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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)
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Plaintiff(s),)
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vs.)
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Defendant(s),)
_____)

JUDGE ANDREW P. GORDON
ORDER REGARDING TRIAL

1. Attached hereto is a list of the civil and criminal cases that are presently scheduled for the stacked trial calendar before the **Honorable Andrew P. Gordon, United States District Judge, at Las Vegas, Nevada**, commencing on Monday, DATE, 2015 at 9:00 a.m. in Courtroom Number 6C.

2. Counsel for all parties in civil and criminal cases, and all *pro se* parties, shall appear in Courtroom Number 6C on Wednesday, DATE, 2015 at 8:45 a.m. for Calendar Call. Unless a party in a civil case or a defendant in a criminal case is appearing *pro se*, the individual parties in civil cases and defendants in criminal cases will not be required to appear for Calendar Call unless the Court directs otherwise.

3. **At Calendar Call**, all cases that remain to be tried will be ranked in order of trial. The Court may schedule a final Pretrial Conference to address outstanding issues including any pending Motions *in Limine*. Thereafter, the Court will not grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs, the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS'** notice from the Courtroom Administrator.

1 4. **CHANGE OF PLEA HEARINGS IN CRIMINAL CASES.** Hearings for the purpose
2 of **change of plea** in criminal cases will be set for **CALENDAR CALL** unless otherwise
3 scheduled. It shall be the *joint* responsibility of counsel for the United States and for the
4 Defendant to ensure that the plea agreement is emailed to the Courtroom Administrator at
5 Melissa_Johansen@nvd.uscourts.gov and a copy faxed to chambers at 702-868-4941 by **4:00**
6 **p.m.** at least two days prior to when the plea of guilty or *nolo contendere* is to be taken. The
7 original plea agreement shall be provided to the Courtroom Administrator prior to the
8 commencement of the hearing. It shall further be the responsibility of counsel for the United
9 States to ensure that any necessary Produce Orders or Writs of Habeas Corpus Ad Prosequendum
10 are timely delivered to the United States Marshal to ensure the presence of all in-custody
11 defendants for change of plea, and to ensure proper notification for the attendance of any Court
12 interpreter which may be required for the particular case.

13 5. **WITNESSES.** Counsel and any parties appearing *pro se* shall immediately subpoena all
14 witnesses for the time and trial date as listed above. Inasmuch as some cases will be tried in a
15 trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses
16 to contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not
17 required to be present at the Calendar Call.

18 6. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Counsel wishing to utilize the Court's
19 evidence display equipment must contact the Courtroom Administrator ***prior to Calendar Call*** to
20 determine its availability and to arrange for training, if needed.

21 7. **EXHIBITS.** At **Calendar Call**, any party appearing *pro se* shall file with the Courtroom
22 Administrator in every civil and criminal case ***a complete*** exhibit list of all exhibits that are intended
23 to be used during the trial. **No later than noon (12:00 p.m.) on the day of Calendar Call** ***counsel***
24 ***shall electronically file their complete exhibit list.*** ***Numerals*** shall be used to identify all exhibits.
25 Plaintiff's exhibits shall be marked 1 through 500. Defendant's exhibits shall be marked 501 through
26 1000. The exhibits list format shall conform to the requirements of the form provided by the
27 Courtroom Administrator or obtained from the Court's website: *www.nvd.uscourts.gov*.

1 **Each exhibit shall be pre-marked with an exhibit sticker.** In any case which involves fifteen
2 or more document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder behind a
3 tab noting the number of each exhibit, and each exhibit shall be pre-marked with an exhibit sticker.
4 The binder shall be clearly marked on the front and side with the case caption and number and the
5 sequence of exhibits. If oversized binders are used, the holes in the documents shall be large-sized
6 so that the pages may be easily turned. At the commencement of trial, counsel shall provide the
7 Courtroom Administrator with the binder containing the exhibits and a courtesy set for the trial
8 judge. *If it is necessary to use more than three binders, the party shall contact the Courtroom*
9 *Administrator **prior to Calendar Call for additional directives.***

10 8. **PROPOSED JURY VOIR DIRE QUESTIONS.** At Calendar Call, any party
11 appearing *pro se* shall file with the Courtroom Administrator an original and one copy of any
12 proposed jury voir dire questions which they request the Court to pose to prospective jurors at the
13 time of jury selection. **No later than noon (12:00 p.m.) on the day of Calendar Call counsel shall**
14 **electronically file** their proposed jury *voir dire* questions.

15 9. **WITNESS LISTS.** At Calendar Call, any party appearing *pro se* shall file with the
16 Courtroom Administrator a list of witnesses expected to be called. **No later than noon (12:00 p.m.)**
17 **on the day of Calendar Call counsel shall electronically file** a list of witnesses expected to be
18 called for use by the Court during jury selection.

19 10. **STATEMENT OF THE CASE.** At Calendar Call, any party appearing *pro se* in a
20 civil case shall file with the Courtroom Administrator a brief statement of the case, no longer than
21 one-half page, stating the nature of the claims, to be read to prospective jurors at the time of jury
22 selection. **No later than noon (12:00 p.m.) on the day of Calendar Call counsel shall**
23 **electronically file** a ***joint*** brief statement of the case. In a criminal case, a copy of the Indictment
24 indicating which portions should be read to the jury should be submitted to the Courtroom
25 Administrator at Calendar Call.

26 11. **JURY INSTRUCTIONS IN CRIMINAL CASES.** **No later than noon (12:00 p.m.)**
27 **on the day of Calendar Call, counsel are required to electronically file** proposed jury instructions
28 **and email a copy in Word format to chambers** at APG_Chambers@nvd.uscourts.gov.

