

Department 37

Courtroom Information

Hon. William E. Weinberger

Judicial Assistant: Barbara Ly

Courtroom Assistant: Efren Avena

Courtroom Telephone: (213) 633-0157

Courtroom Address: 4th Floor, Stanley Mosk Courthouse
111 N. Hill Street, Los Angeles, CA 90012

Courtroom Hours: 8:30 a.m. – 12:00 p.m. and 1:30 p.m. - 4:30 p.m.

GENERAL INFORMATION

Department 37 is an independent/direct calendar court. Counsel and the parties are expected to comply with the Code of Civil Procedure, the California Rules of Court (“CRC”), and the Local Rules of the Los Angeles Superior Court (“Local Rules”). Counsel are also expected to be familiar with and to conduct themselves in accordance with Appendix 3.A of the Local Rules. Guidelines for Civility in litigation.

Appearances: Remote appearances are encouraged in all matters unless otherwise directed by the Court. Parties shall arrange telephonic or video appearances through LACourtConnect. <https://my.lacourt.org/laccwelcome> If appearing in person, upon arrival in the Department, counsel are to provide a business card that indicates the party they represent and the calendar matter number for which the appearance is being made. If parties/counsel are going to be late for hearing, please contact the court staff.

Filings: All documents must be electronically filed unless the litigants and filings qualify for an exemption pursuant to the First Amended General Order re Los Angeles Superior Court – Mandatory Electronic Filing for Civil, dated May 3, 2019.

Counsel are not expected to submit courtesy copies of motion papers to the Department. The Court may require parties to provide courtesy copies of specified documents in a particular case.

Court Reporters: The Court does not provide a court reporter. If counsel wish to have the hearing or trial reported and there are no fee waivers, they are responsible for arranging for a reporter to be present. A party who has received a fee waiver pursuant to CRC 3.55(7) may request an official court reporter by filing local form LACIV 2699 before the hearing or trial. 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.

Interpreters: An interpreter may be provided if arranged in advance. The Court will attempt to locate an interpreter for the date and time of your hearing but cannot guarantee that one will be available at that date and time.

CASE MANAGEMENT CONFERENCES

Case Management Conferences (CMCs) are held Monday through Friday at 8:30 a.m. The parties must comply with CRC 3.722, et seq., and Local Rule 3.25 in connection with such conferences.

The parties are required to meet and confer in person, by telephone or video conference, no later than 30 days before the date set for the initial and any succeeding CMC to consider each of the issues identified in CRC 3.724 and 3.727.

Each party must file a case management statement at least 15 days before the conference as required by CRC 3.725(a). Counsel for each party must appear at the CMC and must be familiar with the case and prepared to discuss and commit to the party's position on the issues listed in CRC 3.724 and 3.727.

All defendants must be served with the complaint by the time of the CMC. Counsel are reminded that pursuant to CRC 3.110, the complaint must be served on all named defendants and proof of service must be filed with the Court within 60 days after the filing of the complaint. If all defendants have not been served, plaintiff or plaintiff's counsel must comply with CRC 3.110(g) to request additional time for service. If any defendant has been served and failed to appear, the Court expects that Plaintiff will have requested entry of default in accordance with CRC 3.110(g). Extensions of the time requirements may be requested in accordance with CRC 3.110(e).

DISCOVERY

The Court strongly discourages discovery motions and encourages informal resolution of discovery disputes. *Trial counsel* must make reasonable and good faith efforts to meet and confer in person, by telephone or by video conference, to resolve or narrow the discovery dispute. (See CCP § 2016.040.) The Court expects that an Informal Discovery Conference (IDC) will occur before the hearing on any motion relating to a discovery dispute.

The Court generally conducts IDCs at 11:00 a.m. on Mondays through Fridays. To request an IDC, counsel should email the Court (smcdept37@lacourt.org) with three dates when counsel are available at 11:00 a.m. The courtroom clerk will confirm the IDC date and provide the phone number that counsel must call. Counsel initiate the conference call and, when all counsel are on the line, then call the Court at the number provided by the courtroom clerk.

