

INFORMATION REGARDING PROCEDURES IN DEPARTMENT 71 OF THE STANLEY MOSK COURTHOUSE

In order to assist counsel appearing in Department 71, Department 71 provides the following information regarding its procedures, preferences, and expectations. The Department expects compliance with applicable sections of the California Code of Civil Procedure, applicable rules of the California Rules of Court, and applicable rules of the Los Angeles County Superior Court. The Department expects compliance with these.

1. Department Information:

Location: Stanley Mosk Courthouse, 7th Fl
111 N. Hill Street
Los Angeles, CA 90012

Phone: (213) 633-0771

Judicial Assistant:

Courtroom Assistant: D. Major

2. Filing of Documents

Except for self-represented litigants, or parties or attorneys who have obtained an exemption from mandatory electronic filing, parties must electronically file documents. Filings are no longer accepted via facsimile. The requirements for electronic filing are detailed in the Superior Court, Los Angeles County's operative General Order Re Mandatory Electronic Filing for Civil, available online at

<http://www.lacourt.org/division/civil/pdf/GeneralOrderreMandatoryElectronicFilingforCivil.pdf>

Please be aware that it may take 1-2 business days for a filed document to appear on the Court's docket.

3. Service of Summons and Complaint

Plaintiff(s) shall serve the summons and complaint upon Defendant(s) within 60 days of filing of the complaint. (California Rules of Court, rule 3.110 (b).) Failure to do so may result in

the imposition of sanctions (See Code Civ. Proc., §§ 128, 177.5; Cal. Rules of Court, rule 2.30), including dismissal (Code Civ. Proc., §§ 583.410, 583.420), unless Plaintiff(s) shows cause why the court should not make such an order.

4. Case Management Conferences

Thirty days before a scheduled Case Management Conference, the parties are ordered to meet and confer in person, by telephone, or by video to discuss the items listed in Cal. Rules of Court, rule 3.724. The Court expects this to be a meaningful conference in which counsel with authority discuss the pleadings, discovery, and a path to case resolution, whether by settlement or trial. The parties must then file Case Management Conference Statements fifteen days prior to the Case Management Conference (preferably a joint statement), describing the nature of the case, when discovery will be completed (“per code” does not assist the Court), and any agreements the parties have reached (see 19(b) of the Statement). A failure to comply with Cal. Rules of Court, rules 3.724 and 3.725 may subject the offending counsel to sanctions of up to \$250 per violation. (Cal. Rules of Court, rule 2.30.)

The parties are urged to consider and to discuss one of the Alternative Dispute Resolution options offered by the Court (see below).

5. Alternative Dispute Resolution Options

The Los Angeles Superior Court has a variety of settlement programs. Litigants should closely review the requirements for each program and the types of cases served.

Civil Mediation Vendor Resource List

Litigants may use the Civil Mediation Vendor Resource List to arrange voluntary mediations without Court referral or involvement. The Resource List includes organizations that have been selected through a formal process that have agreed to provide a limited number of low-cost or no-cost mediation sessions with attorney mediators or retired judges. Organizations may accept or decline cases at their discretion. Mediations are scheduled directly with these organizations and are most often conducted through videoconferencing. The organizations on the Resource List target active civil cases valued between \$50,000-\$250,000, though cases outside this range may be considered. For more information and to view the list of vendors, download

the Resource List Flyer and FAQ Sheet at www.lacourt.org/ADR/programs.html.

Mediation Volunteer Panel (MVP)

Cases referred to the Court's Mediation Volunteer Panel (MVP) are eligible for three hours of virtual mediation at no cost with a qualified mediator from the MVP. Through this program, mediators volunteer preparation time and three hours of mediation at no charge. If the parties agree to continue the mediation after three hours, the mediator may charge their market hourly rate. When a case is referred to the MVP, the Court's ADR Office will provide information and instructions to the parties. The Notice directs parties to meet and confer to select a mediator from the MVP or they may request that the ADR Office assign them a mediator. The assigned MVP mediator will coordinate the mediation with the parties. For more information or to view MVP mediator profiles, visit the Court's ADR webpage at www.lacourt.org/ADR or email ADRCivil@lacourt.org.

