

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - SOUTH CENTRAL DISTRICT
DEPARTMENT E
Judge Michael B. Wilson
Courtroom Information & Procedures**

COURT INFORMATION

Compton Courthouse, 200 W. Compton Blvd, Compton, CA 90220

Department Main Telephone Number: (310) 761-4333

COURTROOM HOURS

Doors open from 8:30 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

Check-in begins at 8:30 a.m. in the morning and 1:30 p.m. in the afternoon.

COURT STAFF

Judicial Assistant: Romar Aspiras

Courtroom Assistant: Myra Kinney

LOCAL COURT RULES

Los Angeles Superior Court- Local Court Rules

DEPARTMENT E RULES

PROFESSIONALISM, CIVILITY AND COURTROOM DECORUM: At all times, counsel's conduct before the court, in writing, in communication and with regard to each other and self-represented litigants shall be professional, polite, courteous, and respectful. Counsel are required to comply with local rules and State Bar rules on civility and professionalism. The Court expects and requires the highest degree of professionalism from counsel appearing in this Department, including knowledge of, and compliance with, the Code of Civil Procedure, the California Rules of Court, the Los Angeles County Superior Court Rules, and the California Attorney Guidelines of Civility and Professionalism. The Court intends to treat everyone with dignity and respect and expects all those involved to do the same. Uncivil or unprofessional behavior will not be tolerated.

TELEPHONE/VIDEO APPEARANCES: The Court has implemented LACourtConnect (LACC) to allow attorneys and self-represented litigants to make audio or video appearances in Los Angeles County courtrooms at no cost, if they prefer not to appear in person. Schedule appearances at <https://my.lacourt.org/laccwelcome> The Court expresses a preference for video appearances, as opposed to audio-only appearances. If you are unable to appear by video please provide, at the time of registration, the name of the attorney who will make the appearance, along with the phone number from which the attorney will call in. Registering by phone number only, or without the correct name, is discouraged and may result in delay when your case is called.

DIFFICULTIES WITH SIGNING IN FOR REMOTE APPEARANCES: If you have difficulty signing in, please completely disconnect and try again. If you are on hold for more than 10 minutes and cannot hear anything, please call the help desk at (213) 830-0400. If you are unable to reach the help desk, please call the department.

FILINGS: The Los Angeles County Superior Court has implemented electronic filing of all documents filed in the Limited and Unlimited Non-Complex Civil matters by litigants represented by attorneys pursuant to the operative General Order re Mandatory Electronic Filing for Civil.

Pursuant to California Rules of Court, Rule 2.253(b), represented litigants are required to electronically file documents with the Court through an approved Electronic Filing Service Provider. Pursuant to California Rules of Court, Rule 2.253(b)(2), self-represented litigants are exempt from mandatory Electronic filing requirements and papers should be filed at the filing window. Please deliver courtesy copies directly to the courtroom pursuant to the General Order re Mandatory Electronic Filing.

COURT REPORTERS: Because Department A is dedicated to unlimited jurisdiction civil cases, the services of an official court reporter are not available for hearings or trials in Department A, except as provided by California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivision (a). A party who has not received a fee waiver may arrange for the presence of a certified shorthand reporter to serve as official pro tempore reporter pursuant to California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivisions (a) and (e). A party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivision (a).

The Court strongly encourages the parties to bring a court reporter for trial. If no court reporter is used, the parties must jointly prepare a summary of the day's proceedings, and lodge it in the courtroom the next morning before proceedings resume.

TRIALS: The Court sets trial dates at the Case Management Conference. Please review the Court's TRIAL PREPARATION REQUIREMENTS on the Court's website. Unless the Court is dark/closed, all

trials are set for Mondays, and all Final Status Conferences are set for the Friday ten (10) days before the trial date.

