

**AUG 28 2024**

David W. Slayton, Executive Officer/Clerk of Court

By: R. Navarro, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

**DEPARTMENT 34 CASE MANAGEMENT  
CONFERENCE & TRIAL STANDING  
ORDER**

Courtroom Tel. #: (213) 633-0154  
Courtroom email: smcdept34@lacourt.org

Judicial Assistant: Reyna Navarro  
Courtroom Assistant: Vanessa Galindo

**I. GENERAL INFORMATION**

Department 34 is an independent/direct calendar court. The 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, including Local Rule 3.26 (Litigation Conduct) and Appendix 3.A. (Guidelines for Civility in Litigation).

Upon arrival, the parties and counsel must check in with the Courtroom Assistant. Counsel must provide a business card that indicates the party he or she represents and the calendar matter number on which he or she is appearing. In lieu of a personal appearance in the courtroom, the parties and counsel may appear via LA CourtConnect. (See Code Civ. Proc., § 367.75; and Cal. Rules of Court, rule 3.670.) For further information, please go to: <https://my.lacourt.org/laccwelcome>.

If the parties and counsel are going to be late for a hearing or need a matter to be placed on second call, please contact the court staff.

1           **A.       Mandatory refiling & Courtesy Copies**

2           The court mandates electronic eFiling (“eFiling”) of all documents unless the litigant is  
3 self-represented, or an exemption has been received and approved. All parties represented by  
4 counsel shall comply with Local Rule 3.4 and the *First Amended General Order Re: Mandatory*  
5 *Electronic Filing for Civil* (May 3, 2019) [“General Order”]. The general order is available at  
6 <https://www.lacourt.org/division/efiling/pdf/GenOrdCivilEfilng.pdf>. All filings shall be in strict  
7 compliance with the technical requirements set forth in that general order.

8           **This court strongly encourages the parties to provide the court with printed courtesy**  
9 **copies.** Please refer to the court’s May 3, 2019, General Order, Section 9 [PRINTED COURTESY  
10 COPIES], concerning the specific requirements for compliance with the court’s printed courtesy  
11 copies provisions.

12           **B.       Court Reporters**

13           Official court reporters are not assigned to Civil Courtrooms. It is the responsibility of the  
14 parties to provide their own Court Reporter for hearings and trial. The parties are to file either the  
15 Stipulation and Order to use Certified Shorthand Reporter or Order Appointing Court Approved  
16 Reporter as Official Reporter Pro Tempore prior to the hearing being called.

17           A party who has a fee waiver, pursuant to California Rules of Court, may under rule  
18 3.55(7) request an official court reporter by filing form LASC LACIV 269 as soon as possible  
19 before the hearing or trial. Given the limited availability of official court reporters, the court may  
20 not know whether a reporter is available until the day of the hearing or trial.

21           **C.       Interpreters, Accessibility & Accommodations**

22           An interpreter may be provided if arranged for in advance; however, the court cannot  
23 guarantee that one will be available for an exact date and time. The parties and counsel are  
24 advised to make their own arrangements for trial.

25           If you require an accommodation relating to a disability, please inform the courtroom staff  
26 at least five (5) court days in advance so we can attempt to facilitate your request. Requests can  
27 be made by filing Judicial Council Form MC-410.

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1 **II. PRETRIAL PROCEEDINGS**

2 **A. Case Management Conferences**

3 Case Management Conferences are held Monday through Friday at 9:00 a.m. The parties  
4 and counsel must comply with California Rules of Court, rule 3.720, *et seq.*, and Local Rule 3.25  
5 in connection with such conferences. Any counsel who attends the Case Management  
6 Conference must have full knowledge of the case, commit to the party's position on issues, and  
7 address any questions the court may have. Counsel must meet and confer, in person or by  
8 telephone, to consider each issue identified in California Rules of Court, rule 3.724, no later than  
9 thirty (30) calendar days before the conference. The parties and counsel shall file a case  
10 management statement using Judicial Council Form CM-110 no later than fifteen (15) calendar  
11 days before the date set for the conference.

