UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. _____, Defendant(s).	Case No. **INITIAL STANDING ORDER FOR CRIMINAL CASES ASSIGNED TO JUDGE MARK C. SCARSI**

This case has been assigned to the calendar of Judge Mark C. Scarsi. Please read this Order carefully, as it differs in some respects from the Local Rules. Counsel are advised that the Court, at any time, may amend one or more of its Standing Orders. It is the responsibility of counsel to refer to this Court's Procedures and Schedules found on the website for the United States District Court for the Central District of California (https://apps.cacd.uscourts.gov/Jps/honorable-mark-c-scarsi) to obtain the operative order. The Court thanks the parties and their counsel for their anticipated cooperation in carrying out these requirements.

The parties were referred to the Court's Procedures and Schedules to obtain a copy of this Order at the time of the Post Indictment Arraignment ("PIA") Hearing. Counsel shall comply with this Order, which is effective from the date of the PIA Hearing.

A. GENERAL REQUIREMENTS

The caption title of every pleading shall contain the name of the first-listed defendant if the pleading applies to all defendants. If the document applies only to certain defendants, the caption shall list the name of the first defendant followed by the name(s) and number(s) of the remaining defendants involved (in the order listed on the docket).

In an effort to create a docket that is clear and that can be searched easily, the title of every pleading shall include the name of the defendant(s) to which it refers. However, if the pleading applies to all defendants or if there is only a single defendant, the name(s) of the defendant(s) do not need to appear in the title.

B. DISCOVERY

Counsel shall comply promptly with discovery and notice pursuant to Rules 12–12.4 of the Federal Rules of Criminal Procedure. The Court orders the Government to produce the discovery it currently has in its possession within seven days from the date of the PIA Hearing. This includes: (a) the existence or non-existence of evidence obtained by electronic surveillance and testimony by a government informant; and (b)

any evidence within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963) and related cases. Counsel are ordered to confer and file a joint report no later than 14 days from the date of the PIA Hearing, which shall include: (i) the status of discovery and whether the Government anticipates further discovery to be produced and the date by which it will be submitted to defendant(s); (ii) whether there are any disputes as to the discovery produced thus far; (iii) the anticipated motions to be filed by each party; (iv) whether the parties expect to proceed on the current trial date; and (v) the anticipated length of the trial.

The Government shall produce to defendant(s) the discovery related to evidence it seeks to introduce at trial no later than two (2) weeks prior to the scheduled trial date. If there is discovery related to trial evidence that is produced after this date, such evidence will not be admitted at trial subject to an ex parte application being filed by the Government seeking such relief that is approved by the Court.

C. CONTINUANCES

Counsel requesting a continuance must e-file any application or stipulation with a proposed order, which shall include a detailed explanation of the grounds for the requested continuance or other extension of time. The Court will not consider any request that does not comply with the Local Rules and this Order. Applications or stipulations extending dates become effective only if, and when, approved by this Court and an associated order is entered. Counsel shall submit requests for a continuance at least seven calendar days prior to the scheduled date.

Stipulations for excludable time shall conform to the format and standards of this District.

D. UNDER SEAL DOCUMENTS

Counsel shall comply with Local Criminal Rule 49-1.2 with respect to serving and filing criminal documents under seal. All applications must provide the reason(s) why the parties' interest in maintaining the confidentiality of the document(s) outweighs the public's right of access to materials submitted in connection with a

judicial proceeding. Counsel are ordered to meet and confer in person or by telephone at least seven calendar days prior to the filing of an application in which the basis for the requested sealing is stated to determine if they can agree on the proposed under seal filing. Not later than two calendar days after the meet and confer process has concluded, the non-proposing party shall confirm whether it agrees to having such information designated as confidential or whether it opposes an under seal filing. Any application for under seal filing, whether or not opposed, shall contain the dates and method by which the parties met and conferred. If such information is not provided, the application will be denied without prejudice to an amended application being filed that complies with the foregoing terms.

1. For Requests to Seal Documents Only, Not the Application and Order

a. Electronically file the application to seal. The supporting declaration, proof of service, if applicable, and proposed order shall be attached to the application (standard procedure for filing application with a proposed order pursuant to Local Civil Rule 52-4.1).

b. Indicate which of the three following actions will be taken if the application is denied:

(i) Counsel will file the document(s) in their entirety for public view and consideration by the Court;

(ii) Counsel will contact the Courtroom Deputy Clerk to pick up the chambers copy(ies) of the document(s) within 24 hours; or

(iii) Counsel will request that the Courtroom Deputy Clerk destroy the chambers copy(ies) of the document(s).