Motions in Limine are heard at the Final Status Conference and should be filed and served so that proper statutory notice is given for the Motions in Limine to be heard at the Final Status Conference. All trial documents must be filed pursuant to the TRIAL PREPARATION REQUIREMENTS (except for exhibits). The parties must comply with the Court's TRIAL PREPARATION REQUIREMENTS with regard to jury trials as well as the Los Angeles Superior Court Local Rules (Chapter Three, Civil Division Rules) and California Rules of Court. Failure to comply with the Court's TRIAL PREPARATION REQUIREMENTS, the Superior Court Rules and the Rules of Court may result in the imposition of sanctions pursuant to Code of Civil Procedure §§ 128, 128.5, 177 and 177.5 as well as Rules of Court 2.30 and 3.1548 and Local Rules 3.25 and 3.37.

CONTINUANCES: Requests for continuances of hearings or trials will be considered upon written stipulation and order. A stipulation and order shall state the date the complaint was filed, the proposed continuance date(s), grounds showing good cause for the continuance, and be submitted with payment of the stipulation and order and first appearance fee of all parties to the stipulation. If there is no stipulation, the parties may seek a continuance by noticed motion or an ex parte application. **PLEASE NOTE, IF THERE IS AN OPPOSITION TO A REQUEST FOR CONTINUANCE, THE COURT WILL NOT CONTINUE HEARING/TRIAL DATES WITHOUT A SHOWING OF GOOD CAUSE BY THE REQUESTING PARTY.**

LAW & MOTION: The Court hears law and motion on weekdays at 8:30 a.m.

1. Scheduling: All motions to be heard in Department E are to be reserved through the Court Reservation System at <https://portal-lasc.journaltech.com/public-portal/>
2. Shortening Time: Please make every effort to conduct litigation so as to minimize the need for requesting that the Court shorten time to hear a motion. The Court does not consider counsel's or a litigant's failure to timely schedule motion practice an affirmative factual showing of irreparable harm, immediate danger or any other statutory basis for granting relief ex-parte. (CRC § 3.1202(c).)

Because it is usually difficult for the court to advance the hearing on a motion for summary judgment or summary adjudication, if a party files an ex parte application to advance the hearing on such a motion because no hearing dates are available on the Court Reservation System before the trial date, the moving party should also consider including an alternative request that the court continue the trial to a date after the hearing on the motion.

3. Discovery Motions: The Court strongly discourages discovery motions and encourages informal resolution of discovery disputes. The Court is amenable to participating in informal discovery conferences upon request of all parties. The rules governing discovery

are very clear, and virtually all disputes can be resolved through communication and good faith discussion. The Court strongly encourages the parties to request an IDC if there is a discovery dispute, but there is no requirement to hold an IDC prior to filing a discovery motion. If the Court orders an IDC a joint statement of discovery in dispute (no more than five pages) shall be filed and a courtesy copy delivered to Department E three (3) court days before the IDC. Counsel shall bring all discovery related to the dispute to the IDC. Before filing a discovery motion, the parties should meet and confer in person, by phone or by videoconference to resolve or at least narrow the dispute.

SETTLEMENT: While some cases need to be tried, most cases can and should be resolved without the need for trial. "There is a strong public policy in the State of California to encourage the voluntary settlement of litigation." (*Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1339.) The court believes that it is in the best interests of the parties to settle their cases at an early stage to avoid the time, expense, uncertainty, and risk of trial, to enable them to devote their time and energy to matters that are more productive, and to be in control of their financial affairs moving forward.

Toward that end, the court expects the parties' counsel and any self-represented parties to discuss before the Case Management Conference, and to be prepared to address at the Case Management Conference, whether the parties will stipulate to hold a mediation with a private mediator and to share the costs (typically, 50% paid by plaintiffs and 50% paid by defendants, or on a pro rata basis where appropriate) and, if so, what deadline the court should set for completion of the mediation. If the parties stipulate to hold a mediation with a private mediator, the court will order the parties to hold a mediation. If the parties do not stipulate to participate in a voluntary mediation, then at the Case Management Conference the court will usually issue an order requiring the parties and their counsel to hold a meeting to discuss and try to settle all disputed issues in the case by a date certain.

