

U.S. DISTRICT JUDGE ANDREW G. SCHOPLER
Civil Chambers Rules

Contact Information

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GENERAL RULES

1. **Motions to Seal**: Before filing a sealing motion, the parties must meet and confer to agree on the narrowest possible sealing order, in accordance with Civil Chambers Rule 5 (Meet-and-Confer Requirement). If a motion to seal seeks to redact portions of materials from the public record, the provisionally sealed version of those materials must be marked for redaction in accordance with Civil Chambers Rule 2 (Redactions). The parties must explain in a table format the grounds on which they seek to seal *each* redaction. Motions that merely recite a general privilege category, or that do not provide a particularized explanation for every piece of information sought to be sealed, will be summarily denied.

2. **Redactions**: A party relying on a transcript or an audio/visual exhibit for court must provide the transcript or exhibit to the other side sufficiently before the relevant court appearance to allow the parties to meet and confer on any possible redactions or portions to be shown or heard. After that meet-and-confer process, if any disputes remain, a party seeking a court ruling on any transcript disputes must mark the proposed redactions using these or similar methods:

5 Q: How does Judge Schopler like to see redactions?

6 A: He requires the proposed redactions to be highlighted, or

7 to have a ~~hand-drawn box around them~~, or to be "marked for

8 redaction" in Adobe or a similar program. In other words,

9 Judge Schopler should be able to read and identify the

10 proposed redacted material in context.

3. **Interpreters and Translations**: It is the sole responsibility of the party presenting foreign-language testimony to arrange for an interpreter. Any foreign-language exhibits must be

accompanied by a translation and either: (a) a stipulation that the parties agree to the translation; or (b) a declaration that the exhibit was translated by a court-approved translator.

4. **Electronic, Audio, and Video Equipment**: At least seven days before the relevant court appearance, a party who wishes to use any electronic or audio/visual equipment in court must lodge a proposed order seeking leave to do so. The proposed order must itemize all equipment along with the proposed dates for use in court. When approved equipment is brought into the courthouse, the signed order must be presented to security personnel.

PRETRIAL RULES

5. Meet-and-Confer Requirement

- a. **Conference of Counsel**: In general, before filing any motion counsel must meet and confer to resolve the disputed issues. That meeting must be conducted face to face—that is, in person or by videoconference. This requirement cannot be satisfied by telephone, email, or written correspondence, unless the Court grants leave.
- b. **Exceptions**: The only motions excepted from this rule are: (i) applications for temporary restraining orders, (ii) joint motions, (iii) ex parte applications, (iv) motions involving a pro se plaintiff who is not an attorney, and (v) motions made during or after trial.
- c. **Certificate of Compliance**: The moving party must include a certification or declaration documenting that this rule has been satisfied. That certification must include the date of the meet-and-confer conference as well as the type of meeting (in person, videoconference, or other court-approved type).
- d. **Sanctions**: If the moving party fails to comply with this rule, the Court will deny the motion. If counsel for the nonmoving party refuses to meet and confer as required by this rule, the Court may order payment of reasonable expenses, including attorney fees.

6. Settlement and Dismissal

- a. **Notification**: If a case settles, the parties must immediately notify this Court and the assigned Magistrate Judge.
- b. **Retaining Jurisdiction After Settlement**: Typically, the Court will not retain jurisdiction of a settled case. But the Court may grant a joint motion to dismiss that contains a jurisdiction-retaining provision if: (i) it is accompanied by a fully executed Consent to Exercise of Jurisdiction by a United States Magistrate Judge covering all disputes arising out of the settlement agreement; and (ii) the joint motion and proposed order include this language: “The Magistrate Judge shall retain jurisdiction over all disputes between and among the parties arising out of the settlement agreement, including but not limited to the interpretation and enforcement of that agreement’s terms.”

7. Summary Judgment

- a. **Joint Statement of Undisputed Facts:** The parties must meet and confer on a joint statement of undisputed facts. By the deadline for the reply brief, the parties must file that joint statement. The parties may not file separate statements of disputed or undisputed facts—nor make any arguments in the joint statement—without leave of Court.

8. Motions in Limine

- a. **Redactions and Excerpts:** If a party wishes for a transcript or exhibit to be redacted or excerpted for trial, that issue must be discussed during the meet-and-confer process. After meeting and conferring, if the parties cannot agree on a proposed redaction to a transcript or exhibit—or on the portions to be shown or heard—all sides must seek court resolution of that issue through a motion in limine.
- b. **Exhibits in Opening Statement:** After meeting and conferring, if the parties cannot agree on the use of an exhibit in opening statement, all sides must seek court resolution of that issue through a motion in limine.

9. **Final Pretrial Order:** In addition to any other requirements, *see* CivLR 16.1(f)(6), the final pretrial order must include proposed verdict forms and voir dire questions. The parties must specify which portions of the final pretrial order, if any, are not unanimously proposed. The parties must email chambers (efile_schopler@casd.uscourts.gov) a Microsoft Word or similar digital version of the verdict forms, voir dire questions, and jury instructions.

TRIAL RULES

10. **Time Limits:** The Court will set a reasonable time limit on each side. The time limit will begin during opening statements and will include all statements, arguments, testimony, and any other matters during trial. Upon request, the courtroom deputy will announce the time remaining.

11. Jury Selection

- a. **Voir Dire:** On the first trial day, prospective jurors will complete a worksheet, answering questions predetermined by the Court and parties. Before jury selection, these worksheets will be provided to the parties. Unless otherwise ordered, Judge Schopler alone will conduct any further juror examinations. *See* CivLR 47.1.

b. **Challenges to Jurors**

- (1) *For-Cause Challenges:* After voir dire of the entire panel, counsel may make any challenges for cause at sidebar. If such a challenge is sustained, the challenged juror will remain seated and be dismissed after the peremptory challenges are completed.
- (2) *Peremptory Challenges:* The parties must submit their peremptory strikes simultaneously in writing, in double-blind fashion.

12. **Arguments and Witness Examinations**: During opening statements and closing arguments, attorneys may enter and use the well of the courtroom. All witnesses will be questioned from the podium. Attorneys may approach a witness to provide exhibits or documents, but visits to the witness stand must be brief and must only be for the purpose of quickly orienting the witness to an exhibit or document.
13. **Objections**: Speaking objections are prohibited. Unless the Court invites further explanation, counsel will limit all objections to their legal basis, such as, “Objection, hearsay.”
14. **Sidebars**: Sidebar conferences are strongly discouraged. Counsel should proactively address evidentiary issues at the final pretrial conference or in motions in limine. For unforeseen issues arising during trial, counsel should raise the matter with the Court in the morning before the jury arrives, during breaks, or after the jury is released for the day.

TRIAL SCHEDULE

Trials typically run from 9:00 a.m. to 4:30 p.m. daily, from Tuesday to Friday.