

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JOSE DECASTRO,

4 Plaintiff

5 v.

6 LAS VEGAS METROPOLITAN POLICE  
7 DEPARTMENT, et al.,

8 Defendant

Case No.: 2:23-cv-00580-APG-EJY

**Order Regarding Trial**

9 1. Counsel for all parties in civil and criminal cases, and all *pro se* parties, will appear  
10 for Calendar Call. Represented parties in civil and criminal cases are not required to appear for  
11 Calendar Call.

12 2. At Calendar Call, all cases that remain to be tried will be ranked in order of trial. I  
13 will not grant a continuance to any party absent a showing of good cause.

14 3. **TRIAL COUNSEL. I strongly encourage lead counsel to permit newer lawyers**  
15 **(six years or less experience) to examine witnesses at trial and to have an important role. It**  
16 **is the way one generation will teach the next to try cases and to maintain our district's**  
17 **reputation for excellence in trial practice. The one-lawyer-per-witness rule will be relaxed**  
18 **to allow newer lawyers a chance to perform, so long as this courtesy is not abused.**

19 4. **CHANGE OF PLEA HEARINGS IN CRIMINAL CASES.** It is the joint  
20 responsibility of counsel for the United States and for the defendant to ensure that the plea  
21 agreement is emailed to my Courtroom Administrator (at [Melissa\\_Johansen@nvd.uscourts.gov](mailto:Melissa_Johansen@nvd.uscourts.gov))  
22 before the plea hearing is set. Counsel for the United States is to ensure that any necessary  
23 “produce orders” or Writs of Habeas Corpus Ad Prosequendum are timely delivered to the

1 United States Marshal to ensure the presence of in-custody defendants for changes of plea, and to  
2 ensure proper notification for the attendance of any interpreter that may be required.

3 5. **WITNESSES.** The parties will immediately subpoena all witnesses for the time and  
4 trial date as listed above. Because some cases may be tried in a trailing fashion, the subpoenas  
5 should contain a special instruction from counsel directing witnesses to contact counsel for  
6 further instructions before appearing for trial. Witnesses are not required to be present at the  
7 Calendar Call.

8 6. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Parties wishing to utilize the  
9 court's evidence display equipment must contact the Courtroom Administrator to arrange for  
10 testing and any needed training prior to trial.

11 7. **EXHIBITS.** **At least two weeks prior to trial, the parties are to confer about the**  
12 **exhibits and objections listed in the Pretrial Order to arrive at a single set of agreed-upon**  
13 **exhibits.** No later than noon on the day of Calendar Call, the parties will file a joint list of (1) all  
14 agreed-upon trial exhibits, and (2) each party's separate list of proposed exhibits to which the  
15 other party objects. Each exhibit is to be pre-marked with an exhibit sticker. Plaintiff's exhibits  
16 will be marked 1 through 500. Defendant's exhibits will be marked 501 through 1000. The  
17 exhibit lists will match the form provided by the Courtroom Administrator or obtained from the  
18 court's website: [www.nvd.uscourts.gov](http://www.nvd.uscourts.gov).

19 In any case involving 15 or more exhibits, the pre-marked exhibits must be placed in a  
20 loose-leaf binder behind a tab noting the number of each exhibit. The binder must be clearly  
21 marked on the front and side with the case caption and number and the sequence of exhibits. If  
22 oversized binders are used, the holes in the documents must be large-sized so the pages may be  
23 easily turned. At the commencement of trial, the parties will provide the Courtroom

1 Administrator with the binder(s) containing the exhibits and a courtesy set for me. If it is  
2 necessary to use more than three binders, the party must contact the Courtroom Administrator  
3 prior to Calendar Call for additional directives.

4 **8. PROPOSED JURY VOIR DIRE QUESTIONS.** No later than noon on the day of  
5 Calendar Call, each party must file proposed jury voir dire questions they want me to pose to  
6 prospective jurors at the time of jury selection.

7 **9. WITNESS LISTS.** No later than noon on the day of Calendar Call, each party must  
8 file a list of witnesses expected to be called.

9 **10. STATEMENT OF THE CASE.** No later than noon on the day of Calendar Call,  
10 the parties must file an agreed-upon, brief statement of the case, no longer than one-half page,  
11 stating the nature of the civil claims or criminal charges to be read to prospective jurors at the  
12 time of jury selection. If the parties cannot agree on a statement of the case, they will each file a  
13 separate statement of the case.