Mediation Center of Los Angeles (MCLA) Referral Program

The Court may refer cases to low-cost mediation through a formal contract with the Mediation Center of Los Angeles (MCLA), a nonprofit organization that manages a panel of highly qualified mediators. The Court's ADR Office will provide the parties with information for submitting the case intake form for this program. MCLA will assign a mediator based on the type of case presented and the availability of the mediator to complete the mediation in an appropriate time frame. MCLA has a designated fee schedule for this program. For more information, contact the Court's ADR Office at ADRCivil@lacourt.org.

Resolve Law La (RLLA) Virtual Mandatory Settlement Conferences

Resolve Law LA provides three-hour virtual Mandatory Settlement Conferences at no cost for personal injury and non-complex employment cases. Cases must be ordered into the program by a judge pursuant to applicable Standing Orders issued by the Court and must complete the program's online registration process. The program leverages the talent of attorney mediators with at least 10 years of litigation experience who volunteer as settlement officers. Each MSC includes two settlement officers, one each from the plaintiff and defense bars. For

more information, visit <https://resolvelawla.com>.

6. Law and Motion

A. Reservation Hearing Date

Parties must reserve hearing dates for motions using the Court Reservation System (CRS) available online (www.lacourt.org). After reserving a motion hearing date, the reservation requestor must submit the moving papers for filing with the reservation receipt number printed on the face page of the document under the caption and attach the reservation receipt as the last page.

Be mindful that papers for a reserved matter must be filed within 3 days of making the reservation, or else the reservation will be cancelled.

As soon as a reservation requestor realizes that a motion hearing, or other proceeding requiring a reservation, such as in Informal Discovery Conference, will not be necessary, the reservation requestor should immediately use CRS to cancel the reservation for the motion hearing, or other proceeding requiring a reservation.

If the moving party deems the hearing date to be too far in the future (say after the trial date), Parties should check CRS from time to time because earlier hearing dates may become available as cases settle or hearings are taken off calendar.

B. Papers must be text searchable and bookmarked.

All electronically filed documents must be text searchable and bookmarked. (See operative General Order re Mandatory Electronic Filing in Civil, (<http://www.lacourt.org/division/civil/pdf/GeneralOrderreMandatoryElectronicFilingforCivil.pdf>.)

C. Courtesy Copies Not Required except for Ex Partes and Motion for Summary Judgment Containing Media Exhibits

With the exceptions of Oppositions to Ex Parte Applications and Motions for, Oppositions to, and Replies to Oppositions to Motions for Summary Judgment or Summary Adjudication, Department 71 does not require courtesy copies of any filed papers. Courtesy copies of Oppositions to Ex Parte Applications and Motions for, Oppositions to, and Replies to Oppositions to Motions for Summary Judgment or Summary Adjudication must be submitted

directly to Department 71. Department 71 also strongly encourages the parties filing and opposing lengthy motions for summary judgment or adjudication, to submit one or more three-ring binders organizing the courtesy copy behind tabs. Any courtesy copies of documents with declarations and/or exhibits must be tabbed. (Cal. Rules of Court, rule 3.1110(f).) All deposition excerpts referenced in briefs must be marked on the transcripts attached as exhibits. (Cal. Rules of Court, rule 3.1116(c).) Courtesy copies, including any media attached thereto, will be destroyed by the Court without notice following the hearing.

D. Withdrawal of Motions

If a moving party takes a motion off the Court's calendar, the moving party should notify the court immediately and should remove the item from the Court's calendar on CRS. (Cal. Rules of Court, rule 3.1304(b).) If, in response to a demurrer, a party exercises its right to amend a pleading as prescribed by Code of Civil Procedure section 472, subdivision (a), the Court requests that party to work with the party who filed the demurrer or motion to strike to take the demurrer or motion to strike off calendar so that the Court does not needlessly prepare tentative rulings. The Court may sanction a party for failing to take a motion off calendar.

E. Motions to Compel Further Responses to Discovery

Parties seeking to compel further responses to discovery are urged to schedule an Informal Discovery Conference (IDC) before even filing their motions. The Court's experience is that discovery issues can usually be worked informally. After meeting and conferring about available dates for an IDC, the moving/propounding party should reserve an IDC by calling Dept. 71's staff.

Note: Unless the parties so stipulate, scheduling an IDC does not extend the time to file a motion to compel further responses to discovery.

