

**DEPARTMENT F44 RULES AND ORDERS**  
**Chatsworth Courthouse** -- 9425 Penfield Avenue, Chatsworth, CA 91311  
Department F44 - UNLAWFUL DETAINERS & SMALL CLAIMS

**Judge:** Victor Avila

**Telephone Number:** (818) 407-2244

**Courtroom Hours:** 8:30 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

**Trial Hours:** 10:30 a.m. to 4:15 p.m. (Lunch Break 12:00 p.m.-1:30 p.m.) Monday-Friday

**Unlawful Detainers:** Monday, Wednesday, and Fridays

**Small Claims:** Tuesday, Thursday, and Fridays

**LA Court Connect:** Yes

**CIVILITY AND DECORUM**

The Court's goal of fair, timely, and efficient resolution of cases can only be achieved with the assistance and cooperation of counsel and self-represented parties. Uncivil or unprofessional behavior will not be tolerated.

**UNLAWFUL DETAINERS**

**HEARINGS**

**Ex Parle:** 8:30 a.m. Monday- Friday; Must be electronically filed by 10:00 a.m. on the court day prior to the hearing. Pro Per (self-represented) parties may bring physical copies to the Clerk's Office by 8:30 a.m. on the hearing day. Proposed orders are required; oppositions must be filed by 8:30 a.m. on the day of hearing. **THIS IS A HARD DEADLINE. NO EXCEPTIONS.**

**Law & Motion:** Heard Monday, Wednesday, and Friday at 8:30 a.m. Tentative rulings may issue after 3:00 p.m. the day before the hearing. Parties may submit on the tentative ruling with Judicial Assistant's approval.

**Discovery Motions:** Strongly discouraged. Parties must meet and confer by phone or in person before filing. Letters/emails do not satisfy the meet-and-confer requirement.

**Demurrers:** Must comply with CCP §430.41 meet-and-confer requirements. Demurrers filed without proper meet and confer will be taken off calendar.

**Exhibits:** All document exhibits **MUST** be placed in binders under tabs, and each page must be numbered within each tab. The exhibit list must be included in the binders. Exhibits must be brought to Court on the first day of trial. Binders should be provided for the Judge, Judicial Assistant, Opposing Counsel and Reporter.

**UD COURT TRIALS**

**Court Trials:** 8:30 a.m. Monday, Wednesday, Friday

***Trial Preparation:*** All parties to exchange trial exhibits prior to the trial date. Trial documents filed by represented parties must be electronically filed pursuant to the Final Status Conference Order (except for exhibits).

#### **UD JURY TRIALS**

***Jury Trials:*** 8:30 a.m. Monday, Wednesday, Friday

For all jury trials, the following documents shall be filed electronically at least ten (10) calendar days before the trial date. Exempt parties may file the following documents either electronically or by conventional means (i.e., printed copies on paper) at least ten (10) calendar days before the trial date.

1. Motions in Limine (if any),
2. Trial Briefs,
3. Joint Witness List,
4. Joint Exhibit List,
5. Joint Statement of the Case,
6. Joint Jury Instructions,
7. Joint Verdict Form, and,
8. 3-Ring Trial Binder containing all the documents above with a table of contents.

#### **SMALL CLAIMS**

##### **TRIALS**

***Court Trials:*** 8:30 a.m. Tuesday, Thursday, Friday

***Trial Preparation:*** Prior to the trial date, Plaintiff must file proof of proper service. All parties are required to exchange trial exhibits, at least, 10 days before trial. Any party submitting exhibits via the Court's digital portal or by mail must confirm that the opposing party has received a copy of the exhibits or has access to them.

#### **MISCELLANEOUS**

***Check-in Procedures:*** Check in with court staff in Courtroom.

***Argument Protocol:*** Argument from counsel table only.

***Discovery Disputes:*** Local Rules.

***Continuation/Off Calendar Policy:*** Per Court Order or by stipulation only.

***Local Rules:*** Comply with Local Rules unless other Court Order.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
NORTH VALLEY DISTRICT, CHATSWORTH BRANCH  
JUDGE VICTOR AVILA  
DEPT. F44**

**FINAL STATUS CONFERENCE ORDER**

**In-Person appearance at the FSC is mandatory.**

The Court issues the following orders pertaining to the FSC as follows:

1. All parties shall meet and confer and/or exchange information at least fifteen (15) court days before the FSC as required by this order and *Los Angeles County Court Rules*, Rule 3.25(g). Any failure to timely comply with any item required by this order shall subject any such non-complying party to the imposition of appropriate sanctions, including but not limited to monetary, exclusion of evidence, issue preclusion, denial of a claim or defense, dismissal, or contempt (pursuant to CCP §§128.5, 177.5, 575.5 and 583.410; Government Code §68608, CRC Rule 526).
2. If the action is settled or otherwise resolved before the FSC, no appearance will be necessary as long as either a Request for Dismissal of the entire action or a Notice of Settlement under California Rules of Court Rule 3.1385 is electronically filed with this Court at least two (2) court days before the scheduled FSC. If a party is exempt from the electronic filing requirements, that party shall file and serve a printed copy of the Request for Dismissal or Notice of Settlement at least two (2) court days before the scheduled FSC. The parties are also requested to notify the Clerk of this Court immediately by phone, (818) 407-2249, upon settlement or resolution of the action.

3. **COURT TRIALS**

For all Court trials, the following documents shall be filed electronically at least ten (10) calendar days before the FSC. Exempt parties may file the following documents either electronically or by conventional means (i.e., printed copies on paper) at least ten (10) calendar days before the FSC.

- a. Motions in Limine (if any),
- b. Trial Briefs,
- c. Joint Witness List, and
- d. Joint Exhibit List.

4. **JURY TRIALS**

For all jury trials, the following documents shall be filed electronically at least ten (10) calendar days before the FSC. Exempt parties may file the following documents either electronically or by conventional means (i.e., printed copies on paper) at least ten (10) calendar days before the FSC.

- a. Motions in Limine (if any),
- b. Trial Briefs,

- c. Joint Witness List,
- d. Joint Exhibit List,
- e. Joint Statement of the Case,
- f. Joint Jury Instructions,
- g. Joint Verdict Form, and,
- h. 3-Ring Trial Binder containing all the documents above in 4.b through 4.g, with a table of contents.

**5. REQUIREMENTS FOR SPECIFIC TRIAL DOCUMENTS:**

a. **MOTIONS IN LIMINE**

All motions in limine, if any, must be in writing, numbered, and shall be served on all opposing parties and counsel and electronically filed at least **ten (10) calendar days** before the FSC. Untimely motions may not be considered. An opposition to any motion in limine must be in writing, numbered, and served and electronically filed by represented parties at least **five (5) calendar days** prior to the FSC. (Exempt parties may file same by conventional means on printed paper directly in Department F44.) The opposition must refer to the numbers used by the moving party. All parties must meet and confer on all motions in limine prior to filing said motions. Failure by any party or counsel to exchange or discuss any motion in limine may result in the refusal by the Court to hear any such motion in limine, pursuant to applicable court rules. Boilerplate or form motions in limine are disfavored. See "Motions in Limine Best Practices."

**Separate Notebooks Are Required for All Motions in Limine:** In addition to filing electronically, the party filing the motion(s) in limine must also submit a 3-ring binder notebook containing all motions, oppositions, and replies. The notebook must have both a Table of Contents and tab dividers to separate each numbered motion and its corresponding opposition and reply. The notebook shall be submitted at least **two (2) calendar days** prior to the FSC. Late filed notebooks may result in the motions not being considered.

b. **TRIAL BRIEFS**

Trial briefs are mandatory for all (both Court and jury) trials and must include the following information and not exceed 20 pages:

- 1) A brief description of each cause of action and key affirmative defenses presented and the issues to be decided;
- 2) Statement of ultimate facts or issues to which you will stipulate;
- 3) Those facts established by admissions in pleadings; admissions by discovery and/or stipulation of the parties;
- 4) All contested issues of fact;
- 5) All contested issues of law, together with points and authorities supporting the position of the parties;

- 6) A list of major evidentiary issues anticipated, any relevant points and authorities supporting the position of the parties;
- 7) A detailed statement of the damages and relief claimed, including a specific breakdown of the elements of damages claimed and the amount sought; and,
- 8) Any other information that will assist the Court.

c. **JOINT WITNESS LIST**

The jointly prepared Witness List must include the name of each witness, an estimate of time for direct and cross-examination, and the total amount of time of all witness testimony combined for the entire trial. Potential scheduling problems must be noted.