The IDC should eliminate any need for a hearing on a discovery motion. The IDC process usually is faster than pursuing a motion and conserves both client and judicial resources.

At least three court days before an IDC, the parties must submit a joint brief of no more than six pages setting forth the issues to be discussed. The joint brief should be emailed to smcdept37@lacourt.org.

If a discovery motion is heard, the Court recommends that trial counsel appear remotely or in person to argue the motion. Counsel should be fully prepared to negotiate a resolution to the dispute that is the subject of the motion, as well as to discuss a detailed schedule of all further discovery.

LAW & MOTION

The Court hears law and motion matters at 8:30 a.m. Parties must reserve a date for all law and motion hearings via the online Court Reservation System (“CRS”) on the Los Angeles Court website “LA Court Online, Court Reservation System.” **The reservation number should be placed in bold on the caption page of all motion papers.** Parties must use CRS to continue or withdraw motions; please also call the courtroom so we are aware of the change.

Time permitting, the Court prepares tentative rulings in most law and motion matters. Tentative rulings are posted online typically no later than the evening before the hearing.

Motions in Limine must be served on the opposing party and submitted to the court five court days prior to the final status conference, or they will be deemed untimely. A written opposition to a motion in limine may be served and filed no later than the final status conference. Replies are not required but may be served and filed no later than the Friday preceding the trial date. The court does not rule on motions in limine until the first day of trial.

Ex Parte Applications are heard each day at the end of the morning calendar. Unless a litigant is exempt from e-filing, counsel must file the application by 10:00 a.m. on the court day before the Ex Parte hearing. Ex Parte Applications must comply with the CRC 3.1200 *et seq.*

Ex parte applications are reserved for exigent circumstances. The applicant shall comply with CRC 3.1202(c): “An applicant must make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte.”

TRIAL PROCEDURES

Until the week of April 5, 2027, trials will usually be set for Tuesday at 10:00 a.m. Trials set for a date on or after April 12, 2027, will usually be set for Monday at 10:00 a.m., except in weeks in which Monday is a Court holiday, in which case trial will be set for Tuesday.

Final Status Conferences (FSCs) are usually one week before trial at 9:00 a.m. Lead trial counsel must appear unless previously excused by the Court. Local Rule 3.25(f)(2). The Court requires trial counsel to meet in person or by telephone or video conference well before the FSC concerning the submission of joint trial readiness documents. Local Rule 3.25(g). All trial readiness documents are to be filed in accordance with Local Rule 3.25(f).

A copy of Department 37's Trial Preparation Order is attached. **The Court expects the parties' counsel and any self-represented parties to work together to jointly prepare and submit the binders required by the order at least five days before the FSC.**

**PREPARATION FOR TRIAL AND FINAL STATUS CONFERENCE
DEPARTMENT 37
LOS ANGELES SUPERIOR COURT**

The Court will issue a trial readiness order in each case, which will substantially reflect the following provisions:

MEET AND CONFER IS REQUIRED BEFORE THE FINAL STATUS CONFERENCE

The parties must meet and confer and submit the following documents FIVE COURT DAYS BEFORE THE FINAL STATUS CONFERENCE. The following documents are to be filed in accordance with the court's standing order with courtesy copies provided to Department 37.

JURY TRIALS:

1. JOINT EXHIBIT LIST.

All exhibits must be listed on one list, identified by a number and brief description with columns for the clerk and Court to use to indicate whether the exhibit is marked and received into evidence. There should be a column to reflect stipulations to authenticity and a column for stipulations to admissibility. Notebooks containing all exhibits must be available on the FSC date and all parties must be prepared to tell the Court that they have had the opportunity to review all documents in the exhibit book. Place the exhibit list as the index in front of the exhibit book, and place tabs in the book to correspond with the exhibit number. If an exhibit contains more than one page, the pages must be internally numbered (i.e., 3.1, 3.2, etc.). If any document is listed by multiple parties, it should have only one exhibit number. At trial, the parties must provide exhibit notebooks for the Court, the Judicial Assistant, the witness, and the opposing parties. The parties must also provide the Judicial Assistant with a complete exhibit list. Local Rules 3.52 and 3.53.