12 All defendants must be served with the complaint by the case management conference.  
13 If all defendants have not been served, plaintiff or plaintiff's counsel may submit a declaration to  
14 the court seven (7) days prior to the hearing explaining why service has not been completed,  
15 documenting the efforts that have been made to complete service, and specifying the date by  
16 which service is proposed to be completed. (Cal. Rules of Court, rule 3.110.)

17 **B. Ex Parte Applications**

18 *Ex parte* applications will be considered Monday through Friday at 8:30 a.m. Applicants  
19 must comply with California Rules of Court, rule 3.1200, *et seq.*, submit a proposed order, and  
20 pay the filing fee before appearing in court. Although the parties should not expect to present oral  
21 argument in connection with an *ex parte* application, the court in its discretion may decide to hear  
22 argument. (See Code Civ. Proc. § 166(a)(1).) The court will inform the parties if it wishes to hear  
23 argument before ruling.

24 *Ex parte* applications are reserved for exigent circumstances. The applicant shall comply  
25 with California Rules of Court, rule 3.1202(c): "An applicant must make an affirmative factual  
26 showing in a declaration containing competent testimony based on personal knowledge of  
27 irreparable harm, immediate danger, or any other statutory basis for granting relief *ex parte*."  
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1 Parties represented by counsel must electronically file *ex parte* applications with all  
2 documentary support no later than 10:00 a.m. the court day *before* the *ex parte* hearing. Any  
3 written opposition to the *ex parte* application by parties represented by counsel must be  
4 electronically filed by 8:45 a.m. on the day of the *ex parte* hearing.

5 Self-represented parties seeking to present documents in support of or in opposition to an  
6 *ex parte* application must file them with the Judicial Assistant in Department 34 or the clerk's  
7 office by 9:00 a.m. on the day of the hearing, *after* paying any applicable filing fee (unless the party  
8 has a fee waiver). A separate courtesy copy of the papers shall also be brought for each other  
9 party in the case. If you wish to have a stamped copy for your own records, please bring another  
10 extra copy for that purpose. The Judicial Assistant or the clerk will date stamp that copy and  
11 return it to you. The court will not accept *ex parte* papers from self-represented parties for  
12 hearings that same day if filed after 8:45 a.m.

### 13 **C. Law and Motion**

14 Law and motion hearings are conducted Monday through Thursday beginning at 9:00 a.m.  
15 Pursuant to California Rules of Court, rule 3.1308(a)(2), tentative rulings on motions, if any, will  
16 be on the Los Angeles Superior Court website, [www.lacourt.org](http://www.lacourt.org), under "Online Services." Under  
17 California Rules of Court, rule 3.1308(e), the court is not required to have a tentative ruling.  
18 Please inform the court in advance of the hearing should you wish to submit on the tentative  
19 ruling.

20 Moving parties must secure a hearing date via the online Court Reservation System on the  
21 Los Angeles Superior Court website. Please see the "Online Services" section to find the civil  
22 Court Reservation System at [www.lacourt.org](http://www.lacourt.org) to reserve a hearing date prior to filing any motion,  
23 except for motions *in limine*, which, by Local Rule, are heard during the Final Status Conference.  
24 Motion fee payments are required at the time reservations are made online.

25 The court strongly encourages the active participation of junior attorneys in hearings  
26 before the court to help develop their litigation skills. When a junior attorney argues for whatever  
27 relief is requested, the court will permit one senior attorney for the same party to augment the  
28 argument, if needed, and will allocate more time to the hearing to accommodate.

1           **D.      Discovery Disputes**

2           The court expects the parties to resolve discovery disputes among themselves in a  
3 courteous, reasonable, and professional manner. Pursuant to Code of Civil Procedure section  
4 2016.040, the parties and counsel are ordered to meet and confer to make reasonable, good-  
5 faith efforts to informally resolve discovery disputes.