Information regarding LASC settlement programs is attached hereto as Appendix 1.

EX-PARTE APPLICATIONS: *Ex parte applications are heard daily, if time permits, at 8:30 a.m.* Before bringing an ex parte application, all parties should review California Rules of Court 3.1200 - 3.1207 and Los Angeles County Superior court Rule 3.26. Please pay particular attention to the notice requirements and the requirement of an affirmative factual showing of good cause. Among the most common grounds for denial of an ex parte application is the failure to provide proof of the required notice and/or failure to prove why the application could not be brought as a noticed motion. An "emergency" caused by procrastination or other unexcused delay on the part of the applicant is not grounds for ex parte relief. Counsel and self-represented litigants may appear on ex parte applications via LACourtConnect or in person. ***The Court may rule on the ex parte papers without any oral argument if a hearing is deemed unnecessary. With that in mind, please include all necessary information and evidence in the ex parte application; waiting to present evidence at oral argument may result in denial of the application if a hearing is deemed unnecessary.***

Please note that section 8 of the First Amended General Order governing Mandatory Electronic Filing for Civil, filed May 3, 2019, provides that, with the exception of self-represented litigants and other persons excused from filing documents electronically, and with the exception of ex parte applications falling under CRC Rule 3.1203:

- a) Ex parte applications and all documents in support thereof must be electronically filed no later than 10:00 a.m. the day before the ex parte hearing.
- b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing ...

SELF-REPRESENTED LITIGANTS: Information for self-represented litigants is available online at: <https://www.courts.ca.gov/selfhelp.htm>.

LANGUAGE ASSISTANCE: The Los Angeles Superior Court language access services division provides multilingual interpretation and general language services in court proceeding to ensure meaningful participation in the judicial court process for individuals with limited English proficiency. In doing so, the Court promotes equal access to justice and guarantees court procedures are fair and understandable for Court users from diverse cultural backgrounds. ***If you may need an interpreter for a courtroom proceeding visit the court's website at https://www.lacourt.org/generalinfo/courtinterpreter/GI_IN001.aspx***

APPENDIX 1
ADR Programs for Unlimited Civil Cases

SETTLEMENT PROGRAMS

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.

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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>.

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DEPT. E TRIAL PREPARATION REQUIREMENTS

1. MEET AND CONFER

No later than 18 calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall exchange all exhibits they intend to introduce at trial.

No later than 11 calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall meet and confer to do the following: (1) discuss and prepare the documents required in Sections 2.B-H, below, and the Motions in Limine Binder, Exhibit Binders, and Trial Binder required in Sections 3-5, below, (2) discuss and make a good faith effort to stipulate to the authenticity and admissibility of each trial exhibit, (3) discuss and make a good faith effort to stipulate to resolve each motion in limine, (4) discuss and make a good faith effort to stipulate to ultimate facts and legal issues, and (5) discuss and make a good faith effort to settle the case.

2. TRIAL DOCUMENTS TO BE FILED

No later than five calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall file and serve the following documents:

A. TRIAL BRIEFS

Each party is required to file a trial brief succinctly identifying:

- (1) the claims and defenses that remain in dispute for trial;
- (2) the major legal issues (with supporting points and authorities);
- (3) the relief and calculation of any damages sought; and
- (4) any other information that may assist the court at trial.

