

**Courtroom Information for
Department A14
Judge Stephen T. Morgan**

**Staff: Danette Dill, Judicial Assistant
Brenda Shanbrom, Courtroom Assistant**

Contact Information: Michael Antonovich Antelope Valley Courthouse
42011 4th St W
Lancaster, CA 93534
Tel. No. (661) 483-5774

A. GENERAL

Department A14 is an independent/direct calendar court. Parties and counsel should review the provisions of the California Code of Civil Procedure, the California Rules of Court, and the Los Angeles Superior Court Local Rules, Chapter 3, Civil Division Rules (“Local Rules”) that apply to unlimited civil actions in independent calendar courts, including Local Rule 3.26 (Litigation Conduct) and Appendix 3.A. (Guidelines for Civility in Litigation).

Upon arrival, parties must check in with the courtroom assistant. Counsel must provide a business card that indicates the party he or she represents and the calendar matter number on which he or she is appearing. In lieu of a personal appearance in the courtroom, counsel may appear via LA CourtConnect. *See* Cal. Code Civ. Proc. § 367.5; Cal. Rules of Court, rule 3.670; and Local Rule 3.6.

If parties/counsel are going to be late for a hearing, please contact the court staff. For all other inquiries, please contact the court staff between 10:00 a.m. and 12:00 p.m. or between 2:00 p.m. and 5:00 p.m.

B. CASE MANAGEMENT CONFERENCES

Case Management Conferences are held Monday, Wednesday, and Friday at 8:30 a.m. The parties must comply with California Rules of Court, rule 3.722, *et seq.*, and Local Rule 3.25 in connection with such conferences.

All defendants must be served with the complaint by the case management conference. If all defendants have not been served, plaintiff or plaintiff’s counsel must submit a declaration to the court five (5) days prior to the hearing explaining what efforts have been undertaken to accomplish service. Cal. Rules of Court, rule 3.110.

The Court requires counsel-of-record (*i.e.*, not appearance counsel) to attend the Case Management Conference.

C. LAW AND MOTIONS

Law and motion hearings are conducted Tuesday beginning at 8:30 a.m. Moving parties must secure a hearing date via the online Court Reservation System (CRS) on the Los Angeles Superior Court website. Please see the “Online Services” section to find the civil Court Reservation System at www.lacourt.org to reserve a hearing date prior to filing any motion, except for motions *in limine*, which are heard on the first day of trial which is normally a Friday (with jury selection to begin the following Monday). Motion fee payments are required at the time reservations are made online. Courtesy copies of all motion-related documents filed electronically must be delivered to Department A14 within one (1) court day of the electronic filing.

D. INFORMAL DISCOVERY CONFERENCES

In the event a party seeks to file a motion to compel discovery at any time during the pendency of this action, the parties are required to meet-and-confer in good faith in person, by telephone, or by videoconference. If the parties cannot resolve the issue, they must then schedule an IDC via CRS before filing any motion to compel. The 45-day deadline to bring a motion to compel further responses to discovery will be tolled between the date of the informal discovery conference scheduling order and the informal discovery conference, pursuant to Code of Civil Procedure section 2016.080(c)(2). At least seven (7) days before the IDC, the parties shall file a joint report that succinctly sets forth the nature of the dispute, the necessity for the discovery, the justification for its non-production, and the overall status of discovery. The parties are encouraged to identify specific issues, the resolution of which may resolve the discovery dispute. A courtesy copy of the report shall be delivered to the courtroom within one (1) court day of the electronic filing. The Court generally holds IDCs Monday through Wednesday and Friday unless the Court is in trial. The Court limits the number of IDCs to two per day.

E. EX PARTE APPLICATIONS

Ex parte applications will be considered Monday through Friday at 8:30 a.m. Applicants must comply with California Rules of Court, rule 3.1200, *et seq.*, submit a proposed order, and pay the filing fee before appearing in court. The parties should not expect to present oral argument in connection with an *ex parte* application. *See* Cal. Code Civ. Proc. § 166(a)(1). The Court will inform the parties if it wishes to hear argument before ruling.

Ex parte applications are reserved for exigent circumstances. The applicant shall comply with Cal. Rules of Court, rule 3.1202(c): “An applicant must make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief *ex parte*.”

F. TRIAL PROCEDURES

Trials are scheduled for Friday at 8:30 a.m.