7. Ex Parte Applications

The Court will only grant ex parte relief upon a showing, by admissible evidence, that the moving party will suffer "irreparable harm," "immediate danger," or where the moving party identifies "a statutory basis for granting relief ex parte." (Cal. Rules of Court, rule 3.1202(c).)

The Court has little capacity to hear multiple ex parte applications or to shorten time to add hearings to its fully booked motion calendars.

Parties should check CRS from time to time because earlier hearing dates may become available as cases settle or hearings are taken off calendar.

8. Matters taken under submission

The Court will post rulings on matters taken under submission as soon as the Court has ruled on the matter.

9. Jury Fees

Parties must pay jury fees no later than 365 calendar days after the filing of the initial complaint. (Code Civ. Proc., § 631, subd. (c)(2).)

10. Final Status Conference

A. Personal Appearance by Trial Counsel

The purpose of the FSC is to verify that the parties are completely ready to proceed with trial continuously and efficiently, from day to day, until verdict. The Court will verify at the FSC that all parties have (1) prepared all necessary trial documents, and (2) met and conferred in an effort to stipulate to ultimate facts, legal issues, motions in limine, and the authentication/foundation and admissibility of exhibits.

Trial Counsel are ordered to personally appear at the FSC.

B. Trial Documents to Be Filed

At least five calendar days prior to the Final Status Conference, the parties shall serve and file the following Trial Readiness Documents:

1. Trial Briefs (Optional)

Each party may, but is not required to, file a trial brief succinctly identifying:

- (a) the claims and defenses subject to litigation;

- (b) the major legal issues (with supporting points and authorities);
- (c) the relief claimed, and calculation of damages sought; and
- (d) any other information that may assist the court at trial.

2. Motions in Limine

Before filing motions in limine, the parties shall comply with the statutory notice provisions of Code of Civil Procedure section 1005 and the requirements of the Superior Court, Los Angeles County, Local Rules, rule 3.57(a). The caption of each motion in limine shall concisely identify the evidence that the moving party seeks to preclude. Parties filing more than one motion in limine shall number them consecutively. Parties filing opposition and reply papers shall identify the corresponding motion number in the caption of their papers.

3. Joint Statement to Be Read to The Jury

For jury trials, the parties shall prepare and file a joint written statement of the case for the trial court to read to the jury. (Super. Ct. L.A. County, Local Rules, rule 3.25(g)(4).)

4. Joint Witness List

The parties shall prepare and file a joint, alphabetized by last name, list of all witnesses that each party intends to call, excluding impeachment and rebuttal witnesses. (Super. Ct., L.A. County, Local Rules, rule 3.25(g)(5).) The joint witness list shall identify each witness by name, specify which witnesses are non-experts and experts, estimate the length of the direct, cross examination and re-direct examination of each witness, 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. Any party who seeks to elicit testimony from a witness not identified on the witness list must first make a showing of good cause to the trial court.

5. List of Proposed Jury Instructions

The parties shall jointly prepare and file a list of all proposed jury instructions (including those contested), organized in numerical order, including columns to indicate whether an instruction is agreed to or contested. In addition, the List of Proposed Jury Instructions must

include columns for a trial judge to indicate whether an instruction was given, given as modified, refused, or withdrawn. (See Cal. Rules of Court, rule 2.1055.)

6. Jury Instructions

The parties shall prepare a complete set of full text proposed jury instructions in a format ready for submission to the jury, by editing all proposed California Civil Jury Instructions including inserting party name(s) and eliminating blanks, brackets, and irrelevant material. The parties may prepare special instructions in a format ready for submission to the jury with the instruction number, title, and text only (i.e., there should be no boxes or other indication on the printed instruction itself as to which party is requesting the instruction).

The parties shall separate the instructions into groups of agreed-upon versus not-agreed-upon instructions.

7. Joint Verdict Form(s)

The parties shall prepare and jointly file a proposed general verdict form or special verdict form (with interrogatories) acceptable to all sides. (Super. Ct. L.A. County, Local Rules, rule 3.25(g)(8).) If the parties cannot agree on a joint verdict form, each party must separately file a proposed verdict form.

