COURTROOM INFORMATION SHEET

Department 38

Stanley Mosk Courthouse

4th Floor, Stanley Mosk Courthouse

111 North Hill Street Los Angeles, CA 90012

Judge: Maureen Duffy-Lewis

Judicial Assistant: Andrew R. Bojorquez

Courtroom Assistant: Nancy Del Real

Telephone: (213) 633-0158

Courtroom Hours: 8:30 am- 4:30 pm

PRE-TRIAL INFORMATION

FILINGS:
All papers to be filed online at the Court's website at www.lacourt.org, unless ordered otherwise by the Court.

EX PARTES:
Ex parte applications are heard Monday through Friday. Ex parte's are to be e-filed by 10:00 a.m. the court day prior to the actual ex parte hearing date.

Courtesy copies of ex parte application and supporting documentation are requested to be lodged directly in Department 38 on the day of e-filing.

Opposition to ex parte applications may be e-filed or hand-delivered into Department 38 no later than 8:30 a.m. on the date of hearing.

CONTINUANCES:
Department 38 may accept telephonic continuances of non-trial related and non-law & motion matters on a case-by-case basis by contacting Department 38 directly at (213) 633-0158.

TELEPHONIC APPEARANCES:
LA Court Connect is available for telephonic appearances on most pre-trial hearings except for Final Status Conferences (FSC) as discussed below. Please call LA Court Connect at (888) 882-6878 for more appearance information.

CASE MANAGEMENT CONFERENCES (CMC's):
Counsel appearing via LA Court Connect to download the Court's 6-page Case Management Order for Department 38 prior to the CMC available online at www.lacourt.org by clicking the "View" link under "Department 38."

Steps to locate and download Case Management Order:

1. Go to the Court's website – www.lacourt.org
2. Click on the "Online Services" tab
3. Select "Civil"
4. Go to "Courtroom Information – Civil"
5. Location - Select "Stanley Mosk Courthouse"
6. Department - Select "Department 38"
7. Click "View" link for both the "Courtroom Information Sheet" and "Case Management Order"

Print out the Case Management Order and complete along with the Court during the Case Management Conference.

MEDIATION/ADR:
The Court will generally refer matters to mediation or voluntary settlement conference at the Case Management Conference (CMC). Litigants should meet & confer prior to the CMC and be prepared to discuss Mediation/ADR with the Court.

MANDATORY SETTLEMENT CONFERENCE (MSC):
The MSC Program with a sitting Los Angeles Superior Court judge has listed procedural and eligibility requirements for participation. (Please check on-line for procedures and eligibility). Referral by Court to MSC program is required. Parties are encouraged to discuss a possible MSC referral with the Court at the CMC.

LAW & MOTION:
Law & motion is heard Monday through Friday at 9:30 a.m. All motions must be reserved via Court Reservation System (CRS) on the Court's website at www.lacourt.org under "Online Services, Court Reservation System." Dates reserved on CRS cannot be adjusted or changed telephonically. CRS must be utilized to continue or cancel any law & motion matters. Please avoid reserving multiple law & motion dates for the same motion. Reserved dates that go unused and not removed in a timely manner via CRS are problematic as they create calendar availability issues for other pending cases.

A courtesy copy of the moving papers, opposition, reply, and any supporting evidence are requested to be lodged directly in Department 38 on the same day of e-filing.

CONTINUANCE OF LAW & MOTION HEARING DATE ON COURT'S OWN MOTION:

If the hearing date on a law & motion matter is continued on the Court's own motion, adjustment applies ONLY to the actual hearing date on the motion. Filing deadlines for all moving papers (e.g. opposition and reply) remain based on the ORIGINAL hearing date, UNLESS otherwise agreed to by the Court.

TENTATIVE RULINGS:
The Court in Department 38 rules from the Bench. The Court does not post tentative rulings.

DISCOVERY:
To assist in the speedy resolution of actual and potential discovery disputes, the Court is willing to conduct an **in-person** voluntary Informal Discovery Conference (IDC).

LA Court Connect appearances are not allowed for Department 38 IDC's without prior leave of court. All interested parties must appear **in-person** in Department 38.

Requesting party to first reach-out to all necessary participants and obtain three (3) dates when all can be physically present in Department 38 for the IDC. Requesting party to then contact the Courtroom Assistant (Gina Velasquez) to book one (1) of the three IDC dates at (213) 633-0158.

In the event discovery issues are not resolved, counsel may then reserve the first available hearing date on the Court's Online Reservation System (CRS).

TRIAL PROCEDURES

JURY TRIALS:
Jury trials are set on Mondays at 9:30 a.m.

COURT TRIALS:
Court trials are set for Tuesdays at 9:30 a.m.

If the parties/counsel are pursuing a Court Trial, the Court will discuss the format and requirements of a Joint Proposed Special Verdict Form, samples of which will be provided to counsel at the FSC. Joint Proposed Special Verdict Form to be prepared by counsel and **lodged directly** in Department 38 (**no** e-filing) before the matter will be taken under submission.