The Parties are to follow the civil trial procedure rules set forth in Local Rule 3.25, *et seq.*

Unless otherwise ordered, the following pre-trial filing and service deadlines apply. All deadlines for service are extended based on the manner of service as set forth in Code of Civil Procedure § 1013.

1. Final Status Conference (“FSC”) and Pretrial Filings

Final Status Conferences are conducted on Friday at 8:30 a.m. Pursuant to Local Rule 3.25(f), trial counsel must attend the final status conference in person. The parties are required to file the documents set forth in Local Rule 3.25(f) and (g) in advance of the FSC and should be familiar with Local Rules 3.48 through 3.58.

At least five (5) calendar days prior to the FSC, the parties/counsel shall serve and file the following trial readiness documents:

a. Trial Briefs – Each party shall file a trial brief succinctly identifying: (1) the claims and defenses subject to litigation, (2) the major legal issues (with supporting points and authorities), (3) the relief claimed and the calculation of damages sought, and (4) any other information that may assist the Court at trial.

b. Motions *in Limine* – The caption of each motion *in limine* shall concisely identify the evidence that the moving party seeks to admit or exclude. Parties filing more than one motion *in limine* shall number the motions consecutively. Parties filing opposition and reply briefs shall identify the corresponding motion number in the caption of their pages.

c. Joint Statement – For jury trials, the parties shall prepare a joint written statement of the case for the Court to read to the jury. The parties/counsel shall sign the joint statement.

d. Joint Witness List – The parties shall work together and file a joint list of all witnesses that each party intends to call, excluding impeachment and rebuttal witnesses. The joint witness list shall identify each witness by name, specify which witnesses are experts, estimate the length of direct examination, cross-examination, and re-direct examination of each, and include a total of the number of hours for all witness testimony. The parties shall identify all potential witness scheduling issues and special requirements. The parties/counsel shall sign the joint witness list.

e. Joint List of Proposed Jury Instructions – The parties shall jointly prepare and file a list of proposed jury instructions, organized in numerical order, specifying the instructions upon which all sides agree and the contested instructions, if any. The list of proposed jury instructions must include a space by each instruction for the Court to indicate whether the instruction was given. The parties/counsel shall sign the joint list of proposed jury instructions.

f. Jury Instructions (Joint and Contested) – The parties shall prepare a complete set of full-text proposed jury instructions. The parties shall prepare special instructions in a format ready for submission to the jury with the instruction number, title, and text only.

g. Joint Verdict Forms – The parties shall prepare and file a joint proposed general verdict form or special verdict form (with interrogatories). If the parties cannot agree on a joint verdict form, each party must separately file a proposed verdict form.

h. Joint Exhibit List – The parties shall prepare and file a joint exhibit list organized with columns identifying: (1) the exhibit, (2) which party is offering the exhibit, (3) whether there is a stipulation to authenticity and/or admissibility of the exhibit, (4) the date on which the exhibit was identified, and (5) the date on which the exhibit was admitted. Prior to filing the joint exhibit list, the parties shall meet-and-confer to determine whether they will stipulate to the authenticity and/or admissibility of each exhibit or whether there are objections to any exhibit. If there are stipulations, the parties shall note that in the respective column. If not, the objecting party shall specify all objections in the respective column. The parties/counsel shall sign the joint exhibit list.

i. Page and Line Designations for Deposition and Former Testimony – If the parties intend to use deposition testimony or former trial testimony in lieu of any witness’s live testimony, the parties shall meet-and-confer and jointly prepare and file a chart with columns for each of the following: (1) the page and line designations of the deposition or former testimony requested for use, (2) objections, (3) counter-designations, (4) any responses thereto, and (5) the Court’s rulings. The objecting party shall specify all objections in the respective column. The parties/counsel shall sign the designations.

j. Stipulations Concerning Ultimate Facts and Issues – The Court orders the parties to meet-and-confer concerning potential stipulations to the ultimate facts and issues.

