

**HONORABLE WILLIAM Q. HAYES
UNITED STATES DISTRICT JUDGE
CIVIL PRETRIAL & TRIAL PROCEDURES**

The Court may vary these procedures as appropriate in any case. Counsel and pro se litigants must strictly adhere to all Court Orders. Unless otherwise ordered by the Court, counsel and pro se litigants are expected to follow the Federal Rules of Civil Procedure, the Local Rules for the Southern District of California, the Electronic Case Filing Administrative Policies and Procedures Manual, and any other applicable rules. The Local Rules and the Electronic Case Filing Administrative Policies and Procedures Manual are available on the Court's website: www.casd.uscourts.gov.

COMMUNICATION WITH CHAMBERS

Telephone calls to chambers are permitted only for scheduling or calendaring motion hearings or as otherwise authorized by the Court. Court personnel are prohibited from interpreting orders, discussing the merits of a case, or giving legal advice, including advice on procedural matters. Court personnel are prohibited from engaging in conference calls. Letters, faxes, and emails are prohibited unless otherwise authorized by the Court.

DISCOVERY

Counsel shall contact the magistrate judge's chambers directly for all matters pertaining to discovery. Any objection to a discovery ruling of the magistrate judge must be filed as a motion pursuant to Civil Local Rule 7.1.

PROPOSED ORDERS

Proposed orders shall be submitted in Word or WordPerfect format simultaneously with all motions, except motions that are fully noticed and set for hearing at least 28 days beyond the date of filing. In accordance with Section 2(h) of the Electronic Case Filing Administrative Policies and Procedures Manual, proposed orders shall not contain the name and law firm information of the filing party, and shall not contain the word "proposed" in the caption. Counsel shall email proposed orders to opposing counsel and to the following address: efile_hayes@casd.uscourts.gov, and include the docket number and case name in the subject line of the email.

JOINT MOTIONS/STIPULATIONS

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, all stipulations must be filed as joint motions. Joint motions must be signed by the Court to have legal effect.

EX PARTE MOTIONS

The Court may rule upon ex parte motions without requiring a response from the opposing party. If a party intends to oppose the ex parte motion, the party must immediately file a notice stating that the party intends to oppose the ex parte motion and provide the date upon which the opposition will be filed.

PRETRIAL MOTION PRACTICE

Pursuant to Civil Local Rule 7.1(b), all dates for motion hearings must be obtained by calling the law clerk, but may be modified by the Court. The assigned date shall appear on the front of the motion. No courtroom or time shall be indicated. After obtaining a hearing date from the law clerk, the party must file its motion within three (3) court days. A party who fails to file its papers within three (3) court days of obtaining the hearing date forfeits the assigned hearing date.

The Court may resolve motions on the papers and without oral argument, in accordance with Civil Local Rule 7.1(d)(1). Unless otherwise notified by the Court, the parties shall include the following language on the front of their motions directly underneath the hearing date: **“NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT.”** This serves as notice to the parties that there will be no personal appearances at the hearing. If the Court decides to hear oral argument, the Court will contact the parties to schedule a time and/or issue an order setting the matter for oral argument.

An opposing party’s failure to file an opposition to any motion may be construed as consent to the granting of the motion pursuant to Civil Local Rule 7.1(f)(3)(c).

The Court will take all motions under advisement on the assigned hearing date without notice to the parties.

All motions for summary judgment shall be accompanied by a separate statement of undisputed material facts. Any opposition to a summary judgment motion shall include a response to the separate statement of undisputed material facts.

COURTESY COPIES

Courtesy copies of filings that exceed 20 pages in length, including attachments and exhibits, shall be submitted in accordance with Section 2(e) of the Electronic Case Filing Administrative Policies and Procedures via United States Postal Service mail, courier, or delivery to chambers. The courtesy copy shall contain the CM/ECF document header on the top of each page. The Court prefers courtesy copies to be printed double-sided, but will accept single-sided. Please bind courtesy copies top left corner only. Please do not use steel prong fasteners at the top. If a filing has more than three (3) exhibits, the exhibits must be tabbed.

TENTATIVE RULINGS

Judge Hayes does not issue tentative rulings.

