

**HONORABLE WILLIAM Q. HAYES
UNITED STATES DISTRICT JUDGE
CIVIL PRETRIAL & TRIAL PROCEDURES**

Please note: The Court provides this information to counsel and parties for general guidance. However, counsel must still strictly adhere to all Court Orders and the Court may vary these procedures as appropriate in any case.

ORDERS

Proposed orders should be submitted with stipulations or when requested by the Court. Proposed orders should not be prepared on counsel's letterhead. Any such order submitted by a party or parties shall include the language "[PROPOSED] ORDER" in the caption of the proposed order.

STIPULATIONS

Counsel may **request** the Court accept a stipulation. Stipulations must be signed by the Judge to have legal effect. Any stipulation from the parties seeking Court approval shall include the language "And Order Thereon" in both the title of the stipulation **and** in the body of the document.

DISCOVERY

Counsel shall contact the magistrate judge's chambers directly for all matters pertaining to discovery.

PRETRIAL MOTION PRACTICE

Pursuant to Civil Local Rule 7.1(b), all dates for motion hearings may be obtained by calling the law clerk, but may be modified by Court Order. **After obtaining a hearing date from the law clerk, the parties must file their motion within 3 days.** Parties who fail to file their papers within 3 days of obtaining the hearing date forfeit the assigned hearing date.

The Court may resolve motions on the papers and without oral argument, in accordance with Civil Local Rule 7.1(d)(1). Unless otherwise notified by the Court, the parties shall include the following language on the front of their motions directly underneath the hearing date: **"NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT."** This serves as notice to the parties that personal appearances will not be required at the hearing. If the Court decides to hear oral argument, the Court will contact the parties to schedule a time.

Parties shall prepare an original and two copies of any pretrial motion, opposition, or reply brief. Parties shall file the original and all copies with the Clerk's Office. Unless arranged in advance, courtesy copies should not be delivered to Chambers.

TENTATIVE RULINGS

Judge Hayes does not issue tentative rulings.

VIDEO EQUIPMENT

Parties should notify the law clerk seven days prior to the date of a hearing or a trial if they intend to use any special equipment, such as video projectors, slide projectors, tape recorders. **Parties shall prepare and submit to the Court a Proposed Order listing all such equipment and the dates that such equipment will be brought into the courtroom.** Please note, the parties must bring a copy of the signed order allowing extra equipment to present to security on the day of the hearing/trial. Without a copy of the signed Order, counsel will not be allowed to enter the Court with the equipment.

TELEPHONIC HEARINGS

Unless informed otherwise, the parties should assume that the Court will hear oral arguments in open court. If a telephonic hearing is allowed by the Court, the parties shall provide the law clerk with a correct phone number in advance of the hearing. In addition, counsel shall be available at that number at least 5 minutes prior to the scheduled hearing time.

PRETRIAL CONFERENCE

Pursuant to Civil Local Rule 16.1(f)(6), the Court requires that the parties file a proposed pretrial order no less than seven (7) days before the pretrial conference. The proposed pretrial order **must include all elements set out in Civil Local Rule 16.1(f)(6)(c)** and any other issues relevant to the trial. The Court expects all parties to cooperate in completing the proposed pretrial order.

The Court will set a trial date during the pretrial conference.

The Court will also schedule a motion in limine hearing date during the pretrial conference. **All motions in limine are due two weeks before the motion in limine hearing date. All responses are due (7) days before the motion in limine hearing date.** Please note: the joint proposed jury instructions, voir dire questions, statement of the case, exhibit binders and proposed verdict forms are also due (7) days before the motion in limine hearing date.

EXHIBITS

Exhibit stickers may be obtained at the Intake Window of the Clerk's Office, in advance of the start of trial.

Exhibits are to be placed in three-ring binders separated by tabs. When convenient for witness testimony, parties may also use three-ring binders with relevant exhibits separated by witness. Unless otherwise ordered by the Court, parties shall provide one copy of the exhibit notebooks to the Court (7) days in advance of the motion in limine hearing date.

TRIAL SCHEDULE

Trial generally proceeds from 9:00 a.m. to 5:00 p.m., Tuesday through Friday, unless the Court schedules otherwise. Jury deliberations generally proceed from 9:00 a.m. to 5:00 p.m., unless the Court schedules otherwise.

In civil trials, it is the practice of the Court to set a reasonable time limit for the entire trial. This time limit will reflect Court's assessment of the time necessary to complete the trial based upon the estimates of counsel. The time limit set by the Court includes opening statements, arguments, testimony, closing arguments and any other matters that occur over the course of the trial, excluding jury selection.

The Court will keep track of time limits and upon request, the courtroom deputy will inform the parties of the time spent and remaining for trial. The time limit is subject to exception for good cause shown.

Due to the Court's schedule, counsel and witnesses are expected to be present for trial except in case of an emergency. Lawyers must make every effort to have their witnesses available on the day they are to testify. The Court attempts to accommodate witnesses' schedules and may permit counsel to call them out of sequence if warranted. Counsel must anticipate any such possibility and discuss it with opposing counsel and the Court. Counsel must promptly alert the Court to any scheduling problems involving witnesses.

JURY INSTRUCTIONS AND JOINT PROPOSED VERDICT FORMS.

The parties should submit joint proposed jury instructions to the Court in hard copy and on disk in WordPerfect format (6.0 or higher) **seven (7) days before the Motion in Limine hearing date.** Supplemental instructions should be filed and served as soon as possible.

Parties should also submit joint proposed verdict forms to the Court in hard copy and on disk in WordPerfect format (6.0 or higher) **seven (7) days before the Motion in Limine hearing date.**

The Court prefers to use the Ninth Circuit Model Instructions when possible. These instructions can be found on the Ninth Circuit's Website. Counsel must cite the authority supporting any proposed instructions. Any proposed modifications of instructions from statutory authority or the Ninth Circuit Models must state specifically the modification and the authority supporting the modification.

The Court will provide each party with the jury instructions the Court intends to use. It is each party's responsibility to carefully review these jury instructions and make suggestions to the Court if modifications appear necessary.

SETTLEMENT

If the parties settle a case, counsel should immediately notify a law clerk of the settlement. Within twenty-eight (28) days of notification, the parties shall file a "Joint Stipulation and Order Thereon" for dismissal of the case.

GENERAL DECORUM

All persons, whether observers, witnesses, lawyers, or clients, must maintain proper decorum while in Court. Counsel shall rise when addressing the Court, when examining a witness, and, in jury trials, when the jury enters or leaves the courtroom.

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