

Department T Courtroom Information

Judge: Hon. Ian C. Fusselman
Judicial Assistant: Cynthia Padilla
Courtroom Assistant: Vanessa Garcia

Courtroom Telephone: (626) 293-2108
Court Address: 150 West Commonwealth, Alhambra, CA 91801

Department T 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.

Calendaring

Ex partes: Monday – Friday at 8:30 a.m.
Law and Motion: Monday – Thursday at 8:30 a.m.; Fridays 10:00 a.m. and 1:30 p.m.
Trials: Monday – Thursday from 9:30 a.m. to 4:30 p.m.; No trials on Fridays.

Case Management Conferences

Case Management Conferences are held Tuesday through 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. Trial dates will normally be set approximately 12 months after the CMC. Parties are requested to meet and confer regarding preferred trial dates.

Ex Parte Applications

All ex parte applications and documents in support thereof must be electronically filed no later than 10:00 a.m. the *court day before* the hearing. Any written opposition shall be electronically filed by 8:30 a.m. the day of the hearing.

Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt from these mandatory Electronic Filing requirements.

Discovery Disputes

The Court does not conduct informal discovery conferences (IDC). Parties are reminded that the scope of discovery is broad and will normally be permitted so long as it is reasonably calculated to lead to the discovery of admissible evidence. *TBG Insurance Services Corp. v. Superior Court* (2002) 96 Cal.App.4th, 443, 448.

Claims of undue hardship, burden and privilege need to be supported by facts, not merely boilerplate objections.

Good faith meet and confer obligations require more than simply framing the dispute and threatening a motion. Rather, the discovery statute requires serious effort at negotiation and informal resolution. *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1281. Parties should endeavor to pick up the phone and have a conversation to resolve their differences and reach a reasonable compromise. Your job is to cooperate in completing discovery, not to fight over it.

Law and Motion

Law and motion hearings are conducted Monday through Thursday at 8:30 a.m. and Fridays at 10:00 a.m. and 1:30 p.m. Unless otherwise set by the Court, heavy motions (e.g., demurrers, motions to quash, motions summary judgment and summary adjudication) will be heard on Fridays.

Parties must obtain a motion date via the online Court Reservation System (CRS) on the Los Angeles Court website "*LA Court Online, Court Reservation System*," at www.lacourt.org to reserve a date prior to filing any motion papers. Motion fee payments are required at the time reservations are made online. Please do not call the courtroom to reserve a motion date.

The Court does not provide a court reporter. If the parties bring their own court reporter, please consult the Court's website to review procedures which must be followed.

If counsel wishes to submit any materials in support of a motion under seal, counsel must strictly comply with California Rules of Court Rule 2.551 et. seq.

Tentative rulings are normally available upon request at the time of the hearing and may also be posted on the Court's website at www.lacourt.org. Parties may elect to submit on the tentative ruling when checking in on the date of the hearing.

Orders to Show Cause

No appearances are required for an OSC regarding proof of service if the required proofs have been filed with the court and the court has not set a monetary sanction hearing for the same date.

Trial Continuances

The Court is committed to complying with California Rules of Court Standard 2.2 which requires management of cases so that:

- (A) 75% are disposed of within 12 months;
- (B) 85% percent are disposed of within 18 months; and
- (C) 100% percent are disposed of within 24 months.

As such, the primary factors the Court considers with regard to requests for trial continuances are an affirmative showing of:

1. Reasonable diligence in preparing for trial.
2. Unforeseen circumstances preventing the parties from being prepared for trial.

In the event that the parties stipulate to continue trial, the stipulation must provide reasonable detail as to what preparation remains to be completed, why it has yet to be completed, and a schedule for completing those tasks.

Minor's Compromises

For personal injury cases, please ensure that all pertinent medical records are included in the petition, including admission reports, discharge reports, and treatment records. There is no need to include nursing notes, labs, radiology reports or other records unless they contain other information. If the petition contends that the minor has fully recovered from the injuries, a medical record or declaration should be submitted supporting that contention.

As a general rule, the Court prefers that net proceeds more than \$1,000 be deposited into a blocked account. The Court also urges that net proceeds in excess of \$100,000 be used to fund an annuity.

The guardian ad litem and the minor should be available for questioning at the time of the hearing.

Trial Preparation

Final Status Conference

Final Status Conferences are held on Fridays at 8:30 a.m.

Absent leave of Court, trial counsel must attend the final status conference in person. Pursuant to Local Rule 3.25(f), counsel should be prepared to discuss all aspects of the trial and be prepared to argue motions in limine. On a case-by-case basis, the Court may schedule a pretrial conference prior to the trial date to hear motions in limine.

Parties must meet and confer and submit the following documents five court days before the FSC:

1. Joint Exhibit List

Pursuant to California Rule of Court 3.1110(f) and Los Angeles County Superior Court Rules 3.52 and 3.53, all exhibits must be exchanged and pre-numbered, except for those anticipated in good faith to be used for impeachment or during rebuttal.

Documentary exhibits consisting of more than one page must be internally paginated in sequential numerical order.

Photographs should be grouped together in separate exhibits by subject matter or other logically related groups rather than marking all photographs as one exhibit.

