

STANLEY MOSK COURTHOUSE DEPARTMENT 26
ONLINE COURTROOM INFORMATION
JUDGE ANDREW ESBENSHADE
(213) 633-0526

CIVILITY: The court places a high value on civility, courtesy, and professionalism in the practice of law and the judicial process. The court expects all attorneys and parties to treat each other, witnesses, jurors, court personnel, the Court, and others with the highest level of courtesy both inside and outside the courtroom.

The Los Angeles County Bar Association has adopted “Guidelines for Civility in Litigation” which the Los Angeles Superior Court has adopted as recommendations to members of the bar. (LASC Local Rules, Appendix 3A, see <https://www.lacourt.org/courtrules/ui/index.aspx?tab=5.>)

The Court expects all attorneys and parties to read and follow those guidelines.

CASE MANAGEMENT CONFERENCES: Case Management Conferences are held at 8:30 a.m. The parties must comply with California Rules of Court, rule 3.722 et sez., and Local Rule 3.25 in connection with such conferences.

Counsel attending a CMC should be sufficiently knowledgeable about the case to address and agree upon matters listed in the CMC statement, including a discussion about the factual details of the pleadings.

TRIAL SETTING CONFERENCES: Counsel and/or self-represented parties are ordered to meet and confer in person or by video at least 14 calendar days in advance of the TSC and, at least 7 calendar days in advance of the hearing, *jointly* file (1) a statement of the issues to be tried, (2) a witness list with time estimates, and (3) a report on the status of discovery.

FILINGS: The Los Angeles County Superior Court has implemented electronic filing of all documents filed in Limited and non-complex Unlimited Civil matters by litigants represented by attorneys pursuant to the operative General Order re Mandatory 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 may file papers at the filing window on the first floor, Room 102.

The Court does not need courtesy copies of filings unless it makes a specific request.

EX PARTE: Ex parte applications are heard at 8:30 a.m. Monday through Friday and must comply with CRC 3.1200-1207. For represented litigants, 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 ex parte hearing. Any written opposition must be electronically filed by no later than 8:30 a.m. the day of the ex parte hearing. For self-represented litigants, ex parte application fees must be paid in Room 102 of the Clerk’s Office no later than 8:30 a.m. on the date of the ex parte hearing, and the ex parte application and all supporting documents must be submitted to the Judicial Assistant in Department 26 no later than 8:45 a.m. on the date of the ex parte hearing.

The Court typically considers and rules on ex parte applications based on the papers, without hearing oral argument. Attorneys and self-represented litigants may appear for ex parte hearings remotely by LACourtConnect.

DISCOVERY DISPUTES: The Court expects and encourages the parties’ counsel and any self-represented parties to informally resolve discovery disputes, instead of using expensive and cumbersome discovery motions.

Parties must meet and confer in person, by video conference, or by telephone to attempt to informally resolve all discovery disputes. If the parties cannot agree, the Court requests that the parties schedule an Informal Discovery Conference (“IDC”) with the Courtroom or Judicial Assistant and participate in an IDC before filing any discovery motion. Scheduling an IDC tolls the deadline for filing a discovery motion until further order of the Court. If a motion is filed without a prior IDC, the Court may continue the hearing until an IDC is held.

The Court conducts IDCs at 11:00 a.m. Monday through Friday. Please call the Courtroom or Judicial Assistant at the number listed above to set up a time for an IDC. The party calling should have already conferred with the other side and be prepared with at least three dates that work for both sides.

Five days before the IDC, the parties shall file and serve an IDC statement no longer than three pages if filed separately, and no more than five pages if filed jointly, which the Court prefers. These page limits do not include attachments to the extent the parties deem attachments necessary to file.

The Court does not expect parties to use the IDC process for third-party discovery disputes, though they may if they believe it would be useful and the third party is agreeable.

LESS EXPERIENCED ATTORNEYS: The Court strongly encourages law firms and governmental agencies to give less experienced attorneys the opportunity to argue motions and to have an important role at trial, including examining witnesses, conducting voir dire and giving opening statements and closing arguments.