2. Trial Binders

Counsel must provide a joint trial binder for the Court at the FSC (**or shortly before, if appearing remotely**). The trial binder shall be organized as follows:

Tab A:	Trial Briefs
Tab B:	Blank
Tab C:	Joint Statement of the Case
Tab D:	Joint Witness List
Tab E:	Joint List of Jury Instructions
Tab F:	Joint and Contested Jury Instructions
Tab G:	Joint and/or Contested Verdict Forms
Tab H:	Joint Exhibit List
Tab I:	Page and Line Designations for Deposition and Former Testimony
Tab J:	Stipulations

3. Motions *in Limine*

Motions *in limine* will be heard on the first day of trial (normally a Friday). Motions *in limine* are governed by the statutory notice requirements set forth in Code of Civil Procedure sections 1005(b) and 1013. When filing motions *in limine*, the parties must comply with Local Rule 3.57, including the required declaration, if applicable. Five (5) days before the first day of trial, counsel must provide a tabbed binder containing all motions *in limine*, oppositions, and replies in sequential order consistent with the number assigned to each motion *in limine*. The binder also must contain a table of contents identifying each motion *in limine*, opposition, and reply, and the corresponding tab for each.

4. Exhibits

Pursuant to Local Rules 3.52 and 3.53, the exhibits must be pre-marked using Arabic numerals and in instances where exhibits consist of multiple pages, each page must be numbered sequentially. The exhibits must be exchanged at least five (5) calendar days before the FSC and lodged with the Court on the first day of trial. At least three sets of exhibit binders – tabbed and paginated – are required on the first day of trial: a set each for the Court, judicial assistant, and witness. Counsel must also supply an exhibit binder to each opposing party.

Parties should be familiar with Local Rule 3.148, et seq., regarding trial exhibits, including, but not limited to, Rule 3.152 (requiring exhibits to be moved into evidence as soon as the evidentiary foundation for their admission has been established), Rule 3.155 (governing publication of exhibits to jurors), and Rule 3.158 (use of depositions, interrogatories, and requests for admissions).

5. Non-Compliance

The parties should be familiar with Code of Civil Procedure section 575.2(a) (setting forth penalties for failure to comply with the Local Rules) and Local Rules 3.10 and 3.25(f)(1). Local Rule 3.10 authorizes the imposition of sanctions for failure or refusal to comply with the Local Rules and any Court order entered pursuant to those rules, and incorporates the sanctions set forth in the Code of Civil Procedure, California Rules of Court, and Government Code. Further, Local Rule 3.25(f)(1) states that failure to exchange and file the pretrial items set forth above may result in the exclusion of witnesses and evidence at trial, or waiver of jury trial.

Addendum to Case Management Conference Order (Song-Beverly Litigation)

Discovery

1. General Orders:

- a. Absent written agreement of the parties to the contrary, any formal discovery propounded and currently pending or outstanding by a party in this matter prior to the date of this CMC Order is stayed pending further order of the Court.
- b. The Court finds under CCP §2019.020(b) that the sequence and timing of discovery in this matter should be the subject of management by the Court in the interests of justice pending a future status conference, given the nature of the allegations in the Complaint and the defenses raised in the Answer.
- c. The parties are free to stipulate, in writing, to modify and/or delete any of these general orders, as they deem appropriate. A party may also seek to modify and/or delete any of these orders, via noticed motion, upon showing of good cause.

2. Production of Documents: Within 30 days of this order both plaintiff and defendant shall provide copies of the following documents, which are in their respective possession, custody and/or control, to the opposing side(s):

- a. Purchase or lease contracts concerning the subject vehicle, including any associated documents reflecting OEM or aftermarket equipment installed at the dealership, ELWs or service contracts, and any other writings signed by the plaintiff at the point of sale.
- b. Work orders, repair orders, and invoices (including accounting and warranty versions) for any maintenance, service and repair activity concerning the subject vehicle.
- c. Rental car or loaner agreements regarding alternate transportation provided during service or repair visits concerning the subject vehicle
- d. Records of communications with dealer personnel, and/or factory representatives and Defendant's call center or customer assistance personnel concerning the subject vehicle.
- e. Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.
- f. Warranty Policy and Procedure Manual or similar policies or claim-handling procedures published by Defendant from the date the subject vehicle was purchased or leased to the date the lawsuit was filed.
- g. Defendant's written statements of policy and/or procedures used to evaluate customer requests for repurchase or replacement pursuant to "Lemon Law" claims, including ones brought under the Song-Beverly Consumer Warranty Act, from the date the subject vehicle was purchased or leased to the date the lawsuit was filed.
- h. A list or compilation of customer complaints in Defendant's electronically stored information database that are substantially similar to the alleged defects claimed by plaintiff, in vehicles purchased in California for the same year, make and model of the subject vehicle. A substantially similar customer complaint would be the same nature of reported symptom, malfunction, dashboard indicator light, or other manifestation of a repair problem as the description listed in any work order or repair order for the subject vehicle, other than routine or scheduled maintenance

items. The list provided by Defendant may be in the chart or spreadsheet format, and shall include the VIN, date of repair visit, dealership or other reporting location, and text of the other customers' reported complaint, but shall not include the other customers' names, addresses, phone numbers, e-mail addresses, or other personal identifying information