Note: If counsel opt for (ii) above and do not contact the Courtroom Deputy Clerk within 24 hours, the documents will be destroyed.

c. After electronically filing the application and related documents, email mcs_chambers@cacd.uscourts.gov with an attachment containing: (i) an Adobe PDF version of the application to seal with the CM/ECF-generated header; (ii) a Word or

WordPerfect version of the proposed order (including the proposed action to be taken if the application is denied; and (iii) an Adobe PDF of the document(s) to be filed under seal with a caption page clearly marked "UNDER SEAL." The subject line of the email should include: (a) the case number; (b) the name of the represented party; and (c) the words "UNDER SEAL REQUEST." If the size of the email requires a second email that is a continuation of the under seal document(s), the subject line shall also include "Part 1" or "Part 2," etc.

2. For Requests to Seal the Application, Order and Document(s)

a. Electronically file a NOTICE OF MANUAL FILING indicating that the following has been submitted to the Court: (i) an application to seal with the attached supporting declaration and proof of service, if applicable; (ii) a proposed order; and (iii) the documents to be placed under seal.

b. Send an email to mcs_chambers@cacd.uscourts.gov with an attachment containing: (i) an Adobe PDF version of the application to seal with the CM/ECF generated header; (ii) a Word or WordPerfect version of the proposed order (including the proposed action to be taken if the application is denied); and (iii) an Adobe PDF of the document(s) to be filed under seal with a caption page, clearly marked "UNDER SEAL." The subject line of the email should include: (a) the case number; (b) the name of the represented party; and (c) the words "UNDER SEAL REQUEST." If the size of the email requires a second email that is a continuation of the under seal document(s), the subject line shall also include "Part 1" or "Part 2," etc.

3. Other Important Information Regarding Applications to File Under Seal

a. All documents and exhibits shall have a title/caption page pursuant to Local Civil Rule 11-3.8. Exhibits can either be attached to the document which refers to them or submitted as separate Adobe PDFs. Any separate filing shall also contain a title page,

which shall indicate the exhibits attached thereto, e.g., "Exhibits 1-10 to Defendant's Motion to Dismiss."

b. The docket text shall reflect the exact title of the document. Therefore, if there is a known security risk with respect to the identification of a sealed document, the document text shall then reflect the name of the party and/or defendant and sealed type of document, i.e., JOHN DOE'S (2) SEALED MEMORANDUM or DEFENDANT'S SEALED STIPULATION. If the security risk is extreme, then the docket text may reflect the name of the party and/or defendant and sealed document, i.e., GOVERNMENT'S SEALED [DOCUMENT].

c. Redacted documents shall conform to paragraph (b) above. However, the document shall include the word redacted in the title, i.e., JOHN DOE'S (2) MEMORANDUM [REDACTED].

d. Counsel shall make every effort to file a redacted version of a sealed document. If a redacted version of the document is not filed, counsel shall explain the reason in either the application or supporting declaration.

e. Any sealed document must clearly mark the information that is confidential or privileged via highlighting in color and/or using brackets.

f. Counsel shall adhere to Local Civil Rule 5-4.3.1 with respect to the size of the PDF and, prior to submitting any document(s) to the Court for consideration, shall review each such document to confirm that none is presented with any missing pages.

g. All PDF documents shall be searchable.

h. The Court will review the submitted documents and make a determination as to whether some or all the documents will remain under seal, made available on the public docket, and/or whether a redacted version is to be filed.

E. HEARINGS

All criminal matters are heard on Mondays at 3:00 p.m.

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1. Sentencing Hearings

A sentencing hearing will be scheduled at the conclusion of the plea hearing. It will be scheduled for no less than 14 weeks after the plea hearing to permit the preparation of the presentence report. Both parties will be permitted to file a sentencing brief, which is due no later than 14 days before the sentencing hearing. If either party does not intend to file a brief, the Courtroom Deputy Clerk shall be notified no less than 14 prior to the sentencing Hearing.

Any request for a continuance shall be made no later than seven days prior to the date of the hearing.

The Court discourages the use of sentencing videos. If counsel believes a video is necessary, it should not be longer than 10 minutes. Videos will not be considered unless a transcript is provided.

