

1 otherwise ordered, no later than forty-five (45) days before the Pre-Trial Conference, the parties
2 **must** participate in the selected settlement procedure. The Court may, on its own motion, order
3 the parties to settlement following the Pre-Trial Conference. Given the high costs of litigation and
4 the enormous commitment of resources that a trial requires, the parties must explore every option
5 for resolving their disputes, short of trial. The failure of any party to comply with the local rules
6 and engage in meaningful settlement discussions may result in the imposition of sanctions against
7 that noncomplying party.

8 **PRE-TRIAL CONFERENCE**

9 2. Compliance with the requirements of Local Rule 16 is mandatory. Counsel will
10 lodge carefully prepared Memoranda of Contentions of Fact and Law (which may also serve as the
11 trial briefs) and a Final Pre-Trial Conference Order in accordance with the provisions of Local
12 Rules 16-4 and 16-7. The Memoranda of Contentions of Fact and Law will be served no later than
13 twenty-one (21) calendar days before the Pre-Trial Conference. The Final Pre-Trial Conference
14 Order will be lodged five (5) court days before the Pre-Trial Conference. The form of the Final
15 Pre-Trial Conference Order will be in conformity with the form set forth in Appendix A to the
16 Local Rules.

17 **MOTIONS IN LIMINE**

18 3. All Motions in Limine will be heard at the Pre-Trial Conference. The purpose of
19 these motions is to alert the Court to significant evidentiary issues that can be addressed and
20 resolved prior to trial. All Motions in Limine must be filed and served in compliance with Local
21 Rule 6-1. Opposition papers must be filed and served in compliance with Local Rule 7-9. Reply
22 papers must be filed and served in compliance with Local Rule 7-10.

23 **STATEMENT OF THE CASE**

24 4. Counsel will prepare a joint statement of the case which will be read by the Court to
25 the prospective panel of jurors prior to the commencement of voir dire. The statement should not
26 be more than two or three paragraphs. The statement will be filed with the Court five (5) court days
27 before the Pre-Trial Conference or one (1) week prior to the trial if the Pre-Trial Conference is
28 waived.

1 **EXHIBIT LIST AND EXHIBIT PREPARATION**

2 5. A joint exhibit list will be prepared in compliance with Local Rule 16-6. The joint
3 exhibit list will contain the information required by F.R.Civ.P. 26(a)(3)(C). The joint exhibit list
4 will be filed no later than five (5) court days prior to the Pre-Trial Conference or one (1) week prior
5 to the trial if the Pre-Trial Conference is waived. In order to produce the joint exhibit list, the
6 parties **will** meet and confer sufficiently in advance of the required submission date.

7 6. Exhibits are to be delivered to the Courtroom Deputy Clerk not later than 8:30 a.m.
8 on the first day of trial. All exhibits will be placed in loose leaf binders which are tabbed down the
9 right side with exhibit numbers. The spine of the notebook is to be marked with the case name and
10 number and the numbers of the exhibits contained therein. The notebooks are to be prepared with
11 an original for the Clerk, which will be tagged with the appropriate exhibit tags in the upper right-
12 hand corner of the first page of each exhibit, and one copy for the Court. Each notebook will
13 contain a list of the included exhibits. The exhibits are to be numbered in accordance with Local
14 Rule 26-3. Counsel may obtain exhibit tags (yellow for plaintiff and blue for defendant) at the
15 Clerk’s Office, Intake Window. Special arrangements for voluminous or over sized exhibits should
16 be made with the Courtroom Deputy Clerk by Wednesday of the week before trial.

17 **WITNESS LISTS**

18 7. A witness list will be prepared in compliance with Local Rule 16-5. The witness list
19 will be filed no later than five (5) court days prior to the Pre-Trial Conference or one (1) week prior
20 to the trial if the Pre-Trial Conference is waived. Counsel will submit the names of the witnesses
21 in the order that they are expected to testify, and provide, to the extent possible, an accurate
22 estimate of the time needed for each witness for direct, cross, redirect and re-cross. Counsel will
23 also provide a brief summary of what each witness will testify to. If more than one witness is
24 offered on the same subject, the summary should be sufficiently detailed to allow the Court to
25 determine if the testimony is cumulative.

26 **JURY INSTRUCTIONS**

27 8. In a jury trial, jury instructions are to be filed no later than five (5) court days prior
28 to the Pre-Trial Conference or one (1) week prior to the trial if Pre-Trial Conference is waived. The

1 parties must submit joint jury instructions. The parties **will** meet and confer sufficiently in advance
2 of the required submission date, in order to prepare the joint jury instructions. The instructions
3 should be submitted in the order in which the parties wish to have the instructions read. This order
4 should reflect a single organized sequence agreed to by all of the parties. The Court insists upon
5 receiving lucid and accurate instructions setting forth the elements of each party's claims and
6 defenses. The instructions should be tailored to the facts of each case. INSTRUCTIONS WILL
7 BE BRIEF, CLEAR, CONCISE, WRITTEN IN PLAIN ENGLISH, FREE OF ARGUMENT AND
8 WILL BE ORGANIZED IN A LOGICAL FASHION SO AS TO AID JURY COMPREHENSION.

9 9. In the event that agreement cannot be reached, counsel will submit three (3) sets of
10 instructions (with an extra set for the Court's law clerks) in the following format: (1) the agreed
11 upon instructions; (2) the instructions proposed by plaintiff and opposed by defendant; and (3) the
12 instructions proposed by defendant and opposed by plaintiff. Instructions upon which agreement
13 cannot be reached should reflect the basic disagreements among the parties as to the law. The
14 disputed instructions should be presented to the Court within the framework of the overall set of
15 instructions. The parties should put forth differing versions of disputed instructions, and the Court
16 will select one version.

17 10. The instructions submitted to the Court must be numbered, and the parties must also
18 submit an unnumbered index. Attribution and case citation for each instruction will be placed on
19 pages following a proposed instruction. For disputed instructions, a party should note its objections
20 to a proposed instruction and its reasons for putting forth its alternative on pages placed after its
21 own alternative instruction.

22 **VERDICT FORMS**

23 11. Counsel are to prepare and file a verdict form in accordance with the same procedures
24 as those required for jury instructions. Counsel are to use their best efforts to agree upon a joint
25 verdict form and submit it to the Court no later than five (5) court days prior to the Pre-Trial
26 Conference or one (1) week prior to the trial if the Pre-Trial Conference is waived. If counsel
27 cannot agree as to the form of the verdict, the parties should submit their respective version to the
28 Court on the submission date for the joint verdict form.

