

**TRIAL PROCEDURES SUPPLEMENT TO LOCAL BANKRUPTCY RULES
FOR THE HON. SCOTT H. YUN**

I. PRETRIAL STIPULATION AND ORDER

Unless otherwise ordered by the court, the parties must prepare and file a written joint pretrial stipulation and lodge an order pursuant to LBR 7016-1(b) through (f), not later than fourteen days before the pretrial conference (if one is ordered) or the trial date. The judge's copy of the pretrial stipulation and order should be delivered to chambers on the same date they are filed. The pretrial stipulation must contain the statements and information required by LBR 7016-1(b)(2).

In conjunction with the pretrial stipulation and order, the parties must meet and confer not later than twenty-eight days before the pretrial conference (if one is ordered) or thirty-five days before the trial date (if no pretrial conference is ordered) to attempt to stipulate to the authenticity and admissibility of the documents exchanged (without the necessity for live testimony). **The court expects the parties to make good faith efforts to resolve all evidentiary issues.**

II. PRESENTATION OF TESTIMONY

Except as otherwise ordered by the court, each party **must present the testimony of its witnesses, including expert witnesses, through live testimony at the trial.**

III. DEADLINES FOR SUBMISSION OF EXHIBITS AND OBJECTIONS

A. Plaintiff must file and submit to opposing counsel all exhibits comprising plaintiff's case in chief not later than **twenty-eight days** before the trial date. A judge's copy must be delivered to chambers on the same date that the documents are filed. All exhibits must be assembled in a three-ring binder. See Section IV below for more details regarding the submission of exhibits.

B. Defendant must file and submit to opposing counsel all exhibits comprising defendant's case not later than **twenty-one days** before the trial date. A judge's copy must be delivered to chambers on the same date that the documents are filed. All exhibits must be assembled in a three-ring binder. See Section IV below for more details regarding the submission of exhibits.

C. In addition, all exhibits must also be lodged with the Courtroom Deputy not later than seven days before the trial date. Each party must lodge sufficient copies for all parties, the witness stand, and the Court Recorder. A copy must also be provided for the judge in the event that the party failed to previously deliver a judge's copy as instructed above. See Section IV below for more details regarding the submission of exhibits.

D. At trial, each party must also have sufficient copies of any exhibits used for impeachment or rebuttal for the opposing party, witnesses, the court recorder, and the judge.

E. Evidentiary objections will be adjudicated at the time an exhibit is offered into evidence or at the time testimony is presented at trial.

IV. EXHIBITS

A. All exhibits must be assembled in a three-ring binder. At least four binders containing all exhibits must be lodged with the Courtroom Deputy, Cynthia Potier, not later than seven days before the first trial date. All exhibits must be marked for identification, be separately tabbed, and contain page numbers. Each exhibit must be marked at the bottom-right of the first page of the exhibit. Unless the parties agree upon a unified, joint set of exhibits, plaintiff's exhibits must be marked in numerical order and defendant's exhibits must be marked in alphabetical order (e.g., Plaintiff's Exhibit 1, 2, 3, etc.; Defendant's Exhibit A, B, C, etc.). If the parties agree on a unified, joint set of exhibits, the exhibits must be marked in numerical order.

B. Each exhibit binder must include as its first page an exhibit register. A sample exhibit register may be obtained from the court recorder or from the Clerk's Office and must be procured sufficiently in advance of the trial date to permit the completed register to be available when the exhibit binders are delivered to the court.

C. At the commencement of trial, the parties must be prepared to stipulate to admission of all undisputed exhibits. Bona fide objections may be reserved, with the issue of admissibility deferred until the exhibit is offered into evidence.

V. TRIAL BRIEFS

Unless otherwise ordered by the court, trial briefs are required. Pursuant to Local Bankruptcy Rule ("LBR") 9013-2, trial briefs must be filed not later than seven days before the trial date. The judge's copies of the trial briefs should be delivered to Judge Yun's chambers on the same date they are filed.

A party's trial brief should contain: (1) a concise statement of the facts of the case; (2) all admissions and stipulations; (3) a summary of any relevant procedural history; (4) a summary of the points of law involved with supporting authorities; (5) a summary of the disputed issues of fact and of the testimony that the party plans to introduce to prove its version of the disputed facts; and (6) a brief discussion of any anticipated evidentiary issues or other problems that the party believes are likely to arise at trial.

Unless specifically requested by the court, no supplemental trial briefs will be considered.

VI. EXCERPTS FROM DISCOVERY DOCUMENTS

A. **Deposition Transcripts.** A party intending to offer evidence by way of deposition testimony pursuant to Fed. R. Civ. P. 32, other than for impeachment or rebuttal, must submit a declaration authenticating the excerpts from the transcript and must comply with LBR 7030-1(b). However, notwithstanding LBR 7030-1(b), the entire original transcript must be filed on the docket not later than the applicable deadline for submission of exhibits set forth in Section III.

B. Other Discovery Documents. Excerpts from interrogatories, requests for admissions, or other discovery documents to be offered at trial, other than those used for impeachment or rebuttal, must be filed pursuant to LBR 7026-2(c) not later than the applicable deadline for submission of declarations, exhibits, and objections set forth in Section III.

VII. CONTINUANCE OF TRIAL DATE

Trials will be commenced promptly at the scheduled date and time. Trial dates will **not** be continued or vacated absent good cause, *on noticed motion*, supported by competent evidence. The parties will be contacted and informed whether the continuance has been granted or denied.

VIII. SETTLEMENT

Not later than five days before the trial date, counsel for plaintiff must telephone the Courtroom Deputy at (951) 774-1075 to report: (1) whether the parties intend to go forward with trial as scheduled; (2) if settlement is imminent; (3) whether the time reserved for trial is realistic; and (4) any other relevant information.

Stipulations for settlement must be in writing, executed by each party or their counsel, and delivered to chambers before the date of trial. If time constraints prevent reducing a settlement to writing prior to trial, all of the parties or their counsel must (1) advise chambers of the settlement and (2) appear at the time set for trial to recite the stipulation on the record. The parties will also be required to file a written stipulation after the settlement is recited on the record.

IX. COMPLIANCE

Failure to comply with these procedures may result in the imposition of sanctions including, *but not limited to*, monetary sanctions, removal from the trial calendar, dismissal for failure to prosecute, or the exclusion of evidence (e.g., witnesses who were not timely identified or exhibits that were not timely submitted). The court reserves the right to impose alternate sanctions not listed above as may be warranted by the circumstances of the case.