

Trial and Evidentiary Hearing Procedures

BRIEFS

LBR Reference: Please comply with LBR 9013-2
Judge's Copy: Please comply with LBR 5005-2(d)
Please comply with Court Manual Sections 2.5, 3.5(b) and Appendix F

TESTIMONY

Each party must present the **direct testimony** of all of its witnesses, including expert witnesses, **by declaration**.

Plaintiff(s) shall file and serve its/their declarations on counsel for the defendant(s) thirty (30) days before the trial date. Defendant(s) shall serve its/their declarations on counsel for the plaintiff(s) twenty-one (21) days before the trial date.

Each declaration must set forth the direct testimony that the witness would give as though questions were propounded in the usual fashion. Each statement of fact or opinion must be separately, sequentially numbered and must contain only matters that are admissible under the Federal Rules of Evidence (e.g., avoiding redundancies, hearsay, and other objectionable statements).

All **cross-examination, rebuttal, surrebuttal and appropriate impeachment evidence** must be given by **live testimony**. The oral testimony that may be offered at the proceeding by a party through its own witnesses will be **STRICTLY** limited to rebuttal testimony or such additional testimony on matters relevant to the outcome of the proceeding as may be specifically requested by the court at the time of the proceeding.

The declaration of a witness for a party will be admissible at the proceeding, subject to timely objections, only if the declarant is present at the trial/evidentiary hearing and subject to cross-examination.

EXPERTS

Disclosure of experts: 90 days prior to trial
Expert reports due: 90 days prior to trial
End of expert discovery: 45 days prior to trial

EVIDENTIARY OBJECTIONS

Evidentiary objections to any declaration and other motions *in limine* must be served and filed at least seven (7) calendar days before the trial date.

EXHIBITS

LBR Reference: Please comply with LBR 9070-1
Identification: Per LBR 9070-1(a)(2):
Numbers: Plaintiff/Movant exhibits must be marked with numbers in increasing order.
Letters: Defendant/Respondent exhibits must be marked with letters in alphabetical order.

Tags:

All parties presenting exhibits are responsible for tagging their own exhibits prior to the scheduled trial or evidentiary hearing. The mandatory yellow (Plaintiff) and blue (Defendant) exhibit tabs may be obtained from the Courtroom DECRO or Judge Bauer's Clerk's Office contact at (714) 338-5383. Exhibit tags must be placed on the back, bottom left-hand corner, of the last page of each exhibit.

**Assembly
/Witness List &
Exhibit Register:**

All exhibits must be assembled in a binder or notebook. Each such binder or notebook must include a witness list and an exhibit register. The exhibit register shall be prepared using Form B 3024 "EXHIBIT REGISTER AND NOTICE RE DISPOSITION OF EXHIBITS," which is available on the court's website at www.cacb.uscourts.gov., under "Court Forms."

#of Copies:

All parties shall prepare one tagged original set of exhibits to be offered into evidence and four (4) sets of conformed copies (1/each counsel, 1/judge, 1/witness). All sets of exhibits shall be delivered to Judge Bauer's Clerk's Office contact, at least five (5) court days prior to the scheduled trial or evidentiary hearing.

**Continuance
/Settlement:**

Motions for continuance or stipulation for settlement must be filed and a proposed order lodged with the assigned judge at least five (5) court days prior to the scheduled trial or evidentiary hearing date, with courtesy copies delivered to chambers.

Lodging Orders:

Orders that are capable of being lodged electronically shall be lodged via the Court's electronic Lodge Order Upload (LOU) system.

For any further questions regarding Judge Bauer's procedures, please call Judge Bauer's Clerk's Office contact at (714) 338-5383.