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

SOUTHERN CALIFORNIA
INSTITUTE OF LAW,

Plaintiff/s,

v.

TCS EDUCATION SYSTEM, et al.,

Defendant/s.

) Case No. LA CV10-08026 JAK (AJWx)
)
)
) **ORDER ON JURY/COURT TRIAL**
) **Final Pretrial Conference/Motions in Limine:**
) **March 12, 2012 at 1:30 p.m.**
) **Status Conference re Exhibits**
) **March 23, 2012 at 3:00 p.m.**
) **Jury Trial:**
) **March 27, 2012 at 9:00 a.m.**
)
)
)

A. SCHEDULING:

1. **In General:** The last day for hearing on any motion to join other parties or to amend the pleadings shall be specified in the Scheduling Order. All unserved parties shall be dismissed no later than the date set for the Final Pretrial Conference.

1 Memoranda of Contentions of Fact and Law (which may also serve as the parties’
2 respective trial briefs) and a Final Pretrial Conference Order in accordance with the
3 provisions of [Local Rules 16-4 and 16-7](#). The Memoranda of Contentions of Fact and
4 Law will be served no later than 21 calendar days before the Pretrial Conference. The
5 Final Pretrial Conference Order will be lodged no later than 11 calendar days before the
6 Final Pretrial Conference. The form of the Final Pretrial Conference Order will be in the
7 form set forth in [Appendix A](#) to the Local Rules.

8 **C. PREPARATION FOR TRIAL AND SCHEDULING EXHIBIT CONFERENCE**
9 **THE FRIDAY BEFORE TRIAL**

10 The Court ORDERS that all counsel comply with the following rules in their
11 preparation for trial:

12 1. **Motions In Limine**: All motions *in limine* will be heard at the Final Pretrial
13 Conference. The purpose of these motions is to alert the Court to significant evidentiary
14 issues that can be addressed and resolved prior to trial. All motions *in limine* must be filed
15 and served in compliance with [Local Rule 6-1](#). Opposition papers must be filed and
16 served in compliance with [Local Rule 7-9](#). Reply papers must be filed and served in
17 compliance with [Local Rule 7-10](#).

18 2. **Statement of the Case (Jury Trials)**: Counsel will prepare a joint statement of
19 the case that may be read by the Court to the prospective panel of jurors prior to the
20 commencement of voir dire. The statement should not be more than two or three
21 paragraphs. The statement will be filed with the Court five court days before the Final
22 Pretrial Conference. If counsel cannot agree on a statement, each shall submit a proposed
23 statement along with a red-line showing how each proposes to modify the other’s proposed
24 statement. In addition, both the proposed statements and the red-lines of such statements
25 shall also be sent in Word or Word Perfect to the Court at the following email address:
26 JAK_Chambers@cacd.uscourts.gov. At the time of the Final Pretrial Conference, the
27 Court will confer with counsel with respect to the use of a Statement of the Case prior to

1 the commencement of voir dire and/or the use at that time of a “mini opening” statement
2 by counsel for each party. Each mini-opening statement will be for three to five minutes
3 and will summarize the evidence that each side intends to present..

4 3. **Voir Dire (Jury Trials)**: At least five court days before the Final Pretrial
5 Conference, each counsel shall file with the Court any special questions requested to be
6 posed by the Court to prospective jurors during voir dire.

7 4. **Witness Lists**: A witness list will be prepared in compliance with [Local Rule](#)
8 [16-5](#). The witness list will be filed no later than five court days prior to the Final Pretrial
9 Conference. Counsel will submit the names of the witnesses in the order that they are
10 expected to testify, and will provide, to the extent possible, an accurate estimate of the
11 time needed for each witness for direct, cross, redirect and re-cross. Counsel will also
12 provide a brief summary of each witness’ testimony. If more than one witness is offered
13 on the same subject, the summary should be sufficiently detailed to allow the Court to
14 determine if the testimony is cumulative.

15 Counsel shall set forth the information about the amount of time that is expected for
16 the testimony of each witness on a jointly-prepared document with five columns: (i) the
17 name of the witness; (ii) estimated time for direct examination (in hours, with portions
18 thereof stated in decimal form, *e.g.*, “1.5 hours,” if the estimate is for one hour and 30
19 minutes) ; (iii) estimated time for cross-examination; (iv) estimated time for re-direct
20 examination; and (v) total time for the witness. At the bottom of each page the total time
21 for all witnesses on that page shall be stated, with the grand total of all time stated on the
22 final page of the chart.

23 5. **Jury Instructions**: In a jury trial, jury instructions are to be filed no later than
24 five court days prior to the Final Pretrial Conference. The parties must submit joint jury
25 instructions. The parties shall meet and confer sufficiently far in advance of the required
26 submission date as part of a good faith effort to agree upon, and prepare, the joint jury

1 instructions. The instructions should be submitted in the order in which the parties wish to
2 have the instructions read. This order should reflect a single organized sequence agreed to
3 by all of the parties.

4 In the event that agreement on all instructions cannot be reached, counsel will
5 submit four sets of instructions in the following format: (i) the agreed upon instructions;
6 and (ii) the instructions proposed by any party and opposed by any other party. In
7 addition, counsel must submit electronic versions (in Word Perfect or Word) to the Court
8 at the following email address: JAK_Chambers@cacd.uscourts.gov. Instructions upon
9 which agreement cannot be reached should reflect the basic disagreements among the
10 parties as to the law. For disputed instructions, a party should note its objections to a
11 proposed instruction and its reasons for putting forth its alternative on pages placed after
12 its own alternative instruction.

