

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: XXXXX, Debtor. XXXXX, <p style="text-align:center">Plaintiff(s),</p> <p style="text-align:center">v.</p> XXXXX, <p style="text-align:center">Defendant(s).</p>	Case No.: 2:XX-bk-XXXXX-ER Adv. No.: 2:XX-ap-XXXX-ER ORDER ESTABLISHING COURTROOM PROCEDURES FOR TRIALS AND EVIDENTIARY HEARINGS [No hearing required pursuant to Federal Rule of Civil Procedure 78(b) and Local Bankruptcy Rule 9013-1(j)(3)]
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This adversary proceeding having or evidentiary matter having been set for trial or evidentiary hearing for the week of [DATE] at 9:00 a.m., **IT IS HEREBY ORDERED AS FOLLOWS**¹:

- 1) No later than seven (7) court days prior to trial, each party shall serve and exchange the following:
 - a) A trial brief;
 - b) A set of proposed findings of fact and conclusions of law;
 - c) Trial exhibits;
 - d) A list of trial exhibits; and
 - e) A list of witnesses.

¹ Unless otherwise ordered, these procedures apply to any hearing involving live witness testimony.

- 2) Copies of the foregoing shall be delivered directly to Judge Robles' chambers no later than seven court days prior to trial. PDF versions of the foregoing shall be filed on the CM/ECF docket. The proposed findings of fact and conclusions of law shall also be submitted via the Court's Lodged Order Upload (LOU) system.
- 3) **Contents of Trial Brief:**
 - a) The trial brief shall contain all the information specified in Local Bankruptcy Rule ("LBR") 9013-2(a)(1).
 - b) Unless otherwise ordered, the trial brief shall not exceed twenty pages.
 - c) The trial brief shall contain a table of contents and table of authorities (neither of which count towards the page limit).
- 4) **Contents of Proposed Findings of Fact and Conclusions of Law:**
 - a) The proposed findings of fact and conclusions of law shall be prepared in accordance with LBR 7052-1.
 - b) Each proposed finding of fact shall be supported by a reference to an exhibit or to anticipated testimony.
 - c) The proposed findings of fact and conclusions of law shall not contain argument or facts that are not substantiated by evidence.
- 5) **Trial Exhibits:**
 - a) Each party shall provide **three** copies of that party's exhibits for use at trial (one copy for the Court, one copy for the witness, and one copy for opposing counsel).²
 - b) The Court's copy of the exhibits shall be delivered to chambers seven (7) court days prior to trial. Copies for the witness and opposing counsel may be brought to court on the date set for trial.
 - c) Prior to delivery to chambers, all exhibits shall be pre-marked with exhibit tags. Exhibit tags are available on the Court's website at https://www.cacb.uscourts.gov/forms/local_bankruptcy_rules_forms. Exhibit tags shall not obscure any portion of the exhibit; if necessary, the exhibit tag may be placed on the reverse of the exhibit.
 - d) Plaintiff's exhibits shall be identified numerically (e.g., Exhibit 1, 2, 3, etc.). Defendant's exhibits shall be identified alphabetically (e.g., Exhibit A, B, C, ... Z, AA, AB, AC ... AZ, BA, BB, BC ... BZ, etc.).
 - e) If a party has more than ten (10) exhibits, the exhibits shall be placed in a three-ring binder or binders. Exhibits shall be divided by a tab extending beyond the right-hand side of the page, which shall bear the number or letter of the exhibit. Each page of the exhibit binder shall be numbered sequentially beginning with the first page of the binder. A separate numbering sequence for each exhibit should **NOT** be used—that is, if Exhibit 1 has 37 pages, the first page of Exhibit 2 shall be numbered "38," **NOT** "1." This numbering convention makes it easier for counsel to direct a witness to the correct page of an exhibit at trial. To apply sequential numbering to a PDF document in Adobe Acrobat Pro, select **Organize Pages** in the **Tools** pane, and then select **More > Bates Numbering > Add**.

² Copies of exhibits for witnesses and counsel must be removed at the conclusion of the trial or evidentiary hearing.

- 6) **Demonstrative Evidence.** The Court encourages the use of sketches, models, diagrams, pictures, summaries, charts, and other demonstrative evidence. Summaries may be required for actions involving voluminous documentation of financial transactions.
- 7) **Courtroom Etiquette.** Opening statements, questioning of witnesses, and closing arguments shall be made from the podium. Counsel shall obtain permission before approaching a witness. Counsel making an objection or addressing the Court shall rise to be recognized. These procedures are necessary to insure an accurate recording of the proceedings.
- 8) **Counsel Tables.** Plaintiff shall use the counsel table in front of and closest to the witness stand (the table on the right-hand side of the courtroom when facing the bench). Defendant shall use the counsel table furthest from the witness stand (the table on the left-hand side of the courtroom when facing the bench).
- 9) **Manner of Appearance.** Unless otherwise ordered by the Court, all parties and witnesses shall appear at the trial or evidentiary hearing in-person. Parties or witnesses seeking to be excused from appearing in-person shall present such request to the Court by way of stipulation or motion.
- 10) Plaintiff shall serve this Order upon all parties appearing in the above-captioned proceeding, and shall file a proof of service so indicating within twenty days of the date of issuance of this Order.
- 11) Failure to adhere to the provisions of this Order may result in the imposition of sanctions as deemed appropriate by the Court.

IT IS SO ORDERED.

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