8. Joint Exhibit List

The parties shall prepare and file a joint exhibit list organized with columns identifying each exhibit, setting forth stipulations, if any to authenticity/foundation and admissibility, and specifying evidentiary objections, if any, to the admission of an exhibit. If an objection to an exhibit is not articulated on the exhibit list, the trial court may deem the exhibit admitted. The parties shall meet and confer regarding stipulations to authenticity/foundation and admissibility of exhibits, and to resolve objections, if any, to the admissibility of an exhibit, before the filing of the Joint Exhibit List.

9. Page and Line Designation for Deposition and Former Testimony

If the parties intend to use deposition testimony or former trial testimony in lieu of any witness' 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 ruling.

C. Items to be Presented at the Final Status Conference

1. Trial Binders

The parties shall jointly prepare (and be ready to temporarily lodge) 3-ring binders containing conformed copies of all the following:

Tab A: Trial Briefs (Optional)

Tab B: Motions in Limine. The parties shall organize motions in limine (tabbed in numerical order) behind Tab B with the opposition papers and reply papers for each motion placed directly behind the moving papers. Sheets of colored paper should be used to separate moving papers from oppositions and oppositions from replies. Depending on the volume of papers, Tab B may be its own binder.

Tab C: Joint Statement to Be Read to the Jury

Tab D: Joint Witness List (in the format prescribed at § 8(B)(b))

Tab E: Joint Exhibit List (in the format prescribed at § 8(B)(h))

Tab F: Joint List of Jury Instructions (identifying the agreed upon and contested instructions)

Tab G: Joint and Contested Jury Instructions. The parties shall organize proposed jury instructions behind Tab F, with the agreed upon instructions first in order followed by the contested instructions (including special instructions) submitted by each side.

Tab H: Joint and/or Contested Verdict Form(s)

Tab I: Joint Chart of Page and Line Designation(s) for Deposition and Former Testimony

Tab J: Copies of the Current Operative Pleadings (including the operative complaint, answer, cross-complaint, if any, and answer to any cross-complaint).

2. Evidentiary Exhibits

The parties shall jointly prepare (and be ready to temporarily lodge for inspection at the FSC) one set of tabbed, internally paginated by document, and properly marked exhibits, organized numerically in three-ring binders (a set for the Court, the Judicial Assistant, and the witnesses). (At trial, the parties will need additional copies of the exhibits for the Court's clerk, for use on the witness stand, and for each counsel.) The parties shall mark all non-documentary exhibits and insert a simple written description of the exhibit behind the corresponding numerical tab in the exhibit binder.

D. Failure To Comply with FSC Obligations

The Court has the discretion to require any party or counsel of record who fails or refuses to comply with these FSC procedures to Show Cause why the Court should not impose monetary, evidentiary, and/or issue sanctions (including the entry of a default or the striking of an answer). (Code Civ. Proc., § 575.2.)

11. Mandatory Settlement Conferences

Although the Court has limited resources for Mandatory Settlement Conferences, under appropriate circumstances, the Court may order an MSC be held before another Independent Calendar judge. Parties interested in an MSC should first discuss the matter between themselves and then discuss the matter with the Court, either at a hearing or by means of an ex parte application.

If the case settles before a scheduled MSC, parties should forthwith notify the court to which the case is assigned of such settlement. The parties should also document their settlement agreement in a writing signed by all parties whether before or at the scheduled MSC.

12. Trials

A. Conduct Of Counsel and Parties at Trial:

Counsel are ordered to follow the guidelines of LASCER 3.26 and Appendix 3.A.

If counsel answers "READY," they are committing to being available each day, all day and during the estimated time of the trial.

Sidebars are disfavored and should be avoided unless absolutely necessary. (LASCER 3.123.)

Counsel, the parties and family/friends/associates of the parties should not comment, gesture, or make facial reactions to any testimony, argument or statement made by anybody during the trial. (LASCER 3.120.) Counsel and the parties should not talk with prospective jurors or jurors and should not talk to co-counsel, opposing counsel or witnesses where the conversation may be overheard by jurors. Each counsel should admonish counsel's own clients and witnesses to avoid such conduct.