ELECTRONIC, AUDIO/VIDEO, AND OTHER EQUIPMENT

The parties shall file a joint motion, or an ex parte motion if joint motion is not possible, requesting permission to use any electronic, audio/video, or other equipment in the courtroom at least seven (7) days before the hearing or trial and email a proposed order to the Court. The proposed order shall itemize all equipment and list the dates when it will be used in the courtroom. The order must be presented to security personnel when the equipment is brought into the courthouse.

TELEPHONIC HEARINGS

Unless otherwise ordered by the Court, all oral argument must be attended by counsel in person, and will be heard in open court. If a telephonic hearing is allowed by the Court, counsel appearing telephonically are responsible for arranging the call and shall email the Court the correct phone number and any dial-in information at least seven (7) days in advance of the hearing. Counsel shall be available at least five (5) minutes prior to the scheduled hearing time.

PRETRIAL CONFERENCE

Pursuant to Civil Local Rule 16.1(f)(6), the Court requires that the parties file and email to Chambers a proposed pretrial order at least seven (7) days before the pretrial conference. The proposed pretrial order must include all elements set out in Civil Local Rule 16.1(f)(6)(c) and any other issues relevant to the trial. All parties are required to cooperate in completing the proposed pretrial order.

The Court will set a trial date during the pretrial conference. The Court will also schedule a motion in limine hearing date during the pretrial conference. All motions in limine are due two weeks before the motion in limine hearing date. All responses are due seven (7) days before the motion in limine hearing date. Unless otherwise ordered by the Court, the joint proposed jury instructions, proposed verdict form, voir dire questions, statement of the case, exhibit binders and proposed verdict forms are also due seven (7) days before the motion in limine hearing date. The proposed jury instructions, proposed verdict form, and statement of the case shall also be emailed to the Court in Word or WordPerfect format.

EXHIBITS

Exhibit stickers may be obtained from the Clerk of the Court, in advance of the start of trial.

Exhibits are to be placed in three-ring binders separated by tabs. When convenient for witness testimony, parties may also use three-ring binders with relevant exhibits separated by witness. Unless otherwise ordered by the Court, the parties shall provide two (2) copies of the exhibit binders to the Court seven (7) days in advance of the motion in limine hearing date.

TRIAL PROCEDURES

Trial generally proceeds from 9:00 a.m. to 5:00 p.m., Tuesday through Friday, unless the Court schedules otherwise. Jury deliberations generally proceed from 9:00 a.m. to 5:00 p.m., unless the Court schedules otherwise.

In civil trials, it is the practice of the Court to set a reasonable time limit for the entire trial. The time limit set by the Court includes opening statements, arguments, testimony, closing arguments and any other matters that occur over the course of the trial, excluding jury selection. The Court will keep track of time limits and upon request, the courtroom deputy will inform the parties of the time spent and remaining for trial. The time limit is subject to exception for good cause shown.

Counsel and witnesses are expected to be present for trial except in case of an emergency. Lawyers must make every effort to have their witnesses available on the day they are to testify. The Court attempts to accommodate witnesses' schedules and may permit counsel to call them out of sequence if warranted. Counsel must anticipate any such possibility and discuss it with opposing counsel and the Court. Counsel must promptly alert the Court to any scheduling problems involving witnesses.

Do not enter the well, except during voir dire, opening statements, and closing argument. Conduct all examination of witnesses from the podium. Seek permission from the Court before approaching a witness. Keep your visit to the witness stand brief, i.e., by quickly orienting the witness with an exhibit and returning to the podium. When objecting state only the legal ground for the objection, i.e., "objection, hearsay." Speaking objections are not permitted, unless the Court requests further information from counsel. When a party has more than one lawyer, only one lawyer may conduct the examination of a given witness and that lawyer alone may make objections concerning that witness.

SETTLEMENT

If the parties settle a case, counsel shall immediately notify the magistrate judge of the settlement. If the magistrate judge does not set a deadline for the filing of a "Joint Motion to Dismiss," the parties shall file the "Joint Motion to Dismiss" and email a proposed order to this Court within twenty-eight (28) days of the settlement.

GENERAL DECORUM

All persons, whether observers, witnesses, lawyers, or clients must maintain proper decorum while in the courtroom. Counsel shall rise when addressing the Court, when examining a witness, and, in jury trials, when the jury enters or leaves the courtroom.

Only water is allowed in the courtroom.