13 **6. Verdict Form(s) in Jury Trials:** In a jury trial, proposed verdict form(s) are to
14 be filed no later than five court days prior to the Final Pretrial Conference. The parties
15 shall meet and confer sufficiently in advance of the required submission date as part of a
16 good faith effort to agree upon, and prepare, any proposed verdict form(s). In the event
17 that the parties cannot reach an agreement as to verdict form(s), each shall submit its
18 proposed form(s) no later than five court days prior to the Final Pretrial Conference. At
19 that same time, each shall also submit a red-line showing how each proposes to modify the
20 other's proposed verdict form(s). In addition, both the proposed form(s) and the red-lines
21 of such form(s) shall also be sent in Word or Word Perfect to the Court at the following
22 email address: JAK_Chambers@cacd.uscourts.gov

23 **7. Exhibits and Exhibit Conference:**

24 a. **Exhibit List:** A joint exhibit list will be prepared in compliance with
25 the example below and [Local Rule 16-6](#).

1 **JOINT EXHIBIT LIST**

2 Case Name:

3 Case Number:

4

No. of Exhibit	Description	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted

5

6

7 The joint exhibit list will contain the information required by F.R.Civ.P.

8 26(a)(3)(A). The joint exhibit list will be filed no later than five court days prior to the

9 Final Pretrial Conference. In order to produce the joint exhibit list, the parties will meet

10 and confer sufficiently in advance of the required submission date. As part of the meet

11 and confer process, counsel will stipulate so far as is possible as to foundation, waiver of

12 the best evidence rule, and to those exhibits which may be received into evidence at the

13 start of trial. The exhibits to be so received will be noted on the extra copies of the exhibit

14 lists.

15 b. **Exhibit Preparation:** All exhibits will be placed in loose leaf

16 binders that are tabbed on the right side with exhibit numbers. The spine of the notebook

17 is to be marked with the case name and number and the numbers of the exhibits contained

18 therein. The notebooks are to be prepared with an original for the Courtroom Deputy

19 Clerk (which will be tagged with the appropriate exhibit tags in the upper right-hand

20 corner of the first page of each exhibit) and one copy for the Court. Each notebook will

21 contain a list of the included exhibits. The exhibits are to be numbered in accordance with

22 [Local Rule 26-3](#).

23 c. **Exhibit Conference:** AN EXHIBIT CONFERENCE REQUIRING

24 THE ATTENDANCE OF TRIAL COUNSEL WILL BE HELD AT 3:00 P.M. ON THE

25 FRIDAY BEFORE THE SCHEDULED TRIAL DATE IN COURTROOM 750, UNLESS

26 THE COURT ORDERS OTHERWISE. Exhibits are to be submitted to the Courtroom

27 Deputy Clerk at the time of the exhibit conference.

1 wishes to question a witness in connection with graphic aids, the material must be fully
2 prepared before the court session starts.

3 e. **Depositions:**

4 1. All depositions that will be used in the trial, either as evidence or
5 for impeachment, must be signed and lodged with the Courtroom Deputy Clerk on the first
6 day of trial or such earlier date as the Court may order. For any deposition in which
7 counsel is interested, counsel should check with the Courtroom Deputy Clerk to confirm
8 that the Courtroom Deputy Clerk has the transcript and that the transcript is properly
9 signed.

10 2. In using depositions for impeachment, counsel shall first announce
11 both the beginning and ending page and line references of the passage desired to be read,
12 and allow opposing counsel an opportunity to state any objection. If an objection is made,
13 counsel shall await a ruling before proceeding. In addition, counsel who has not requested
14 the reading, shall advise the Court whether counsel requests a ruling as to any objection(s)
15 made on the record or reserved during the deposition testimony at issue. In reading
16 deposition testimony, counsel shall use one of the following procedures:

17 a. If counsel wishes to read the questions and answers as
18 alleged impeachment and ask the witness no further questions on that subject, counsel may
19 merely read the relevant portions of the deposition into the record.

20 b. If counsel wishes to ask the witness further questions on the
21 subject matter (this does not include a question whether the witness's testimony has
22 changed between deposition and trial) the deposition is placed in front of the witness and
23 the witness is told to read silently the pages and lines involved. Then counsel may either
24 ask the witness further questions on the matter and thereafter read the quotations or read
25 the quotations and thereafter ask further questions. Counsel should have an extra copy of
26 the deposition for this purpose.

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1 3. Where a witness is absent and the witness' testimony is offered by
2 deposition, please observe the following procedure. A reader should occupy the witness
3 chair and read the testimony of the witness while the examining lawyer asks the questions.

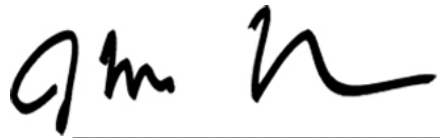
4 f. **Advance Notice of Evidentiary or Difficult Questions**

5 If during trial counsel has reason to anticipate that a difficult and unexpected
6 question of law or evidence will raise legal argument, requiring research and/or briefing,
7 counsel must give the Court advance notice. Counsel are directed to notify the Courtroom
8 Deputy Clerk at the day's adjournment if an unexpected legal issue arises that could not
9 have been foreseen and addressed by a motion *in limine* (see Fed. R. Evid. 103). To the
10 maximum extent possible such matters shall be taken outside normal trial hours (*e.g.*,
11 recess, before or after the trial day).

12 The Courtroom Deputy Clerk is ordered to serve a copy of this Order on
13 counsel/parties in this action.

14 **IT IS SO ORDERED.**

15
16 Dated: July 4, 2011



JOHN A. KRONSTADT
United States District Judge