

TRIAL PROCEDURES SUPPLEMENTAL TO LOCAL RULES

Honorable Theodor C. Albert
Courtroom 5B

Trial Briefs: Unless otherwise ordered by the Court, trial briefs are required. Trial briefs shall be filed seven (7) calendar days prior to trial. Courtesy copies of the trial briefs should be delivered to Chambers 5085 on the same date. The parties are encouraged to include a brief statement of the pertinent facts in their briefs, with citation to exhibits.

Testimony: All direct testimony shall be **by declaration** unless:

- i) the witness is adverse or refuses to give testimony by declaration; or
- ii) the testimony is offered to impeach or rebut.

The parties may request permission to offer oral testimony supplementing matters covered in the declarations or present portions of the testimony in the declaration orally, and the Court may grant such a request in the interest of justice.

Witnesses whose declarations are offered shall be present for cross-examination when the declarations are offered into evidence (unless the parties agree otherwise).

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.

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

Unless the parties stipulate in the pre-trial order to the admission of an exhibit, foundation for admission of exhibits (other than for impeachment or rebuttal purposes) shall be established in the declarations, although the Court may allow oral testimony for this purpose. Exhibits referenced in any declaration shall be offered into evidence when the declaration is offered into evidence.

Exhibits: On or before trial, the Court shall be given a bench copy of exhibits to be offered into evidence (other than exhibits offered for impeachment or rebuttal purposes). Counsel shall have sufficient conformed sets of exhibits for opposing counsel's witnesses and for each party in the proceeding. Counsel shall also have copies of exhibits used for impeachment or rebuttal for opposing counsel, witnesses and the Court. If the number of exhibits exceeds five (5), or if they are more than 10 pages in length, they shall be placed in a binder properly indexed, numbered, tabbed

and consecutively bates stamped in the lower right corner of each page. An exhibit register shall be provided with each set of exhibits.

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 least two (2) court days prior to the scheduled trial date with any explanatory declarations or other evidence supporting the continuance. 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 or Judicial Assistant 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 Amna Chaudhary, at (714) 338-5432.

(Revised 8/11/06)