B. JOINT WITNESS LIST

The parties' counsel and any self-represented parties shall work together to prepare and file a joint list of all witnesses whom any party intends to call at trial, excluding impeachment and rebuttal witnesses. (Los Angeles County Court Rule ("Local Rule") 3.25, subd. (g)(5).) The joint witness list shall be organized with columns (in the format set forth below) which state (1) the name of each witness (in alphabetical order), if the witness is being called to testify as an expert, and any special requirements or accommodations needed for the witness (*e.g.*, interpreter),-(2) the party calling the witness, (3) whether the witness is actually expected to testify, (4) a brief description of the witness's expected testimony, (5) an estimate of the length of direct and redirect examination (in hours), (6) an estimate of the length of cross-examination (in hours), and (7) the total estimated length of examination (in hours). At the end of the joint witness list, the parties and any self-represented parties shall add up the estimated times for all witnesses' testimony and state the grand total in the last column. Absent good cause, the total number of hours listed for

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testimony should not exceed the trial estimate given at the case management conference, including the allocation of I day for jury selection. Any witness who is not included on the joint witness list is subject to being excluded from testifying at trial other than for purposes of giving actual impeachment or rebuttal testimony. 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 court.

JOINT WITNESS LIST						
Name (State if Expert or if interpreter required and required language)	Party Calling (II/A)	Actually Expected To Testify? (Yes/No)	Brief Description of Testimony	Length of Direct & Redirect (in hours)	Length of Cross (in hours)	Total Length (in hours)

C. JOINT EXHIBIT LIST AND EXHIBITS ADMITTED DURING TRIAL

The parties' counsel and any self-represented parties shall work together to prepare and file a joint exhibit list organized with columns (in the format set forth below) which state, as to each exhibit any party intends to offer at trial: (1) the exhibit number, (2) a brief description of the exhibit, (3) which party is offering the exhibit, (4) whether the parties have stipulated to authentication of the exhibit, (5) whether the parties have stipulated to admissibility of the exhibit, (6) any evidentiary objections to admission of the exhibit with reference to the applicable evidence code section(s) or other legal authority, (7) the date the exhibit was marked for identification, and (8) the date the exhibit was admitted into evidence. (Local Rule 3.25, subd. (g)(6).) As set forth above, the parties' counsel and any self-represented parties shall meet and confer in good faith an effort to resolve objections to the authenticity and admissibility of each exhibit. If an objection to an exhibit is not articulated on the exhibit list, the trial court may deem the exhibit admitted. At the end of each trial day counsel must meet and confer and submit to the Court's judicial assistant an agreed-upon list of all exhibits admitted that day. The parties are required to comply with Paragraph 5, *irifra*, regarding Electronic Media as Exhibits.

JOINT EXHIBIT LIST							
No.	Description	Offered By (II/A)	Stipulate to Authen.? (Yes/No)	Stipulate to Admiss.? (Yes/No)	Evidentiary Objections	Date marked for ID	Date Admitted

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D. JOINT STATEMENT TO BE READ TO THE JURY

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a brief, joint written statement of the case for the court to read to the jury. (Local Rule 3.25, subd. (g)(4).)

**E. JOINT LIST OF PROPOSED JURY INSTRUCTIONS
(JOINT AND CONTESTED)**

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a joint list of proposed jury instructions (in the format set forth below) which states, as to each proposed jury instruction: (1) the jury instruction number (listed in numerical order), (2) the title of the jury instruction, (3) the party/parties requesting the jury instruction, (4) whether the jury instruction is agreed upon or contested, (5) a concise statement of any objection, and (6) whether the jury instruction was given by the court ("Joint List of Proposed Jury Instructions").

JOINT LIST OF PROPOSED JURY INSTRUCTIONS					
No.	Title	Requested By (IDA)	Agreed or Contested	Objection	Given (Yes/ No)

F. JURY INSTRUCTIONS (JOINT AND CONTESTED)

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare a complete set of full-text proposed jury instructions, editing all proposed Judicial Council of California Civil Jury Instructions ("CACI") instructions, inserting party names, and eliminating blanks and other irrelevant or inapplicable material. **The proposed jury instructions shall be prepared on Los Angeles Superior Court form LASC LACIV 129 or in a Word document that is in the same format including the disposition box.** If there is an appropriate CACI jury instruction on a point of law, the court expects the parties to request the CACI instruction instead of a specially prepared jury instruction. Specially prepared jury instructions should be used sparingly and should not be repetitive of CACI instructions or argumentative in nature. After the jury instruction conference, the court will require one of the parties to submit a final set of jury instructions approved by the court, including any modifications ordered by the court, and excluding the disposition table from the top of each instruction.