Exhibits written in a foreign language must be accompanied by a certified English translation. Cal. Rule of Court 3.1110(g).

Five complete sets of exhibits need to be provided on the first day of trial.

Items not to be included as exhibits: discovery requests/responses; deposition transcripts.

2. Joint Witness List

All witnesses must be listed on a joint witness list. Do not repeat the name of a witness. Indicate the total time expected for that testimony, including direct, cross, and re-direct. At the end of the list, state the total time estimated for each party and the entire trial. The parties do not need to provide time estimates for witnesses they do not intend to call but are being listed to preserve the right to call them if needed.

Parties are encouraged to stipulate as to the foundation/authenticity of medical records, bills or other records in order to avoid the need to call custodians of records solely for the purpose of establishing foundation and admissibility.

3. Joint Jury Instructions

Submit a joint set of CACI instructions with all information filled in – no remaining brackets or blanks. Do not include the chart at the top (i.e., “Requested By”). If instructions are disputed, submit a separate set or sets indicating the party proposing and opposing the instruction. Submit a disposition table which lists all jury instructions by number, the identity of the party or parties proposing the instruction, and columns for the court to indicate whether the instruction is given, modified, withdrawn or refused.

4. Concise Joint Statement

This is a brief, neutral description of the case to be read to the jury. In most instances, it should not exceed two paragraphs.

5. Mini Opening Statement

If the parties wish to make a mini opening statement prior to conducting their voir dire, they must take no longer than two minutes. The Court will stop counsel when the two minutes are over. If mini openings are requested, the Court will not read the joint statement of the case.

6. Joint Proposed Verdict Form

If the parties cannot agree on the verdict form, each party must submit their own proposed verdict form. Any proposed special verdict should be in a form that is easily used and understood by the jury and which does not require the jury to answer unnecessary questions.

7. Expert Designations

Provide a copy of all parties’ expert designations without attachments.

8. Motions in Limine

Where applicable, the Court will deem granted the following motions at the FSC:

1. Excluding evidence of a collateral source.

2. Excluding evidence of insurance coverage.
3. Excluding undesignated experts.
4. Excluding settlement discussions.

Motions in limine should not be used to seek summary judgment, summary adjudication of issues, or judgement on the pleadings. Also, do not file motions in limine that simply state the law. For example, do not file motions seeking to exclude hearsay evidence. Instead, the motion must cite specific hearsay evidence that is expected to be proffered.

Los Angeles County Superior Court Rule 3.57 requires the parties to meet and confer before filing any motion in limine. All motions in limine must be accompanied by a sworn declaration attesting that the subject of the motion has been discussed with the opposing party and setting forth the opposing party's position regarding the motion(s). Failure to include such a declaration will result in summary denial of MIL.

Motions in limine should be filed and served in compliance with C.C.P. § 1005 using the FSC date as the hearing date. They be heard at the FSC or at a pre-trial conference scheduled at the time of the FSC.

Motions in limine should be submitted in a separate tabbed binder with a table of contents.

9. Expert Depositions

Parties are encouraged to provide the Court with "mini" transcripts of experts in order to address Kennemur objections in a timely manner.

Trials

The Court's number one priority after ensuring that the parties receive a fair trial is to protect the time of the jurors. In order to accomplish this goal, the Court requires counsel to be prepared to begin trial each day at 9:30 a.m. and to have witnesses prepared and ready to testify until the end of each trial day.

Witness Scheduling

In order to avoid gaps in scheduling and to accommodate witness availability, parties are requested to meet and confer regarding the scheduling of witnesses and agree to call witnesses out of order (e.g., Defendant calling a witness during Plaintiff's case-in-chief, or Plaintiff suspending the presentation of evidence and later calling a witness after the beginning of Defendant's case).

The Court routinely completes jury selection by noon on the first day of trial. Jury selection rarely extends beyond 2:30 p.m. As a consequence, parties should be prepared to give their opening statements and Plaintiff should be prepared to call their first witness on the first day of trial.

Exhibits

If the parties intend to present evidence electronically, equipment must be set up and tested before trial starts so that there are no delays.

Pursuant to Los Angeles County Superior Court Rules 3.97 and 3.180, the parties shall not publish to the jury any exhibits or graphics at any time during trial except after being marked and received into evidence, or with the court's permission. The parties are encouraged to stipulate as to the foundation, authenticity and admissibility of all exhibits not reasonably in dispute.

All demonstrative exhibits not admitted into evidence must be shown to the opposing party before use at trial. Any objections to the use of demonstrative exhibits must be brought to the court's attention in a timely manner and before publication to the jury.

Remote Testimony

The Court will normally grant leave to have witnesses testify remotely if good cause is shown and notice is given. In such cases, the witness must testify from a quiet space, using a desktop or laptop connected with a reliable and fast internet connection. In advance of the testimony, the witness should have hard copies of any exhibits that might be referenced during the testimony. While the Court does have technology in place to provide for remote testimony, some parties have found it easier to use their own technology (i.e., Zoom, Teams) fed into the Court's audio/visual system. All technical arrangements for remote testimony should be made in advance so that no time is wasted during trial.