6                   **1.      Informal Discovery Conference**

7           In any case filed in this Department, if the parties are unable to settle their discovery  
8 disputes, pursuant to Code of Civil Procedure section 128(a)(3), the court requests that they  
9 schedule an Informal Discovery Conference ("IDC") prior to filing any discovery motion. The  
10 court hears such conferences Monday through Wednesday at 11:00 a.m. unless it is in trial at  
11 which point it will reschedule the conference. The parties are instructed to file their Request for  
12 an IDC using Form LACIV-094. When filing a request, please indicate if any statutory deadlines  
13 apply and the specific date by which a motion must be filed.

14           If there is a statutory deadline by which a motion must be filed, the court expects the  
15 parties to stipulate to extend the statutory deadline until after the IDC has been completed. In the  
16 event the parties cannot stipulate, the court will attempt to hear the IDC prior to any statutory  
17 deadline date. Nothing herein will preclude the moving party from applying *ex parte* for  
18 appropriate relief, including an order to allow filing of a motion after the IDC has been completed.

19           At least five (5) calendar days before the IDC, the parties and counsel shall file a joint  
20 statement that succinctly summarizes the nature of the dispute, the necessity for the discovery,  
21 the basis for any objection or withholding of information, and the overall status of discovery.  
22 Please group the identified discovery by issue in dispute, if possible. Please deliver a courtesy  
23 copy of the joint statement.

24                   **2.      Song-Beverly Warranty Litigation**

25           For Song-Beverly Consumer Warranty Act and related cases, the court will usually order  
26 the parties to produce copies of the following documents unless there are case-specific reasons  
27 to deviate from the list:

- 28           1.      Purchase or lease contracts concerning the subject vehicle, including any  
                    associated documents reflecting OEM or aftermarket equipment installed at the

- 1 dealership, warranty or service contracts, and any other writings signed by the  
2 plaintiff at the point of sale.
- 3 2. Work orders, repair orders, and invoices (including accounting and warranty  
4 versions) for any maintenance, service and repair activity concerning the subject  
5 vehicle.
- 6 3. Communications with dealer, factory representative and/or call center concerning  
7 the subject vehicle.
- 8 4. Warranty claims submitted to and/or approved by Defendant concerning the  
9 subject vehicle.
- 10 5. Any Warranty Policy and Procedure Manual published by defendant and provided  
11 to its authorized repair facilities, within the State of California, from the date the  
12 subject vehicle was purchased to the present.
- 13 6. Any internal analysis, investigation, and/or communications regarding the same  
14 defects claimed by plaintiff in vehicles of the same year, make and model as the  
15 subject vehicle which were sold within the State of California.
- 16 7. Any customer complaints regarding the same defects claimed by plaintiff in  
17 vehicles of the same year, make and model as the subject vehicle which were sold  
18 within the State of California.
- 19 8. All policies and/or procedures used to evaluate customer requests for repurchase  
20 pursuant to the Song-Beverly Consumer Warranty Act, from the date of purchase  
21 to the present.
- 22 9. Technical Service Bulletins and/or Recall Notices regarding the same defects  
23 claimed by plaintiff in vehicles of the same year, make and model as the subject  
24 vehicle which were sold within the State of California.
- 25 10. Any documents supporting plaintiff's claim for incidental and/or consequential  
26 damages.

27 If a party believes any of this information should be subject to a protective order, that  
28 party shall serve and file a proposed protective order within five (5) days of this Order and the  
parties shall meet and confer as to agreeable language for the same. The default will be the  
standard Protective Order provided by the Los Angeles Superior Court on its website.

The information 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 verification with the documents they produce.

Any additional requests for documents may only be propounded by stipulation and/or  
court order (via motion upon showing of good cause).

*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 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).

*Deposition:* Within the time limits allowed by law. Defendant may depose plaintiff, and  
plaintiff may depose the person most knowledgeable (PMK) on up to 5 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, pursuant to Code of Civil Procedure section 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).

If a deponent resides out of state, the deposition may be taken by video conference or telephone. The parties will not be required to travel to California, and the attorneys will not be required to travel out of state.

*Vehicle Inspection:* Within the time limits allowed by law, the subject vehicle may be inspected by the parties at a mutually agreeable time and place.

### **III. TRIALS**

Jury trials are scheduled for Tuesdays at 10:00 a.m. Bench trials are scheduled for Fridays at 10:00 a.m. Once the trial starts, the court may begin proceedings at 10:30 a.m. and continue to 4:15 p.m.