G. VERDICT FORM(S)

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a joint proposed general verdict form or a joint proposed special verdict form acceptable to all parties. (Local Rule 3.25, subd. (g)(8).) If after exhaustive meet and confer

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efforts the parties cannot agree on a joint verdict form, each party must separately file a proposed verdict form, and bring an electronic copy of their proposed verdict form in Word to the FSC, ready to be edited in the courtroom. When a special verdict form is requested, if there is an appropriate CACI special verdict form for a cause of action, affirmative defense, or other finding, the court expects the parties to use (or incorporate) the CACI special verdict form. The parties should strive to ensure that the proposed verdict form ensures against an award of duplicative damages.

**H. JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR
DEPOSITION AND FORMER TESTIMONY**

If any parties intend to use deposition testimony or former trial testimony in lieu of or in addition to a witness's live testimony, the parties' counsel and any self-represented parties shall meet and confer to discuss, and work together to prepare and file, a joint chart in the format set forth below ("Joint Chart of Page and Line Designations for Deposition and Former Testimony").

In the joint chart, each designating party's designations of deposition or former testimony shall include columns which state: (1) the designation number and name of the witness, (2) the date and type of testimony (*e.g.*, deposition or trial testimony), (3) the page and line designations of the deposition or former testimony requested to be used, (4) any objections, (5) whether the other party has counter-designated any additional deposition or former testimony of the witness that relates to the designation, and, if so, the designation number of the counter-designation, and (6) the court's ruling.

In the joint chart, each counter-designating party's counter-designations of additional deposition or former testimony of the witness that relates to the designations shall include columns which state: (1) the designation number and name of the witness, (2) the date and type of testimony (*e.g.*, deposition or trial testimony), (3) the page and line counter-designations of the deposition or former testimony requested to be used, (4) any objections, (5) the designation number of the other party's designation to which the counter-designation relates, and (6) the court's ruling.

The parties shall attach copies of the pages of the transcripts of the deposition or former testimony they are designating or counter-designating to the Joint Chart of Page and Line Designations for Deposition and Former Testimony, with numbered tabs separating each deposition or trial transcript. Each designation or counter-designation shall be highlighted, with each party using a different color highlighter.

The parties shall meet and confer to ensure that transcripts of each deposition identified on the Joint Chart of Page and Line Designations for Deposition and Former Testimony is lodged with the court prior to the commencement of trial.

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JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR DEPOSITION AND FORMER TESTIMONY					
I. Plaintiff's Designations					
Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	Is There a Counter? <Yes/No/#>	Ruling
1. Jane Doe	1/3/20 Deoo.	1:2-25	Hearsav	Yes#4	
2. Jane Doe	3/4/19 Trial Testimonv	5:20-25		No	
3. Jill Doe	1/15/20 Deno.	2:5-10		No	
Defendant's Counter-Designations					
Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	What # Does This Counter?	Ruling
4. Jane Doe	1/3/20 Deoo.	1:26-2:20		#1	
II. Defendant's Designations					
Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	Is There a Counter? (Yes/No/#)	Ruling
5. Jane Doe	3/4/19 Trial Testimonv	5:20-25	No foundation	Yes#7	
6. Jill Doe	1/15/20 Depo.	2:5-10		No	
Plaintiff's Counter-Designations					
Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	What # Does This Counter?	Ruling
7. Jane Doe	3/4/19 Trial Testimony	5:26-6:10		#5	

3. MOTIONS IN LIMINE

Motions in limine shall be filed with statutory notice for hearing at the Final Status Conference. The parties' counsel and any self-represented parties shall comply with the statutory notice provisions of Code of Civil Procedure section 1005 and the requirements of Los Angeles County Court Rule 3.57, subdivision (a). Meet and confer efforts shall consist of more than one email advising the opposing party(ies) of the nature of the motion.