2. Change of Plea/Entry of Guilty Plea Hearings

Counsel shall contact the Courtroom Deputy Clerk to set a date for the hearing.

a. Open Plea / *Alford* Plea

If the parties agree to proceed with an open plea, counsel shall confer and file a stipulation as to the factual basis no later than seven days prior to the hearing.

b. Superseding Information or Indictment

A superseding information or indictment shall not be attached to the end of the plea agreement. It shall be filed pursuant to the Local Rules and have its own docket entry. Counsel will be referred to PIA to be arraigned on the new charges.

F. MOTIONS / MOTIONS IN LIMINE

All motions shall be filed 14 days prior to the hearing date. The supporting memorandum shall not exceed 10 pages. Any opposition shall be filed seven days prior to the hearing date and shall not exceed 10 pages. The Court does not require a reply. However, if a party elects to file one, it shall be filed three days prior to the hearing date by 12:00 p.m., and shall not exceed five pages. Proposed orders for motions are not required to be filed.

The Court hears all motions in limine, which shall be numbered sequentially by each party who presents them, at the time of the Final Pretrial Conference.

The last day to hear motions is the date of the Final Pretrial Conference. All motions shall be set in accordance with this Order and the Local Rules.

G. TRIAL REQUIREMENTS

No later than 14 days before the Final Pretrial Conference, counsel shall file the following:

1. Statement of the Case

Counsel shall meet and confer 21 calendar days prior to the Final Pretrial Conference to determine if, in lieu of a Joint Statement of the Case, they will stipulate to having each side make a brief (less than five minute) mini-opening statement to the panel of prospective jurors prior to the commencement of voir dire. Such mini-opening statements are not to be argument, but rather a summary of the evidence that each side intends to present. If all parties do not stipulate to the use of mini-opening statements, they shall meet and confer and seek to reach agreement on a Joint Statement of the Case to be read by the Court to the panel of prospective jurors prior to the commencement of voir dire. Counsel shall file the joint statement of the case no later than 14 calendar days prior to the Final Pretrial Conference. If the parties cannot agree on such a joint statement, they shall file a "Disputed Joint Statement of the Case," which shall include each party's respective proposed statement, together with a "redline" comparing the parties' respective statements. The parties shall deliver a courtesy copy pursuant to Local Civil Rule 5-4.5. A final version of the joint statement shall be provided to the Court on the first day of trial.

2. Voir Dire

Counsel may submit proposed voir dire questions that are unique to the particular trial. Each party may file their respective questions 14 calendar days prior to the Final Pretrial Conference.

3. Witness List

The Government shall file in camera a witness list no later than 14 calendar days prior to the Final Pretrial Conference. The list shall include the witnesses in the order that they are expected to testify, and will provide, to the extent possible, an accurate estimate of the time needed for each witness for direct testimony. It shall also include a brief summary of each witness' testimony. If more than one witness is offered on the same subject, the summary should be sufficiently detailed to allow the Court to determine if the testimony is cumulative.

Not later than 12:00 pm on the Friday before the commencement of trial, the Government and defense counsel shall each email their respective witness lists in Word to mcs_chambers@cacd.uscourts.gov. If the defendant does not intend to call any witnesses, the email shall so state.

4. Jury Instructions

Jury instructions shall be filed no later than 14 calendar days prior to the Final Pretrial Conference. The parties shall make every attempt to agree upon jury instructions before submitting proposals to the Court. The Court prefers Ninth Circuit model instructions. Counsel shall exchange proposed jury instructions (general and special) 28 calendar days prior to the Final Pretrial Conference. Counsel shall exchange any objections to the instructions 21 calendar days prior to the Final Pretrial Conference. Counsel shall meet and confer with the goal of reaching an agreement on one set of joint jury instructions, which shall be filed no later than 14 calendar days before the Final Pretrial Conference. If the parties disagree over any proposed jury instruction(s), the parties shall file: (i) one set of proposed jury instructions to which all parties agree; and (ii) one set of disputed jury instructions, which shall include a "redline" of any disputed language and/or the factual or legal basis for each party's respective position as to each disputed instruction. Where appropriate, the disputed instructions shall be organized by subject, so that the instructions that address the same or similar issues are presented sequentially. The parties shall deliver a courtesy copy of these documents pursuant to

Local Civil Rule 5-4.5. A final "clean" version of the jury instructions, which shall include the text of each instruction (eliminating titles, supporting authority, indication of party proposing, etc.), shall be provided to the Court on the first day of trial and sent via email in Word to mcs_chambers@cacd.uscourts.gov.

