  
26 disputed language along with legal authority in support of  
27 the argument (not to exceed one page) and proposed  
28 alternative language where appropriate; and

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1 (c) The proposing party's response to the  
2 objection with legal authority supporting the proposed  
3 language, not to exceed one page.

4 Both the agreed on set and the joint statement regarding  
5 disputed instructions, verdict form, and/or special  
6 interrogatories are to be filed with the Final Pre-Trial  
7 Conference Order and other Local Rule 16 documents.

8 (iii) All proposed jury instructions shall be  
9 in the format specified by Local Rule 51-2. The Court will  
10 send a copy of the instructions into the jury room for the  
11 jury's use during deliberations. Accordingly, in addition to  
12 the file copies described above, counsel shall submit a  
13 "clean set" of Joint Proposed and/or Disputed Jury  
14 Instructions, containing only the text of each instruction  
15 set forth in full on each page, with the caption "Court's  
16 Instruction No. \_\_" (eliminating titles, supporting  
17 authority, indication of party proposing, etc.).

18 (iv) A Table of Contents shall be included with  
19 all jury instructions submitted to the Court. The Table of  
20 Contents shall set forth the following:

- 21 (a) The number of the instruction;
- 22 (b) A brief title of the instruction;
- 23 (c) The source of the instruction; and
- 24 (d) The page number of the instruction.

25 For example:

26	Number	Title	Source	Page Number
27	1	Burden of Proof	9th Cir. Manual of	5
28			Model Jury Instr. 5.1	

1 (v) The Court directs counsel to use the  
2 instructions from the Manual of Model Jury Instructions for  
3 the Ninth Circuit (West Publishing, latest edition) where  
4 applicable. Where California law is to be applied and the  
5 above instructions are not applicable, the Court prefers  
6 counsel to use the Judicial Council of California Civil Jury  
7 Instructions ("CACI") (LexisNexis Matthew Bender, latest  
8 edition). If neither of these sources is applicable, counsel  
9 are directed to use the instructions from O'Malley, Grenig  
10 and Lee, Federal Jury Practice and Instructions (latest  
11 edition).

12 (vi) Modifications of instructions from the  
13 foregoing sources (or any other form instructions) must  
14 specifically state the modification made to the original form  
15 instruction and the authority supporting the modification.

16 **Caveat: The failure of any counsel to comply with or**  
17 **cooperate in all of the foregoing procedures regarding jury**  
18 **instructions may result in sanctions, including in**  
19 **appropriate circumstances, a waiver of all objections to the**  
20 **jury instructions given by the Court.**

21 g. **Joint Statement of the Case and Requests for**  
22 **Voir Dire.** At the Final Pre-Trial Conference, the parties  
23 shall file their proposed voir dire questions and their joint  
24 statement of the case which the Court shall read to all  
25 prospective jurors prior to the commencement of voir dire.  
26 The statement should not be longer than two or three  
27 paragraphs.

28

1 The Court conducts voir dire of all prospective jurors.  
2 The parties need not submit requests for standard voir dire  
3 questions, such as education, current occupations, marital  
4 status, prior jury service, etc., but should include only  
5 proposed questions specifically tailored to the parties and  
6 issues of the case.

7 7. COURT TRIAL: FINDINGS OF FACT AND CONCLUSIONS OF LAW

8 Counsel for each party shall lodge and serve initial proposed  
9 findings of fact and conclusions of law by the date specified  
10 on the last page of this Order. Courtesy copies of the  
11 documents shall also be deposited in the drop box/tray  
12 located at the entrance way to the Judge's Chambers on the  
13 due date by 4:00 p.m.

14 8. Settlement

15 The parties must file a Status Report regarding settlement at  
16 the time they lodge the Proposed Final Pre-Trial Conference  
17 Order. This Report shall not disclose the parties'  
18 settlement positions, i.e. the terms of any offers or  
19 demands. It shall merely describe the efforts made by the  
20 parties to resolve the dispute informally, i.e. the occasions  
21 and dates when the parties participated in mediations or  
22 settlement conferences.

23  
24 Dated: 9/17/07

*Valerie Baker Fairbank*  
VALERIE BAKER FAIRBANK  
United States District Judge

SCANNED

**UNITED STATES MAGISTRATE JUDGES  
CURRENTLY AVAILABLE FOR CIVIL CONSENT CASES**

The following Magistrate Judges are currently available for consent cases, pursuant to 28 U.S.C. § 636 (c) and Local Rule 73. To confirm a particular Magistrate Judge's ability to schedule the trial in the time frame desired by the parties and/or willingness to accommodate any other special requests of the parties, please contact that Magistrate Judge's courtroom deputy prior to filing/lodging the consent form.

<b>Magistrate Judge</b>	<b>Courtroom Deputy / Telephone Number</b>
Robert N. Block	Trina DeBose / 714-338-4754
Marc L. Goldman	Terri Steele / 714-338-4755
Jeffrey W. Johnson	Amalia Chevalier / 213-894-5369
Victor B. Kenton	Roxanne Horan / 213-894-1831
Jennifer T. Lum	Debra Plato / 213-894-0216
Frederick F. Mumm	James R. Munoz / 213-894-3046
Arthur Nakazato	Melissa Cash / 714-338-4756
Fernando M. Olguin	Vanessa Del Rio / 213-894-0215
Suzanne H. Segal	Denise Lazo / 213-894-0958
Patrick J. Walsh	Isabel Martinez / 213-894-8958

SCANNED

JUDGE VALERIE BAKER FAIRBANK

SCHEDULE OF TRIAL AND PRE-TRIAL DATES

Scheduling Conference Notes  
For The Honorable Judge Valerie Baker Fairbank,  
U.S. District Judge

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- 1. Parties and Case Number:
  - a. Splash News & Picture Agency, Inc., v. Mario Lavandeira, et al.
  - b. Case number: CV 07-2668-VBF (JCx)

2. Trial September 9, 2008 at 8:30 AM

- a. Jury X
- b. Court \_\_\_\_\_

c. Time Est. 2 weeks

3. FPTC August 25, 2008 at 2:30 PM

4. Motion Cut-off 7/21/08 for hearing

5. Non-expert Discovery Cut-off 6/16/08

6. Expert Discovery Cut-off 7/21/08

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7. Cut-off for adding parties/ Amending cut-off 2/04/08

8. ADR X

9. Settlement Conference to be held no later than 02/04/08