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The caption of each motion in limine shall concisely identify the evidence that the moving party seeks to exclude. 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.

The parties are encouraged to stipulate to waive the filing of replies to motions in limine.

The parties/counsel are strongly discouraged from filing more than 5 contested motions in limine.

The parties/counsel are strongly encouraged to stipulate to uncontested motions. Uncontested motions should note "uncontested" in the caption.

Motions in limine that are generic, do not identify the specific evidence sought to be excluded (e.g. exhibits, testimony and/or witnesses), seek rulings which would merely be declaratory of existing law or would not provide any meaningful guidance for the parties or witnesses are strongly disfavored. (See, *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659.) Motions in limine should not be used to seek summary judgment, summary adjudication of issues, or judgment on the pleadings.

No later than three calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall jointly prepare and lodge in Department A a Motions in Limine Binder which is no larger than 3". The Motions in Limine Binder shall include two-sided, conformed copies of all motions in limine, opposition papers, and reply papers, organized in one or more three-ring binders not to exceed 3" per binder, indexed and tabbed in numerical order with the opposition papers and reply papers for each motion placed directly behind the moving papers with a colored sheet of paper separating the moving, opposition, and reply papers. Proposed orders should not be included in the Motions in Limine Binder.

4. EXHIBIT BINDERS

The parties' counsel and any self-represented parties shall work together to jointly prepare three sets of tabbed, *internally paginated* by document, and properly marked exhibits, organized numerically in three-ring binders (not to exceed 3" per binder) (a set for the court, a set for the Judicial Assistant, and a set for the witnesses) ("Exhibit Binders"). A set of properly marked exhibits must also be provided to each opposing party prior to the start of trial. For example, if exhibit 5 is a five-page document, its pages should be numbered 5-1, 5-2, 5-3, etc. or 5.1, 5.2, 5.3, etc. Copies of documentary exhibits shall be one-sided copies. The parties' counsel and any self-represented parties shall mark all non-documentary exhibits and insert a simple written description of the exhibit behind the corresponding numerical tab in the Exhibit Binders, and shall comply with Paragraph 5, *infra*. The parties' counsel and any self-represented parties shall also place the court's yellow evidence tags (with only the case number and exhibit number filled in) on each exhibit in the Judicial Assistant's copy of the Exhibit Binder. 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).

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The parties' counsel and any self-represented parties shall each bring *one volume* (not a full set) of the Exhibit Binders containing their exhibits to the Final Status Conference for the court to review. The parties shall lodge the entire three sets of exhibit binders on the first day of trial.

5. ELECTRONIC MEDIAAS EXHIBITS

a. If a flash drive or CD/DVD is offered into evidence, it must be listed on the Exhibit List, with a placeholder in the Exhibit Book identifying the exhibit and exhibit number, and the flash drive or CD/DVD must be marked as an exhibit. Every exhibit that is marked must contain an exhibit tag.

b. If the flash drive or CD/DVD contains photographs that are not individually marked as an exhibit, it must be described accurately on the Exhibit List, for example Plaintiff's Exhibit 2 (flash drive or CD/DVD containing 3 photographs).

c. If the flash drive or CD/DVD is marked as an exhibit and any of the photos contained or presented within the electronic media are also marked with a separate exhibit number, then each of the marked photos must be printed out and have an exhibit tag affixed to each item.

d. If the flash drive or CD/DVD contains a recording, the description on the Exhibit List must state whether it contains an audio file, and the submitting party must confirm that a transcript of the audio has been filed with the CD/DVD at the time the exhibit is offered to the court. [CRC, Rule 2.1040]

e. If a CD/DVD is in an envelope, sleeve, or case, the description on the Exhibit List must state the following, Plaintiff's 1 - DVD in a white sleeve containing 5 photographs of the defendant.