5. Verdict Forms

The parties shall make every attempt to agree upon a verdict form before submitting proposals to the Court. Counsel shall file a proposed verdict form(s) no later than 14 calendar days prior to the Final Pretrial Conference. If the parties are unable to agree on a verdict form, the parties shall file one document titled "Competing Verdict Forms" which shall include: (i) the parties' respective proposed verdict form; (ii) a "redline" of any disputed language; and (iii) the factual or legal basis for each party's respective position if the entire form is being disputed. The parties shall deliver a courtesy copy of these documents pursuant to Local Civil Rule 5-4.5. A final version of the verdict form shall be provided to the Court on the first day of trial and sent via email in Word to mcs_chambers@cacd.uscourts.gov.

6. Exhibits

a. Exhibit List

Counsel shall each prepare an exhibit list in compliance with the example below and Local Civil Rule 16-6.

EXHIBIT LIST					
Case Name:					
Case Number:					
No. of Exhibit	Description	Stip. to Authen.	Stip. to Admiss.	Date Identified	Date Admitted

Counsel shall meet and confer at least 21 calendar days before the Final Pretrial Conference to discuss and seek to agree, to the extent possible, on issues including foundation and admissibility of proposed exhibits by the Government. The exhibit list shall comply with Local Civil Rule 16-6.1. The Government shall file its exhibit list 14 calendar days prior to the Final Pretrial Conference. Counsel shall file a "Notice of Disputed Exhibits," if applicable, which shall set forth the basis for any disputed exhibit(s). Counsel shall confer so that there are no duplicate exhibits.

Not later than 12:00 pm on the Friday before the commencement of trial, the Government and defense counsel shall each email their respective exhibit list in Word to mcs_chambers@cacd.uscourts.gov. If the defendant does not intend to offer any exhibits, then the email shall so state.

b. Exhibit Preparation

One original (witness copy) and one copy (bench copy) shall be presented to the Courtroom Deputy Clerk on the first day of trial. The exhibits shall be presented in a binder. Each binder shall be clearly labeled on the spine to include the case name, party and volume umber. The Court does not require specific exhibit tags so long as each document is Bates stamped and separated with a divider that is numbered. Each party shall use a different number sequence and shall comply with Local Civil Rule 26-3.

c. Voluminous/Security Prone Trial Exhibits/Materials

Arrangements for bringing voluminous trial materials or exhibits into the Courtroom through the Building Vehicle Loading Dock, if required, may be made through the Space & Facilities Help Desk at (213) 894-1400. Before contacting Space & Facilities for a required security pass, prior approval of delivery time must be coordinated with the Courtroom Deputy Clerk. Once approval from the Clerk is received, logistical delivery information must be provided to Space & Facilities no later than 48 hours prior to the date of arrival to create and issue the required security pass. Counsel and messengers attempting to access the building parking and loading dock without a required pass will be denied entry.

Exhibits such as firearms, narcotics, etc., must remain in the custody of a law enforcement agent during the pendency of the trial. It shall be the responsibility of the agent to produce any such items for the Court, secure them at all times that the Court is not in session, and guard them at all times while in the courtroom. The United States Marshals Service shall be advised whenever weapons or contraband are to be brought into the courthouse.

d. Video Exhibits

Counsel shall seek admission only of the portions of video exhibits played before the jury. The Court will not admit extraneous portions of videos and will strictly control the admission of any wasteful or cumulative video exhibits under Rule 403.

7. Glossary/Notice

At least one week before trial, the parties much confer and file a glossary of terms for the court reporter that includes applicable medical, scientific, or technical terms, gang terms, slang, the names and spellings of names likely to be cited, and any other case-specific terminology.

H. ATTORNEY AND PARTY CONDUCT AT TRIAL

1. Trial Schedule

Trials are generally conducted Tuesday through Friday. The Court will adopt a particular time schedule on a case-by-case basis. In general, the schedule will be either: (i) from 8:30 a.m. to 2:30 p.m. with two or three 20-minute breaks; or (ii) from 9:00 a.m. to 4:30 p.m., with a 15-minute break in both the morning and the afternoon, and a one-hour lunch break. This schedule may be changed for each trial and during each trial depending on the scheduling needs of jurors, witnesses, counsel or the Court.

Defense counsel is responsible for making the necessary arrangements with the United States Marshals Service so that any defendant who is in custody is provided clothing and/or snacks.