d. **JOINT EXHIBIT LIST**

- 1) All parties must jointly prepare and exchange a completed Exhibit List, indicating each document and item of physical evidence, and whether there is a stipulation to authenticity and/or admissibility. Each exhibit shall be numbered or lettered. All parties shall agree in advance that their respective party will have a range of exhibit numbers or letters (e.g. Plaintiff No. 1: 1-99; Plaintiff No. 2: 100-199; Defendant: A-Z). Each exhibit must be separately identified. Subparts to an exhibit (e.g., IA, IB, etc.) must also be identified and listed separately. Each page of a multi-page exhibit must be consecutively paginated. All items so referred to in the Exhibit List must be exchanged and/or reviewed by each counsel or the parties prior to the FSC. Identical copies of the Exhibit List and all exhibits must be provided in 3-ring binders as follows: one for each party, one for the Court, and one for the witness stand.
- 2) Each party must prepare a list of discovery material intended to be used at trial, including but not limited to interrogatories and requests for admissions and any responses thereto as well as deposition(s), all of which shall specifically identify the date, document, page and line. If depositions or other discovery responses are intended to be used at trial, originals shall be lodged with the Court at the time of trial.
- 3) Any party objecting to any listed exhibit, whether as to foundation or admissibility, must first meet and confer prior to trial. Any objections not so discussed in the meet and confer shall be deemed waived except upon a showing of good cause.

e. **JOINT STATEMENT OF THE CASE**

The parties shall submit a printed copy of the jointly prepared, short, non-argumentative written statement of the case to be read to the jury.

f. **JOINT JURY INSTRUCTIONS**

Jury Instructions shall be submitted by both electronic filing and by a printed copy delivered directly to Department F44. However, non-represented parties are only required to submit jury instructions by delivering a printed copy directly to Department F44. As for all Jury Instructions, they must conform to the following requirements:

- 1) A jointly submitted packet of all requested and properly edited jury instructions to which there is no objection.

- 2) Each party shall also submit specifically requested and properly edited instructions not requested by the opposing counsel/party. These instructions shall be inserted into the aforementioned packet of the jointly submitted jury instructions, all to be considered and discussed by the Court at an appropriate time during the pendency of the trial.
- 3) The Court strongly encourages the use of CACI jury instructions.
- 4) The printed, hard copy of the jury instructions delivered directly to Department F44 shall be submitted on **2-hole punched, perforated paper** so as to allow for separation of the identification of the instruction from the text of the instruction, to be submitted to the jury for reference during deliberation. All requested CACI instructions, per the foregoing, must be submitted in proper form which includes:
  - A) At the top of each requested jury instruction, identification of the party/parties requesting the instruction;
  - B) Whether the instruction is to be given as requested or modified;
  - C) Whether the instruction is withdrawn; and
  - D) A signature line for the Court.

g. **JOINT VERDICT FORM**

A special verdict form is mandatory and shall be jointly prepared in final form. This special verdict form shall be adapted to CACI with proper spacing, particularly noted to allow for both clarity and direction.

6. **TRIAL BINDERS ARE REQUIRED FOR ALL JURY TRIALS BUT ARE DISCRETIONARY FOR ALL COURT TRIALS**

For all jury trials, the parties/counsel shall jointly prepare and lodge a trial binder with the Court **at least two (2) calendar days** before the FSC, containing the required trial documents, tabbed and organized into 3-ring binders, with a **Table of Contents** in the front of each binder, as follows:

- Tab A: Trial Briefs of all parties
- Tab B: Joint Witness List
- Tab C: Joint Statement to be Read to the Jury
- Tab D: Joint Exhibit List
- Tab E: Joint List of Jury Instructions (identifying the agreed upon and contested instructions)
- Tab F: Joint and Contested Jury Instructions
- Tab G: Joint and/or Contested Verdict Forms

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 party.

Please note that the trial binder and Motions in Limine binder(s) should be in separate notebooks.

7. **EXHIBITS**

All exhibits sought to be admitted by the parties shall be placed in Exhibit Notebooks. On the first day of trial, the parties are **ordered to jointly submit five identical copies of the Exhibit Notebooks as**

**follows: one for each party, two for the Court, and one for the witness stand.** Trial and evidentiary hearing exhibits shall not be filed electronically.

