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

JACKSON BROWNE,)
)
 Plaintiff(s),)
)
 vs.)
)
 JOHN McCain, et al.,)
)
 Defendant(s).)
)
 _____)

CASE NO. CV 08-05334-RGK (Ex)

ORDER FOR JURY TRIAL:

**Pretrial Conference: December 21, 2009 at
9:00 a.m.**

Trial Date: January 12, 2010 at 9:00 a.m.

**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.

1 which are objected to by any other party, accompanied by points and authorities in support of
2 those instructions.

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

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

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

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

20 Each requested instruction shall be set forth in full; be on a separate page; be numbered;
21 cover only one subject or principle of law; not repeat principles of law contained in any other
22 requested instructions; and cite the authority for a source of the requested instruction. In
23 addition to the foregoing, each party shall file with the Courtroom Deputy on the first day of trial
24 a "clean set" of the aforesaid requested duplicate jury instructions in the following form: Each
25 requested instruction shall be set forth in full; be on a separate page with the caption "COURT'S
26 INSTRUCTION NUMBER ___"; cover only one subject or principle of law; and not repeat
27 principles of law contained in any other requested instruction. The "clean set" shall not cite the

1 authority for a source of the requested instruction. Counsel shall also provide the Court with a
2 CD in WordPerfect format containing the proposed jury instructions.

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

- 5 • the number of the instruction;
- 6 • a brief title of the instruction;
- 7 • the source of the instruction and any relevant case citation; and
- 8 • the page number of the instruction.

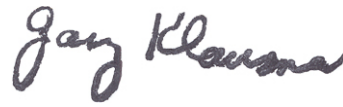
9 ***EXAMPLE:***

10 <u>NO.</u>	<u>TITLE</u>	<u>SOURCE</u>	<u>PAGE</u>
11 <u>NO.</u>			
12 5	Evidence for Limited Purpose	9 th Cir. 1.5	9

13
14 During the trial and before argument, the Court will meet with counsel and settle the
15 instructions. Strict adherence to time requirements is necessary for the Court to examine the
16 submissions in advance so that there will be no delay in starting the jury trial. **Failure of**
17 **counsel to strictly follow the provisions of this section may subject the non-complying party**
18 **and/or its attorney to sanctions and SHALL CONSTITUTE A WAIVER OF JURY TRIAL**
19 **in all civil cases.**

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

DATED: April 20, 2009



R. Gary Klausner, Judge
UNITED STATES DISTRICT COURT

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