1 The parties are further advised that the undersigned district judge has developed his own “stock” or
2 “general” jury instructions drawn principally from the **Manual of Model Criminal Jury**
3 **Instructions for the Ninth Circuit**. Proposed Instructions submitted by counsel need not include
4 the Court’s “stock” jury instructions. Therefore, the efforts of the parties in preparing the jury
5 instructions in compliance with this Order should be focused on developing special jury instructions
6 which relate to the particular case at issue. All proposed jury instructions submitted by the parties
7 should be concise, understandable, and *neutral* statements of law. Argumentative jury
8 instructions are improper, will not be given, and should not be submitted.

9 12. **GOVERNMENT’S TRIAL MEMORANDUM**. In all criminal cases, the United
10 States shall submit its original **Government’s Trial Memorandum** under seal **at Calendar Call**
11 and shall also provide a reading copy for the Court. The Government’s Trial Memorandum shall be
12 served on counsel for Defendant(s) on the date of trial prior to trial commenent and will be
13 unsealed and filed by the Court at that time. Defense counsel may file a Trial Memorandum. Should
14 defense counsel elect to do so, that Trial Memorandum shall be filed and served upon the
15 Government’s counsel prior to the defense commencing its side of the case.

16 13. **JURY INSTRUCTIONS IN CIVIL CASES**. In all civil cases to be tried before a jury,
17 counsel and any parties appearing *pro se* are required to file one set of *jointly* agreed-upon jury
18 instructions and form of verdict **no later than noon (12:00 p.m.) on the day of Calendar Call**.
19 Additionally, counsel shall **email a copy of all proposed jury instructions in Word format to**
20 **chambers** at APG_Chambers@nvd.uscourts.gov. To meet this requirement, the parties are required
21 to file their individual proposed jury instructions and serve those upon each other **at least two weeks**
22 **prior to trial**, and to thereafter confer to arrive at a single set of jointly agreed upon jury instructions.
23 To the extent the parties are unable to agree as to the form of any particular instruction(s), each party
24 shall also file the jury instruction(s) which are not agreed upon, together with the respective
25 arguments and authorities in support of each.

26 The parties are further advised that the undersigned district judge has developed his own
27 "stock" or "general" jury instructions drawn principally from the **Manual of Model Civil Jury**
28 **Instructions for the Ninth Circuit**. Proposed instructions submitted by counsel need not include

1 the Court’s “stock” instructions. Therefore, the efforts of the parties in preparing the jury instructions
2 in compliance with this Order should be focused on developing special jury instructions which relate
3 to the particular claims and defenses at issue, as well as those relating to damages and any special
4 evidentiary matters pertinent to the case. All proposed jury instructions submitted by the parties
5 should be concise, understandable, and neutral statements of law. Argumentative jury
6 instructions are improper, will not be given, and should not be submitted.

7 **14. TRIAL BRIEFS, PROPOSED FINDINGS OF FACT AND CONCLUSIONS**
8 **OF LAW IN CIVIL CASES.** Any party appearing *pro se* shall file an original and two copies of
9 a trial brief in all civil cases **at Calendar Call**. In all civil cases to be tried before the Court sitting
10 without a jury, any party appearing *pro se* shall additionally file an original and two copies of
11 proposed Findings of Fact and Conclusions of Law **at Calendar Call. No later than noon (12:00**
12 **p.m.) on the day of Calendar Call, counsel shall electronically file** their trial brief. Additionally,
13 in all civil cases to be tried before the Court sitting without a jury, the parties shall electronically file
14 proposed Findings of Fact and Conclusions of Law **no later than noon (12:00 p.m.) on the day of**
15 **Calendar Call.**

16 **15. EXPEDITED OR DAILY TRANSCRIPTS.** Any party that will require expedited or
17 daily transcripts shall ***notify the Court Reporter, Heather Newman, at 702-464-5828 immediately***
18 **upon receipt of this order.** Failure to timely notify the Reporter may result in the refusal to
19 **provide expedited or daily transcripts.**

20 **16. SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the
21 Court will consider the imposition of sanctions against any attorney or party appearing *pro se* who:
22 (1) fails to timely file trial briefs, suggested *voir dire* questions and proposed jury instructions or
23 proposed Findings of Fact and Conclusions of Law, whichever is applicable, as prescribed by this
24 Order or any Order establishing the time for such filings; (2) fails to comply with the provisions of
25 this Order, including but not limited to the failure to appear for Calendar Call without first having
26 been excused by the Court or the Courtroom Administrator with the permission of the Court; or (3)
27 fails to timely comply with any other Order that schedules deadlines for trial preparation.

28 **17. TRIAL JUDGE.** Although the cases listed on the attached trial calendar are assigned

1 to the undersigned, cases may proceed to trial before another District Judge for the District of
2 Nevada or a visiting District Judge.

3 18. **CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE.** All parties in civil
4 actions are reminded of their right, subject to the approval of the undersigned, to consent to trial
5 before a United States Magistrate Judge pursuant to Title 28, United States Code, Section 636(c)(2).
6 The right to proceed before a magistrate judge in a civil case includes those cases which will be tried
7 before a jury as well as those cases to be tried before the Court sitting without a jury. Any appeal
8 from a judgment resulting in a trial before a Magistrate Judge shall be taken directly to the United
9 States Court of Appeals.

10 19. **CONTACT PERSON.** All questions and information regarding the trial calendar are
11 to be directed to Melissa Johansen, Courtroom Administrator at 702-464-5415 or
12 Melissa_Johansen@nvd.uscourts.gov.

13 20. **THE DATE** of the Clerk's file mark shall constitute the date of this Order.

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15 IT IS SO ORDERED.

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17 ANDREW P. GORDON
18 UNITED STATES DISTRICT JUDGE
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