INTERPRETERS: Court-certified language interpreters will be provided to limited English-speaking litigants free of charge. Please make the request at the court’s website at

<http://www.lacourt.org/irud/UI/ReqInput.aspx> or inform the Judicial Assistant as soon as possible. When presenting your case in court, a court-certified language interpreter must be used.

COURT REPORTERS: The Court does not provide a court reporter absent a fee waiver. A party who has received a fee waiver pursuant to CRC 3.55(7) may request an official court reporter by filing form FW-020 at least 10 calendar days prior to the hearing or trial, or as soon as practicable if the proceeding is set with less than 10 days' notice. (See CRC 2.956(c).) Given the limited availability of official court reporters, the Court may not know whether a reporter is available until the day of the hearing or trial. Proceedings in unlimited jurisdiction courts are not electronically recorded.

The Court strongly recommends the use of a court reporter for both bench trials and jury trials.

REMOTE APPEARANCE: LACourtConnect is available for remote appearances and may be used as provided for by CRC 3.670 (except for final status conferences and trials). NOTE: Court reporters must be present in the courtroom for all matters being reported.

LAW & MOTION: All parties must obtain a motion date via the online Court Reservation System (CRS) on the Los Angeles Court website. Go to "LA Court Online, Court Reservation System," at www.lacourt.org to reserve a date prior to filing any motion papers.

Parties/counsel are required to notify the court immediately by telephone or email if a party withdraws or takes off calendar a motion within 7 days of the scheduled hearing date.

TENTATIVE RULINGS: The court posts written tentative rulings on the Court's website www.lacourt.org for most motions. If a tentative ruling is posted, the parties are to inform the Judicial or Courtroom Assistant at check-in whether the party submits on the tentative ruling or would like to be heard.

DEPARTMENT 26 FINAL STATUS CONFERENCE AND TRIAL PREPARATION ORDER¹

Unless the Court orders otherwise, lead trial counsel shall appear at the Final Status Conference. The Court's Trial Preparation Order, which is available online and in hard copy on the courtroom, is as follows:

MEET AND CONFER REQUIRED PRIOR TO FINAL STATUS CONFERENCE

¹ Any failure to timely comply with any item required by this order shall subject any non-complying party to the imposition of appropriate sanctions, including but not limited to monetary sanctions, exclusion of evidence, issue preclusion, denial of a claim of defense, dismissal, or contempt (pursuant to CCP sections 128.5; 177.5; 575.2; 583.410; GC section 68608, and Local Rule 3.25 (f)(1).)

The parties must meet and confer sufficiently in advance to discuss, prepare, exchange, and eFile the following documents **NO LATER THAN FIVE COURT DAYS BEFORE THE FINAL STATUS CONFERENCE:**

FOR JURY TRIALS:

- 1) **TRIAL BRIEFS.** (optional for jury trials, *mandatory* for bench trials). Trial briefs are limited to ten pages unless permission to file an oversized brief is sought and granted in advance. Trial briefs should identify (1) the claims and defenses that remain in dispute for trial; (2) the major legal issues for trial (with supporting authorities); (3) the relief and calculation of damages sought; and (4) any other information that will assist the court in preparing for trial.
- 2) **JOINT STATEMENT OF THE CASE TO BE READ TO THE JURY.** A jointly prepared, short, non-argumentative written statement of the case to be read to the jury. Local Rule 3.25 (g)(4).
- 3) **JOINT WITNESS LIST.** All witnesses, other than those to be called exclusively for impeachment or rebuttal, must be identified on one list. Do not repeat the name of a witness who will be called by more than one party. The joint witness list must (1) identify each witness by name, (2) specify which witnesses are experts, (3) briefly describe the expected testimony, and (4) estimate the length of the direct, cross-examination and re-direct examination (if any) of each witness. In an additional column, the parties must total the time estimated for each witness's testimony. At the bottom of the witness list, the parties must total the time for all witnesses on direct, cross, and redirect. Make realistic time estimates. Absent good cause, the total number of hours listed for testimony should not exceed the trial estimate given at the CMC, including an allocation of one day for jury selection and one day for instructions, closing arguments, and deliberations. Identify all potential witness scheduling issues and special requirements, including interpreters on the witness list. Any party seeking to elicit testimony from a witness for other than impeachment or rebuttal who is not identified on the witness list must first make a showing of good cause to the court.
- 4) **JOINT EXHIBIT LIST AND EXHIBIT BINDERS.** All exhibits, other than those to be used exclusively for impeachment or rebuttal, must be listed on the list, identified by a number and brief description. The parties/counsel shall meet and confer in an effort to resolve objections to the authenticity and admissibility of each exhibit. The exhibit list must have a column labeled "Objections". If any party has any objection to the admissibility of any exhibit, the objecting party must be identified, and the grounds for the objection must be set forth in the "Objections" column next to that exhibit. The exhibit list must have two columns on the far right labeled "DATE ID'd" and "DATE ADMITTED" in which the Court Clerk may note the dates of identification and admission of each exhibit. Three-ring binders containing all exhibits must be available on the final status conference date, and all

parties must be prepared to tell the Court that they have had an opportunity to review all documents in the exhibit notebooks. Place a copy of the exhibit list in the front of each exhibit notebook and place tabs in the notebook to correspond with the exhibit number. If an exhibit contains more than one page, pages must be internally numbered, i.e., 3.1, 3.2, 3.3, etc. The parties must provide the court with three copies of the exhibit book: one for the Court, one for the Judicial Assistant, and one for the witness.

- 5) **JOINT LIST OF PROPOSED JURY INSTRUCTIONS (JOINT AND CONTESTED).** The parties/counsel shall jointly prepare and file one list of proposed jury instructions, organized in CACI numerical order. The instruction list must have 5 columns labeled: “CACI #,” “Title,” “Proposed by,” “Objection,” and “Given (Yes/No).” If all parties agree on an instruction, indicate “joint” in the “Proposed By” column, and leave the “Objection” column blank. Otherwise, indicate the party proposing the instruction in the “Proposed By” column and the party objecting to the instruction with a concise statement of the objection in the “Objection” column. Leave the “Given” column blank for the Court to decide whether the instruction was given.
- 6) **JURY INSTRUCTIONS (JOINT AND CONTESTED).** The parties/counsel shall jointly prepare a complete set of full text proposed jury instructions, editing all proposed CACI, inserting party name(s) and all other information, filling in all blanks, and eliminating all brackets and irrelevant bracketed language. If there is an appropriate CACI instruction on a point of law, the court expects the parties to request the CACI instruction instead of a specially prepared jury instruction. The parties/counsel shall prepare proposed instructions in a format ready for submission to the jury with the instruction number, title, and text only (i.e., there should be no tear sheets and no boxes or other indication on the printed instruction itself as to the requesting party). The instructions should be divided into two packages separated by a colored sheet of paper: those agreed upon, and those that are disputed. Please submit an electronic version of the jury instructions in Word format in a thumb drive.
- 7) **JOINT VERDICT FORM.** The proposed special verdict form must be joint. If the parties cannot agree on each question on a proposed verdict form, they must agree on what they can and put contested questions in brackets. Any proposed special verdict should be in form that is easily used by the jury, and which does not require the jury to answer unnecessary questions. If the parties request a special verdict form and 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 the CACI special verdict form. Submit an electronic version of the verdict form in Word on a thumb drive. Failure of the parties to agree on a proper special verdict form may result in the Court’s using a general verdict form.
- 8) **PAGE AND LINE DESIGNATION FOR DEPOSITION AND FORMER TESTIMONY.** If the parties/counsel intend to use deposition testimony or former trial testimony in lieu of any witness’s live testimony, other than exclusively for impeachment

or rebuttal, the parties/counsel shall meet and confer and jointly prepare and file a chart with columns for each of the following: (1) the name of the witness; (2) the date and type of testimony (e.g., deposition or trial); (3) the line and page designations of the testimony requested for use, (4) any objections, (5) any related counter-designations by line and page, (6) any responses thereto, and (7) 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 chart, with tabs separating each deposition or trial transcript. Each designation or counter-designation shall be highlighted with each party using a different color highlighter.