- i. Technical Service Bulletins and Recall Notices for vehicles purchased or leased in California for the same year, make and model of the subject vehicle
- j. Copies of any repair instruction, bulletin, or other diagnostic / repair procedure identified in any of the repair order/invoice records for the subject vehicle.
- k. Receipts or other written evidence supporting any incidental or consequential damages claimed by Plaintiff.

If a party believes any of this information should be subject to a protective order, that party shall serve and file a proposed protective order within 5 days of this order and the parties shall meet and confer as to agreeable language for the same. The default will be the standard Protective Order provided by the LASC in its website.

The information may be provided to the opposing party in electronic form as a PDF at the option of the producing party

Plaintiff and defendant shall serve verifications with the documents they produce.

Any additional requests for documents may only be propounded by stipulation and/or court order (via motion upon showing of good cause).

3. **Interrogatories:** Within the time limits allowed by law, both plaintiff and defendant may propound one set of Judicial Council Form Interrogatories and one set of a maximum of 35 special interrogatories. Any additional special interrogatories may only be propounded by stipulation and/or court order (via motion upon showing of good cause).
4. **Depositions:** Within the time limits allowed by law, Defendant may depose plaintiff, and plaintiff may depose the person most knowledgeable (PMK) as to up to 5 categories of information, plus a deposition of the PMK as to why the subject vehicle was not repurchased, in addition to depositions of any experts identified by the parties, after a formal demand and exchange of expert witness information, per CCP § 2034. Parties shall meet and confer as to whether there is a need to take any additional depositions. Any additional depositions may only be noticed and taken by stipulation and/or court order (via motion upon showing of good cause).

If a deponent resides out of state, the deposition may be taken by video conference or telephone. The parties will not be required to travel to California, and the attorneys will not be required to travel out of state.

5. **Vehicle Inspection:** Within the time limits allowed by law, the subject vehicle may be inspected by the parties at a mutual agreeable time and place. Unless otherwise agreed by the parties, the vehicle inspection (VI) process shall be as follows:
 - a. Defendant shall show Plaintiff's representative proof of insurance for the person / company who will be road testing the subject vehicle;

- b. The defense VI shall commence at 8:00 a.m. at an authorized service and repair facility closest to Plaintiff's residence, and may continue until no later than 5:00 p.m. that same day;
- c. Plaintiff shall deliver the vehicle to the noticed place of inspection. If the subject vehicle has a dead battery, Plaintiff's counsel shall notify Defendant's counsel at least one court day before the VI, and the VI shall proceed with Defendant paying for the tow or jump start to the place of inspection and taking reasonable steps to retrieve stored diagnostic codes and other onboard data before the battery is recharged or replaced.
- d. Defendant shall provide Plaintiff's representative with duplicate copies of all paper and electronic documents created during and because of the VI, such as test results, the stored codes in the vehicle's internal network or in its control units, alignment sheets, etc.;
- e. If the subject vehicle is in then-current use by the Plaintiff, and if requested within a reasonable time, in writing, prior to the VI, Plaintiff shall be provided a loaner or rental vehicle paid for by Defendant for the duration of the VI, conditioned on plaintiff providing standard rental car disclosures such as proof of a current driver's license and insurance coverage, and with plaintiff responsible for the loaner vehicle's fuel. The loaner vehicle need not be the same model or type as the subject vehicle unless Plaintiff agrees to pay for an upgrade;
- f. Defendant shall be permitted to run tests of relevant electronic control units (ECUs) and components, conditioned on Defendant maintaining, downloading, or printing out stored data on the existing condition or historical information stored in an ECU; and
- g. Plaintiff's representative is permitted to conduct video and audio recording of the VI.

Notice of this Addendum has or shall be provided to the parties' respective attorneys at the Case Management Conference.

IT IS SO ORDERED.

Dated: August 29, 2023

Stephen T. Morgan
Stephen T. Morgan
Judge of the Superior Court