14 **12. GOVERNMENT'S TRIAL MEMORANDUM.** In all criminal cases, the United  
15 States must file under seal its Trial Memorandum before Calendar Call. The Government's  
16 counsel must serve the Trial Memorandum on counsel for the defendant(s) on the date of trial  
17 prior to trial commencement and move to unseal it at that time. Defense counsel may file a Trial  
18 Memorandum. Should defense counsel elect to do so, that Trial Memorandum will be filed and  
19 served upon the Government's counsel prior to the defense commencing its side of the case, and  
20 a courtesy copy delivered to me.

21 **13. JURY INSTRUCTIONS.** In all cases to be tried before a jury, the parties must file  
22 one set of jointly agreed-upon jury instructions and form of verdict no later than noon on the day  
23 of Calendar Call. Additionally, counsel will email a copy of all proposed jury instructions in

1 Word format to chambers at [APG\\_Chambers@nvd.uscourts.gov](mailto:APG_Chambers@nvd.uscourts.gov). **To meet this requirement,**  
2 **the parties are required to exchange their proposed jury instructions at least two weeks**  
3 **prior to trial, and to thereafter confer to arrive at a single set of jointly agreed-upon jury**  
4 **instructions.** To the extent the parties are unable to agree as to any particular instruction, each  
5 party must also file their separate proposed jury instructions that are not agreed upon.

6 I have developed my own “stock” or “general” jury instructions, drawn principally from  
7 the Manual of Model Civil Jury Instructions for the Ninth Circuit. They are posted on my page  
8 of the court’s website. The parties’ proposed instructions need not include “stock” jury  
9 instructions unless there is a specific disagreement with one of mine. Therefore, the parties  
10 should focus their efforts on developing jury instructions that relate to the particular case at issue.  
11 All proposed jury instructions submitted by the parties must be concise, understandable, neutral  
12 statements of law. Argumentative jury instructions are improper, will not be given, and must not  
13 be submitted.

14 **14. TRIAL BRIEFS AND PROPOSED FINDINGS OF FACT AND**  
15 **CONCLUSIONS OF LAW IN CIVIL CASES.** No later than noon on the day of Calendar  
16 Call, each party will file their trial brief. Additionally, in all civil cases to be tried without a jury,  
17 the parties will file proposed Findings of Fact and Conclusions of Law no later than noon on the  
18 day of Calendar Call. Additionally, the parties will email a copy of their proposed Findings of  
19 Fact and Conclusions of Law in Word format to chambers at  
20 [APG\\_Chambers@nvd.uscourts.gov](mailto:APG_Chambers@nvd.uscourts.gov).

21 **15. EXPEDITED OR DAILY TRANSCRIPTS.** Any party requiring expedited or  
22 daily transcripts must submit the appropriate order form and contact the Court Reporter (Judy  
23 Moore at [Judy\\_Moore@nvd.uscourts.gov](mailto:Judy_Moore@nvd.uscourts.gov)) immediately upon receipt of this order. Special

1 arrangements and advance deposits likely will be required. Failure to timely contact the Court  
2 Reporter may result in the refusal to provide expedited or daily transcripts.

3       16. **SANCTIONS.** As provided for under the Local Rules of Practice of this District, I  
4 will consider the imposition of sanctions against any attorney or party who: (1) fails to timely file  
5 trial briefs, witness and exhibit lists, suggested voir dire questions, proposed jury instructions, or  
6 proposed Findings of Fact and Conclusions of Law; (2) fails to comply with the provisions of  
7 this Order, including failing to appear for Calendar Call without first having been excused by me  
8 or the Courtroom Administrator with my permission; or (3) fails to timely comply with any other  
9 Order that schedules deadlines for trial preparation.

10       18. **CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE.** All parties in civil  
11 actions are reminded of their right, subject to my approval, to consent to trial before a United  
12 States Magistrate Judge under 28 U.S.C. § 636(c)(2). This includes cases tried before a jury and  
13 bench trials without a jury. Any appeal from a trial before a Magistrate Judge will be taken  
14 directly to the United States Court of Appeals.

15       19. **CONTACT PERSON.** All questions and requests for information regarding the  
16 trial calendar are to be directed to the Courtroom Administrator, Melissa Johansen, at  
17 [Melissa\\_Johansen@nvd.uscourts.gov](mailto:Melissa_Johansen@nvd.uscourts.gov).

18       20. The date of the Clerk's file mark on this order will constitute the date of this order.

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21 \_\_\_\_\_  
22 ANDREW P. GORDON  
23 CHIEF UNITED STATES DISTRICT JUDGE