- 9) **MOTIONS IN LIMINE.** Parties/counsel shall meet and confer on all motions in limine. Boilerplate or form motions in limine are disfavored. All motions in limine must be in writing and shall be filed with sufficient statutory notice under CCP Section 1005 so that they may be heard no later than the date of the Final Status Conference pursuant to Local Rule 3.25(f)(2). Likewise, oppositions and replies for motions in limine must be served and filed with sufficient statutory notice in accordance with Local Rule 3.25(f)(2). Any failure by any party or counsel to exchange or discuss any motions in limine may result in the refusal of the Court to hear any such motion in limine, pursuant to applicable court rules. Each motion in limine for the purpose of precluding the mention or display of inadmissible and prejudicial matters in the presence of the jury shall be accompanied by a declaration in compliance with the requirements of Rule 3.57 of the Local Rules and must comply with *Kelly v. New West Federal Savings* (1996) 49 Cal. App.4th 659, 670-71. **The parties must assign different, sequential numbers or letters to their motions in limine and the party opposing the motion must identify to which motion the opposition applies.** For example, Plaintiff's motions in limine may be numbered 1-5; Defendant's motions in limine may be lettered A-E; additional parties may use double numbers or letters or some other agreed-upon designation to avoid duplication and confusion. If the Motions in Limine will be numerous and time-consuming, the parties must contact the courtroom assistant in Dept. 26 to schedule a separate hearing for the Motions in Limine.

No later than five (5) court days before the Final Status Conference, the parties must lodge directly in Dept. 26, an indexed and tabbed three-ring binder containing conformed copies of all moving, oppositions, and reply papers for all Motions in Limine in order with all papers relating to each motion together (i.e., motion, opposition, reply, then a tab with the next motion, etc.).

If the parties file, collectively, more than five (5) motions in limine, they must file a joint document at least four (4) court days before the final status conference that (a) describes the motion, (b) has a one- paragraph argument in support and (c) has a one-paragraph argument in opposition.

FOR COURT TRIALS

The parties must submit trial briefs, a joint exhibit list, and a joint witness list, as described above. The parties must also comply with the provisions above concerning designation of deposition and former testimony and concerning motions in limine, if any.

FOR ALL TRIALS

TRIAL READINESS BINDERS. A Trial Readiness Binder must be presented to the Court at the FSC. The binder must contain conformed copies of the trial briefs, joint statement of the case, joint witness list, joint exhibit list, joint list of jury instructions, joint full-text jury instructions (organized as agreed-upon, plaintiff's requested to which defendant objects and defendant's requested to which plaintiff objects), joint verdict form, joint page-line designation chart, motions in limine, and current operative pleadings (including the operative complaint, answer, cross-complaint, if any, and answer to any cross-complaint). The trial documents must be tabbed, and the notebook must contain a table of contents listing the trial documents by tab number.

In preparation for cross-examination of witnesses, each party should pre-mark five copies of all impeachment exhibits with each page properly paginated to reflect the exhibit number and page number so that they are ready for distribution during cross-examination.

The parties must meet and confer to discuss whether they plan to have a court reporter transcribe the trial proceedings. In order to ensure a proper record for appellate purposes, if the parties do not arrange for a court reporter, then counsel for the parties will be required to prepare a daily settled statement summarizing witnesses' testimony who have testified each day at trial.

If any party needs a foreign language interpreter to assist any trial witnesses, that party must reserve and make arrangements in advance for the interpreters that party will need.

Trials are usually set Mondays at 9:30 a.m. The total time estimate for trial is usually divided equally among the parties.