The parties and counsel are to follow the civil trial procedure rules set forth in Local Rule 3.25, *et seq.* Unless otherwise ordered, the following pre-trial filing and service deadlines apply. All deadlines for service are extended based on the manner of service as set forth in Code of Civil Procedure section 1013.

Counsel shall always conduct themselves in a courteous and professional manner. This applies not only to the court and opposing counsel, but to all parties, court staff, and witnesses. Counsel are to inform their clients and witnesses to observe proper courtroom decorum. If counsel have questions about courtroom decorum, they should speak to the courtroom assistant.

#### **A. Final Status Conference (LASC Rule 3.25(f) & (g))**

The Final Status Conference ("FSC") will usually be set two weeks before the trial date. At the FSC, the court will require the parties to provide the court with information as to the efforts made by the parties to resolve the matter through settlement conference(s) and/or informal or formal mediation. The court expects the parties to have exhausted their ability to resolve the matter prior to proceeding with trial. The court expects and orders all counsel of record to be present in the courtroom during the FSC.

*For all court and jury trials proceeding in this courtroom:*

Unless ordered otherwise, at least five (5) days prior to the FSC, counsel must exchange and file with the court all documents required by Los Angeles County Superior Court Rule 3.25(g),

1 and the court requests the documents be provided in the form described below, in the interests  
2 of judicial efficiency. Please deliver courtesy copies of the following documents to Department  
3 34 no later than two (2) days before the FSC:

4 **Exhibits.** A joint exhibit list beginning with the number 1 and provide three copies of the  
5 exhibit list with columns for the clerk and the court to use to indicate whether the exhibit is  
6 marked and received into evidence. Exhibits shall be numbered in conformance with Rules 3.52-  
7 3.53. **On the first day of the trial, a copy of all exhibits shall be provided to the court.** If ten  
8 (10) or more exhibits are to be used, copies of the exhibits shall be placed in one or more 3-ring  
binders. Non-documentary exhibits shall be represented in the binder with a simple written  
description. Counsel are required to review each exhibit prior to trial with a view toward resolving  
any objections as to foundation. Submission of the joint exhibit list shall not be deemed a waiver  
of any objection to the admission into evidence at trial of any exhibit on the joint list.

9 **Jury Instructions.** A joint list of all jury instructions requested and a copy of all  
10 requested instructions fully filled out. Those instructions not agreed upon should be attached  
11 separately and the party making the request should be identified. Not later than two days before  
12 the conclusion of evidence, the court will require counsel to meet and confer for the purpose of  
creating a final set of instructions. Submission of the joint jury instructions shall not be deemed a  
waiver of any objection to the giving of an instruction on the joint list.

13 **Witness Lists and Statement of the Case.** A joint witness list and joint statement of the  
14 case to be read to the jury. The joint witness list shall identify each witness by name and estimate  
the length of the direct, cross, and redirect examination of each witness, and include a total  
number of hours for all witness testimony.

15 **Trial Briefs.** Trial briefs are strongly encouraged to be filed and should contain (1) a brief  
16 description of the facts and the claims and defenses subject to litigation; (2) the elements and  
burden of proof for each of the cause(s) of action; (3) a list of major legal issues anticipated with  
17 points and authorities supporting and defending the issues; (4) a brief statement of the relief  
claimed and calculations of damages sought; and (5) any further information that counsel  
18 believes may assist the court in ruling upon trial objections or matters that may arise during trial.

19 **Motions in Limine.** Boilerplate or form motions are disfavored. Counsel must comply  
20 with Rule 3.57. If more than one *motion in limine* is filed, each shall be numbered consecutively.  
Opposition papers shall include the number of the motion to which it responds. Unless otherwise  
21 ordered, motions *in limine* will be heard at the time of the FSC. (See Local Rule 3.25(f)(2).) As  
explained above, the motions *in limine* shall be filed and served fourteen (14) calendar days  
22 before the FSC. Any opposition to the motions *in limine* shall be filed and served seven (7)  
calendar days before the FSC. The moving party may file a reply brief three (3) calendar days  
23 before the FSC. The parties and counsel shall meet and confer in good faith prior to filing the  
motions *in limine* in an attempt to reach a stipulation on the evidence and other issues. (See  
24 Local Rule 3.57(a)(2).) Motions *in limine* shall not be used to seek dispositive orders that should  
have been sought through a motion for summary judgment, summary adjudication or judgment on  
the pleadings. When filing motions *in limine*, the parties must comply with Local Rule 3.57,  
25 including the required declaration, if applicable.