B. Court Reporters:

Court reporters are no longer provided by the Court for civil trials for parties without a fee waiver. If any party wishes to have a hearing or trial reported the party is responsible for arranging for a court reporter to be present for the trial at their own expense. Parties with a fee waiver may request a court reporter for a hearing by completing Los Angeles Superior Court Form FW-020 and filing it in the Clerk's Office at least 10 days before the hearing (or as soon as possible). The clerk will notify the requesting party if a court reporter is available. This notification may occur on the day of your hearing or trial. If no court reporter is available that day, your hearing may be continued. Form FW-020 and further information about requesting a court reporter can be found on the court's website at

https://www.lacourt.org/generalinfo/courtreporter/GI_RE001.aspx

Real time/Live Note is preferred, with a connection for the court. If the parties do not have a court reporter, counsel will be required to provide the court with a joint summary of the testimony and evidence admitted on a daily basis by the morning following the testimony.

C. Jury Selection and Fees:

The Court will conduct an initial examination of the jury panel consistent with the Standards of Judicial Administration, California Rules of Court Standard 3.25. Counsel may submit questions in writing for the Court to ask. Counsel will be given reasonable time to inquire but should not repeat questions asked by the Court. Pre-instruction, pre-argument, and suggestive questions designed to pre-condition jurors will not be permitted.

Counsel will be billed daily jury fees. Proof of payment must be provided to the clerk no later than the next day before trial can resume.

D. Objections:

No speaking objections. Counsel should stand to make an objection, stating only the legal basis. All objections, statements and arguments shall be made to the Court, not to opposing counsel. (LASCR 3.122.)

E. Stipulations:

As noted above, to the extent feasible, stipulations are to be filed prior to trial. Counsel should not make an offer of stipulation in front of the jury without the knowledge and agreement of opposing counsel. (LASCR 3.125.)

F. Witnesses:

Counsel shall be prepared with a sufficient number of witnesses to use the entire court day until the party rests. Absent unusual circumstances, breaks or early recesses will not be permitted due to witness unavailability. When the testimony of a witness is finished, the witness will be excused unless a party desiring to place a witness “on call” shows good cause. (LASCR 3.113)

If a party has more than one lawyer, only one lawyer may conduct the direct or cross-examination of a particular witness or make objections to that witness.

If witnesses are not under subpoena and do not timely appear, trial will proceed without them. Continuances will not be granted due to witnesses who do not appear in a timely manner. If possible, the Court will make an effort to accommodate the scheduling needs of expert witnesses, professionals, out-of-state witnesses, or others if the circumstances warrant.

Counsel, their clients and any witnesses are expected to be prompt. Failure to report to court on time without a satisfactory explanation may result in sanctions.

At the conclusion of each court day, counsel must advise opposing counsel of the witnesses to be called the next day and the order in which they will testify. (LASCR 3.81.) Each morning counsel must provide the Court Attendant with a written list of witnesses to be called

that day including their full names with correct spellings and the order in which they will be called.

G. Reading From Discovery Responses/Deposition Transcripts:

Before trial, copies of deposition transcripts or other discovery responses shall be lodged with the Court. (LASCR 3.56.) Before reading into evidence any portion of a deposition, interrogatory or request for admission, counsel shall advise the Court and opposing counsel of the page and the line of the deposition or the numbers of the interrogatories or requests for admission to be read or shown to the witness. (LASCR 3.158)

H. Reference to Evidence:

No exhibit or demonstrative evidence shall be referred to at trial without opposing counsel having had the opportunity to review and assert any objections. (LASCR 3.150)

I. Visual Aids at Opening Statement:

No visual aids shall be used in opening statement without opposing counsel first having been given the opportunity to review the visual aids prior to trial. (LASCR 3.97.) If counsel intends to use PowerPoint, the Court shall be informed at the FSC and a copy of the slides must be shared with opposing counsel prior to the presentation. If there are any objections to any slide, the objecting party must submit the objections to the court as soon as possible and before the jury is empaneled. A copy of the slides must be lodged with the court.

J. Jury Instructions:

Generally, all jury instructions, except concluding instructions, will be read before the closing arguments.

K. Failure To Comply with These Procedures:

The court has discretion to require any party's counsel and any party who fails to comply with this Trial Preparation Order to show cause why the court should not impose monetary, evidentiary, and/or issue sanctions.

13. Sanctions

The Court has discretion to impose sanctions for any violation of this Standing Order.
(Code Civ. Proc., §§ 128.7, 177.5, 187; Gov. Code, § 68608, subd. (b); Cal. Rules of Court, rule 2.30.)