The Court strongly prefers the parties to file a joint exhibit notebook, containing both parties' exhibits in one notebook. Those exhibits can be numbered consecutively in the lower, right-hand corner of each document. Each page should be given an exhibit number, so that if an exhibit contains multiple pages, it should have a "-"(dash) delineating each page. For example, if Exhibit 1 consists of 3 pages, it would be numbered as follows: Exhibit 1-1, 1-2, and 1-3.

## 8. **DISCOVERY**

If the parties intend to use any discovery during trial, the parties must **exchange in writing no later than 10 court days prior to the FSC** the particulars of any such discovery. For example, if a party proposes to read or show a video excerpt from a deposition, the proffering party must identify *in* writing the name of the deponent, page, and line numbers to opposing counsel no later than 10 court

days prior to the FSC. Failure to provide the specific discovery intended to be used at trial in writing and on a timely basis may result in a Court order prohibiting the use of said discovery.

- All parties must serve on the opposing attorney/*in pro per* party in writing and **no later than 10 court days before the FSC** all excerpts from depositions, responses to interrogatories, responses to requests for admissions, or other discovery responses to be used for any purpose at trial other than solely for impeachment and mark each excerpt as an exhibit.
- All parties shall meet and confer in a good-faith effort to resolve admissibility issues related to these excerpts. Any unresolved disputes must be memorialized in writing.
- All parties shall submit to the judge no later than **10** court days before the FSC a list of all excerpts from depositions and other discovery responses to be used at trial except for impeachment, along with any stipulations to their admissibility.
- On the first day of trial, the parties must lodge with the courtroom clerk the originals of all deposition transcripts, to be used for any purpose, before trial begins.
- On the first day of trial, the parties must provide sufficient copies **for** the judge, the opposing parties, and the witness of all excerpts from interrogatories, requests for admission, depositions, and video depositions.
- Any objections to the use of discovery material shall be done by way of an *in limine* motion.

## 9. **JURY SELECTION**

- a. The Court questions 12 prospective jurors on voir dire and then each side is given the opportunity to inquire (beginning with the plaintiff). This process is continued until the jury and the alternates are selected.
- b. In every case, **the** Court generally asks the questions set forth in the California Rules of Court, Standard 3.25, Examination of Prospective Jurors in Civil cases.
- c. Each side is given a reasonable amount of time for attorney voir dire of the first group of 12, and then a few minutes for follow up for each newly seated juror following peremptory challenges. The Court is not rigid about the allotted time if the parties are using the time reasonably.

- d. Hardship and Comfort Questions Prohibited: Counsel are not to ask "comfort" questions of the jury like inquiring whether they would rather be doing something other than jury service or whether they are likely to be bored if the case is complicated. Another typical "comfort" question is the question, "is there anybody who doesn't want to be here for any reason?" California Judicial Administration Standards section 3.25(h). Further, with respect to hardship issues, be they vacations, meetings, doctor's appointments, or anything else, the Court will ask each juror to write out their hardships or conflicts. Counsel are not to inquire about hardships with the jurors unless it is an individual inquiry after reading and considering the note written by the juror and having received permission from the Court.

10. **WITNESSES**

- a. It is counsel's responsibility to have their witnesses available during their case to avoid unnecessary trial delays. If a party has no more witnesses to call, the Court may deem the party to have rested. The court expects that counsel will exercise reasonable judgement in arranging for witnesses.
- b. If a witness has not completed his or her testimony at the time of recess or adjournment, council shall have the witness on the stand before the jury is seated.
- c. If a party requests that a witness be called during another party's case in chief, counsel for that party shall meet and confer with opposing counsel promptly upon learning of the need for witness accommodation.
- d. If a witness requires an interpreter or needs accommodation based on disability or otherwise, council shall make any necessary arrangements with the court clerk sufficiently in advance to avoid trial delays.
- e. The court, not counsel, will admonish a witness while on the stand about responding to questions. LACSCR 3.108.
- f. Unless a witness is excused, counsel is admonished to refrain from discussing testimonial issues with witnesses at any time when the court is **in** recess we're not **in** session. A witness is a ward of the court and is not entitled to be cured, assisted, or helped approaching his/her cross examination. See *Kade/back v. Amaral* (1973) 31 Cal.App.3d 814. Counsel may talk to unexcused witnesses for scheduling or other nontestimonial issues.

August 6<sup>th</sup>, 2025

DATE: \_\_\_\_\_

*Victor Avila*

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VICTOR AVILA  
Judge of the Superior Court