It is the proffering patty's responsibility to ensure a method of promptly displaying any electronic media trial exhibit in the jury room during deliberations upon request of the jury.

6. TRIAL BINDER

No later than three calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall jointly prepare and lodge in Department A a Trial Binder, consisting of one-sided, conformed copies, tabbed and organized in a three-ring binder with a table of contents that includes the following (for trials by the court without a jury, the Trial Binder shall only include the documents listed under Tabs A, B, C, H, and I):

TabA:	Trial Briefs
TabB:	Joint Witness List
TabC:	Joint Exhibit List
TabD:	Joint Statement to Be Read to the Jury
TabE:	Joint List of Jury Instructions
TabF:	Joint and Contested Jury Instructions
TabG:	Joint or Contested Verdict Form(s)

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TabH: Joint Chart of Page/Line Designations for Deposition/Former Testimony

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

The parties shall organize proposed jury instructions into groups behind Tab F in the following order (labeled by cover sheets): (1) the agreed-upon instructions, (2) plaintiff's requested instructions to which defendant objects, and (3) defendant's requested instructions to which plaintiff objects.

7. VISUAL AIDS DURING 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. (LASCRC 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.

8. WITNESSES

Counsel must 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. (LASCRC 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, unless permission is requested and granted pursuant to Local Rule 3.93. 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.

9. JURY SELECTION

The court will discuss methods of jury selection with counsel at the final status conference, but generally follows a 6-pack method. 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. At or before the Final Status Conference, counsel and any self-represented parties may submit questions in writing for the court to ask prospective jurors. 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.

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10. COURT REPORTERS AND SETTLED STATEMENTS

The Court strongly encourages the parties to bring a court reporter for trial. If no court reporter is used, the parties must jointly prepare a summary of the day's proceedings, and lodge it in the courtroom the next morning before proceedings resume.

11. FAILURE TO COMPLY WITH TRIAL PREPARATION REQUIREMENTS

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

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(£)(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(£)(1) states that failure to exchange and file the pretrial items set forth above may result in the exclusion of witnesses and/or evidence at trial, or waiver of jury trial.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - SOUTH CENTRAL DISTRICT

DEPARTMENT E

Judge Michael B. Wilson

Additional Case Management Conference Order (Song-Beverly Litigation)

TO BE USED ONLY UPON NOTIFICATION TO THE PARTIES AT CASE MANAGEMENT CONFERENCE

Discovery

The Court finds that Song-Beverly litigation routinely requires the disclosure of certain categories of information and that a general discovery order and procedure are warranted. The following Order is intended to promote the exchange of information, provide the parties with basic information necessary for the evaluation and assessment of litigation claims and reduce the burden of discovery requests and motion practice - all with an eye toward providing the parties with the information and documents necessary to evaluate the case and encourage settlement discussions. Accordingly, the Court orders as follows:

1. **Production of Documents:** Within 30 days of the case becoming "at issue"¹ Plaintiff(s) and Defendant(s) 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 Plaintiff(s) 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(s) concerning the subject vehicle.

¹ The case is "at issue" on the date the Court sets an initial trial date.

- f. Warranty Policy and Procedure Manual(s) or similar policies or claim-handling procedures published by Defendant(s) 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 that are substantially similar to the defects claimed by Plaintiff, in vehicles purchased of 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 vehicles of the same year, make, and model as 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 of the same year, make, and model as the subject vehicle whether mentioned in the repair history of the subject vehicle or not.
- 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. Any documents supporting Plaintiff's claim for incidental and/or consequential damages.

If a party believes any of this information should be subject to a protective order, that party shall first meet and confer as to agreeable language for the order. Absent a stipulation, the requesting party shall file a motion for a protective order.

The information required by this Order 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 each produces.

2. **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).

3. **Depositions:** Within the time limits allowed by law, Defendant may depose Plaintiff, and Plaintiff may depose the person most qualified (PMQ) as to up to 10 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).

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

IT IS SO ORDERED.