2. JOINT WITNESS LIST.

All witnesses must be listed on one list. Do not repeat the name of a witness who will be called by more than one party. Next to each witness, indicate the total time expected for that testimony (including direct, cross, redirect, etc.) At the end of the list, calculate the total amount of time estimated for testimony. Make realistic time estimates. Absent good cause,

the total number of hours listed for testimony should not exceed the trial estimate given at the case management conference, including the allocation of one day for jury selection and one day for deliberations. For example, a 5-day trial estimate means no more than 3 days of testimony.

3. JOINT JURY INSTRUCTIONS.

Submit a notebook with a joint set of CACI instructions with all information filled in, no remaining brackets or blanks. Do not use tear sheets for the instructions and do not include the disposition box on the page of the individual instruction. If some instructions are disputed, submit a separate set or sets indicating the party proposing and opposing the instruction. Submit a proposed order which contains a disposition table listing all jury instructions by number, the identity of the party or parties proposing the instruction, and which contains columns for the court to indicate whether the instruction is given, modified, withdrawn, or refused.

4. JOINT SHORT STATEMENT TO BE READ TO THE JURY.

This statement should be a brief, neutral description of the case. In most instances, the joint statement should not exceed two to three paragraphs.

5. JOINT PROPOSED VERDICT FORM.

The parties shall prepare and jointly file a proposed general or special verdict form acceptable to all sides. Local Rule 3.25(g)(8). If the parties cannot agree on a joint verdict form, each party must separately submit a proposed verdict form. Any proposed special verdict should be in a form that is easily used by the jury and does not require the jury to answer unnecessary questions. The parties must submit an electronic version of the verdict form in WORD via email to the courtroom email address.

6. MOTIONS IN LIMINE.

Motions in limine must be served on the opposing party and submitted to the Court five court days *prior to the FSC*, or they will be deemed untimely. A written opposition to a motion in limine may be served and filed no later than the final status conference. Replies are not required but may be served and filed no later than the Friday preceding the trial date. The Court does not rule on motions in limine until the first day of trial. Motions in limine should not be used to seek summary judgment, summary adjudication of issues, or judgment on the pleadings. If there are more than five motions in limine, the parties must submit a separate notebook containing the motion, opposition, and reply (if any), tabbed and indexed. If five or less, the motions in limine may be placed in the Trial Notebook described below. See generally Local Rule 3.57.

7. TRIAL BRIEFS.

Trial briefs are optional but are highly recommended in jury trials. Trial briefs are required for court trials. Any brief should be served and filed not later than the final status conference and should not exceed 15 pages.

8. TRIAL NOTEBOOK

At the Final Status Conference, the parties must submit a joint trial notebook, tabbed and containing:

- Operative complaint and cross-complaints, if any
- Operative answers
- Copies of minute orders sustaining demurrers or motions to strike pleadings that have not been covered by amendments
- Minute orders or any motions for summary adjudication that were granted
- Joint Short Statement of the Case
- Joint Witness List
- Joint Exhibit List

COURT TRIALS:

The parties must submit a joint exhibit list and joint witness list as described above. A trial brief of no more than 15 pages must be served and filed no later than the final status conference. All the trial documents must be tabbed and placed in a notebook that includes a table of contents.

NOTE RE SERVICE: Any papers required to be served on another party pursuant to this order must be served in a manner calculated to reach that party no later than the date indicated in this order. The parties are encouraged to agree on the method (e.g., by email).

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, including a detailed summary of the testimony of any witness, and lodge it in the courtroom the next morning before proceedings resume, for use in a Settled Statement if the Court's judgment is appealed. See generally CRC 8.137.

COMPLIANCE: Failure to submit any item required in this order in a timely manner without good cause may result in the imposition of sanctions, including monetary sanctions, exclusion of evidence, issue preclusion, denial of a claim or defense, dismissal, or default.