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a. Courtesy Copies

At the time of trial, counsel shall provide to the Courtroom Deputy Clerk three (3) copies of: (i) the witness list in the order in which the witnesses will be called to testify; (ii) the witness list in alphabetical order; (iii) a final set of jury instructions; (iv) a final version of the verdict form; (v) the exhibit list; (vi) proposed voir dire questions; and (vii) a statement of the case, if applicable. To the extent changes are made to the jury instructions, verdict form, or exhibit list, a Word version shall be emailed immediately to mcs_chambers@cacd.uscourts.gov.

2. Trial Conduct

a. Jury Selection

The Court will seat as prospective jurors the same number of jurors who will serve at trial. The Court will conduct voir dire of this panel, which may include questions proposed by counsel both prior to trial and during the voir dire process. Whether counsel voir dire will be permitted will be determined during voir dire. After any potential juror is excused for cause, a replacement juror will be placed in the vacant seat and will respond to voir dire. Once a panel is in place to which there are no remaining or unadjudicated "for cause" challenges, counsel for each side will be permitted to exercise their respective peremptory challenge(s) through the Court. Upon the exercise of a peremptory challenge, a replacement juror will be seated, will respond to voir dire and will be subject to a "for cause" challenge before any remaining peremptory challenge is exercised.

b. Opening Statements, Examining Witnesses and Summation

At the end of each day, counsel presenting his or her case shall advise opposing counsel of the witnesses expected to testify the following day, with an estimate of the length of direct examination for each witness. Opposing counsel shall provide an estimate of the length of cross-examination for each witness. Cooperation of counsel will ensure an efficient trial process. It is the responsibility of all counsel to arrange the appearance of witnesses in order to avoid delay.

Opening statements, examination of witnesses and summation will be from the lectern only. Counsel should not spend an unreasonable amount of time writing out words or drawing charts or diagrams. Counsel may do so in advance and explain that the item was prepared earlier to save time as ordered by the Court.

The Court will honor reasonable time estimates for opening and closing presentations to the jury.

In jury trials, where a party has more than one lawyer, only one may conduct the direct or cross-examination of a given witness.

If a witness is on the stand when a recess is taken, it is counsel's duty to have the witness back on the stand, ready to proceed, when the trial resumes.

If a witness was on the stand at a recess or adjournment, it is counsel's duty to have the witness adjacent to, but not on, the stand, ready to proceed when the trial resumes. Any witness who is not a party to the case shall refrain from talking with a party or with a party's counsel during a recess or adjournment.

It is counsel's duty to notify the Courtroom Deputy Clerk in advance if any witness should be accommodated in an appropriate manner due to any disability or other physical need.

The Court attempts to accommodate physicians, scientists and all other professional witnesses and will, except in extraordinary circumstances, permit them to testify out of order.

The Court may do the same with respect to non-party witnesses who have work or family commitments. Counsel must anticipate any such possibility and discuss it with opposing counsel. If there is objection to having a particular witness called out of order, counsel shall confer with the Court in advance.

c. Objections and General Decorum

When objecting, counsel must stand to state the objection and state only that counsel objects and the legal ground for objection. If counsel wishes to argue an objection further, counsel must ask for permission to do so; the Court may or may not

grant a request for conference at sidebar. The Court strongly discourages the excessive use of sidebars because this is inefficient. Instead, evidentiary issues should be anticipated in advance of trial and should be addressed through motions in limine and/or in connection with the rulings on exhibits.

Counsel must not approach the Courtroom Deputy Clerk or the witness stand without permission. When permission is given, counsel shall return to the lectern when the task has been completed. Counsel must not engage in questioning a witness at the witness stand absent specific approval by the Court.

Counsel must address all remarks to the Court. Counsel are not to address the Courtroom Deputy Clerk, the Reporter, persons in the audience or opposing counsel. If counsel wishes to speak with opposing counsel, counsel must ask permission to talk off the record. Any request for the re-reading of questions or answers shall be addressed to the Court, not to the court reporter.

Counsel must not make an offer of stipulation unless counsel already has conferred with opposing counsel and has reason to believe the stipulation will be acceptable.

On the first day of trial counsel shall advise the Court of any commitments that may result in counsel's absence or late arrival on any day of the trial.

I. LOCAL RULES

Pursuant to Local Criminal Rule 57-1, the Local Civil Rules of the Central District of California shall govern the conduct of criminal proceedings before this Court unless otherwise specified.

IT IS SO ORDERED.

Dated: August 4, 2026

MARK C. SCARSI
UNITED STATES DISTRICT JUDGE