26 As explained above, the parties and counsel must provide a tabbed binder at the FSC  
27 containing all motions *in limine*, oppositions, and replies in sequential order consistent with the  
number assigned to each motion *in limine*. The binder also must contain a table of contents  
28 identifying each motion *in limine*, opposition, and reply, and the corresponding tab for each. The  
binder(s) must be provided to the court no later than two (2) days before the FSC.



1 Operative Pleadings. Counsel for plaintiffs and/or cross-complainants are requested to  
2 provide the court with a copy of the operative complaint(s) prior to trial. Counsel should indicate  
prior to trial any cause(s) of action which will be dismissed.

3 **B. Trial**

4 The court will conduct the trial generally in conformance with Chapter 3 of the Los  
5 Angeles County Superior Court Rules and requests that counsel comply with the following  
6 procedures in the interest of judicial efficiency.

7 At the FSC or on the first day of trial, the court will confer with counsel and, when  
8 appropriate, set time limits for the examination of all witnesses which shall be binding unless  
9 counsel obtains leave of court to examine a witness beyond the time limit. If a witness is required  
10 to testify for both parties, the cross-examination of the witness will not be limited to the scope of  
11 the direct examination, so that each witness is called to the witness stand only once. Except in  
12 unusual circumstances, the court will not allow questioning of any witness beyond redirect and  
13 re-cross examination.

14 Trials will be conducted five (5) days per week unless otherwise ordered and will convene  
15 promptly at the times previously set. Counsel should advise the court well in advance if special  
16 circumstances require an adjustment to this schedule. During trial, the court intends to use all  
17 available trial time, and witnesses must be present for testimony at all times.

18 Trial hours are as follows:

19 *Trial*

20 9:00 a.m. – 10-10:30 a.m.	Morning calendar and <i>ex partes</i>
21 10 [First Day]-10:30 a.m. – noon	Trial (no mid-morning break)
22 1:30 p.m. - 4:15 p.m.	Trial (with mid-afternoon break)

23 If counsel plans to display any exhibits or other graphic items during opening statements  
24 or closing arguments, counsel must give advance warning to opposing counsel, the court, and to  
25 the courtroom assistant in order to avoid delay in the proceedings. Counsel must be fully familiar  
26 with the operation of any audio-visual equipment they intend to utilize during the trial in order to  
27 avoid delay.

1 Objections. Only the grounds for objection shall be stated in the presence of the jury, e.g.,  
2 "Objection, leading." No speaking objections or arguments are to be made in the presence of the  
3 jury. If a request for a sidebar conference is denied, counsel may ask to place any additional  
4 matters on the record outside the presence of the jury at the next available recess.

5 **IV. FAILURE TO COMPLY**

6 The parties and counsel should be familiar with Code of Civil Procedure section 575.2(a)  
7 (setting forth penalties for failure to comply with the Local Rules) and Local Rules 3.10 and  
8 3.25(f)(1). Local Rule 3.10 authorizes the imposition of sanctions for failure or refusal to comply  
9 with the Local Rules and any court order entered pursuant to those rules, and incorporates the  
10 sanctions set forth in the Code of Civil Procedure, California Rules of Court, and Government  
11 Code. Further, Local Rule 3.25(f)(1) states that failure to exchange and file the pretrial items set  
12 forth above may result in the exclusion of witnesses and evidence at trial, or waiver of jury trial.

13 **IT IS SO ORDERED.**

14 DATED:

15 AUG 28 2024

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17 Hon. PETER A. HERNANDEZ  
18 Judge, Superior Court of the State of California  
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08/14/2024