

JUDGE CLARKSON'S REGULAR PROCEDURES FOR TRIALS AND EVIDENTIARY HEARINGS

Note: Unless otherwise ordered by the Court (for instance, where the Court orders trial by declaration), these procedures will govern all trials and evidentiary hearings. Where the Court orders trial by declaration, these procedures do not apply and the "Trial By Declaration Procedures" posted on the Judge's website will control.

If these instructions are not followed explicitly, monetary or non-monetary sanctions may be imposed, including striking an answer or dismissing a complaint.

Trial Briefs: Briefs are required for trials and evidentiary hearings. Briefs must be filed seven (7) calendar days prior to the trial. In the absence of a specific briefing schedule set by the Court for an evidentiary hearing, briefs must be filed seven (7) calendar days prior to the evidentiary hearing. Judge's copies of the briefs should be delivered to Chambers suite 5130 on the same date and should comply with the local rules and the Court Manual, including, specifically, LBR 5005-2(d), as well as Court Manual Appendix F. The parties are encouraged to include a brief statement of the pertinent facts in their briefs, with citation to exhibits.

Exhibits: The Court requires four copies and one original of exhibit binders to be delivered to Chambers suite 5130 seven (7) days prior to the trial. The failure to submit exhibits will preclude that party from introducing exhibits at trial. All exhibits, even if they are attached to declarations, must be included in the exhibit binders with consecutively numbered pagination and marked with consecutive numbers/ letters. The form of trial exhibits must comply with the Court Manual and Local Rules, including marking each exhibit with the appropriate tags (available on the Court website) and separating each exhibit with tabs. See LBR 9070-1(a). Each exhibit binder may not exceed 1.5 inches in width. In addition, all parties presenting exhibits must prepare an exhibit register in the form of Form B 3024 "EXHIBIT REGISTER AND NOTICE RE DISPOSITION OF EXHIBITS" available on the court's website, www.cacb.uscourts.gov, under "Court Forms." **Parties are warned that failure to retrieve exhibits will result in their destruction without further notice thirty days after trial.**

Continuance/Postponement of Trial: As a general rule, scheduled trials will not be continued prior to or at trial, except for compelling reasons and in the interest of justice. Motions/stipulations for continuance of the trial must be submitted in writing at in accordance with the local rules concerning continuances. Convenience of the parties or counsel alone ordinarily is not a sufficient reason for continuance. The parties will be contacted by the Judge's Law Clerk as to whether the continuance has been granted or denied.

Settlement: In the event that the adversary matter is settled prior to trial, the parties shall immediately contact and advise the Judge's law clerk at (714) 338-5460.

Witnesses: Unless otherwise ordered, all witnesses must be physically present at the beginning of trial, or else they may not be allowed to provide testimony.