TRIAL CONTINUANCES:
May only be addressed via ex parte.

JURY SELECTION:
Department 38 utilizes the "six-pack" method.

JURY FEES:
Fees must be paid on a daily basis. The judicial assistant will advise you how much is owed each day. Initial jury fee deposit should be made prior to the case management conference.

FINAL STATUS CONFERENCE:
Final Status Conferences (FSC's) are generally heard on Fridays, 10 days before the trial date at 9:30 am. All lead trial counsel to be present **in-person** at the FSC. The purpose of the FSC is to verify that the parties are completely prepared and ready to proceed to trial continuously and efficiently from day-to-day until verdict.

At least five (5) court days prior to FSC, the parties should meet & confer in person to exchange discuss and prepare a Joint Trial Notebook and Joint Exhibit Notebook. The parties must serve, sign and file all joint documents.

Two sets of completed Joint Trial Notebook(s) and Joint Exhibit Notebook(s) should be brought to the FSC with Joint Trial Notebook(s) tabbed A-K as follows:

TAB "A": Trial Briefs

Each party/counsel shall file a trial brief succinctly identifying:

1. The claims and defenses subject to litigation
2. The major legal issues (with supporting points & authorities)
3. The relief claimed and calculation of damages sought
4. Any other information that may assist the Court at Trial.

TAB "B": Motions-In-Limine

Before filing motions-in-limine, the parties/counsel shall comply with the statutory notice provisions of CCP Section 1005 and the motions-in-limine requirements of L.A. County Court Rule 3.57(a). The caption of each motion-in-limine shall concisely identify the evidence that the moving party seeks to preclude. Multiple motions-in-limine should be numbered consecutively. Multiple motions-in-limine should be tabbed and indexed and submitted in a 3-ring binder containing copies of those motions e-filed by each party in numerical order and grouped with corresponding opposition and reply. Three-ring binders to be lodged directly in Department 38 at the FSC.

Motions-in-limine will be heard on the first day of trial (or soon thereafter at the discretion of the Court).

TAB "C" – Joint Statement to be Read to the Jury

For jury trials, the parties/counsel shall work together to prepare and file a joint written statement of the case for the Court to read to jury (L.A. County Court Rule 3.25(g)(4)). The parties/counsel shall sign the joint statement, and all other joint documents.

TAB "D" – Joint Witness List

The parties/counsel shall work together to prepare and file a joint list of all witnesses arranged alphabetically by last name. The joint witness list shall identify each witness by full name, specify which witnesses are experts, estimate the length of the direct, cross examination and re-direct examination of each, and include a total of the number of hours for all witness testimony. Any party/counsel who seeks to elicit testimony from a witness not identified on the witness list may have that witness excluded absent a showing of good cause.

TAB "E" – List of Proposed Jury Instructions (Joint and Contested)

The parties/counsel shall jointly prepare and file a list of proposed jury instructions, organized in numerical order, specifying the instructions upon which all sides agree and the contested instructions, if any. Settling of jury instructions will occur after the close of evidence but before closing arguments.

TAB "F" – Full Text Jury Instructions (Joint and Contested) Prepared and Submitted to the Court Before Closing Argument

After the case-in-chief, counsel to prepare a complete set of full-text proposed jury instructions **without edits**.

At closing, counsel shall then have prepared a complete set of full-text proposed jury instructions, editing all proposed California Civil Jury Instructions and inserting party name(s) and eliminating blanks, brackets and irrelevant material. The parties/counsel shall prepare any special instructions in a format ready for submission to the jury with the instruction number, title, and text only (i.e. there should be no boxes or other indication on the printed instruction itself as to the requesting party).

TAB "G" – Joint Verdict Form(s)

The parties/counsel shall prepare and jointly file a proposed general verdict form or special verdict form (with interrogatories) acceptable to all sides (L.A. County Rule 3.25(g)(8)). If the parties/counsel cannot agree on a joint verdict form, each party must separately file a proposed verdict form.

TAB "H" – Joint Exhibit List

The parties/counsel shall prepare and file a joint exhibit list organized with columns identifying: (1) the exhibit, (2) the party offering the exhibit, (3) whether there is a stipulation to authenticity and/or admissibility of the exhibit, (4) the date on which the exhibit was identified in court and (5) the date on which the exhibit was admitted.

Prior to filing the joint exhibit list, the parties shall meet & confer to determine whether they will stipulate to the authenticity and/or admissibility of each exhibit or whether there are objections to

any exhibit. If there are stipulations, the parties shall note that in the respective column. If not, the objecting party shall specify all objections in the respective column. The parties/counsel shall sign the joint exhibit list.

Pursuant to L.A. County Court Rules 3.52 and 3.53, the exhibits must be pre-marked using numbers. It is not uncommon for plaintiff's exhibits to start at 001 and defendant's to start at 101. In stances where an exhibit consists of multiple pages, each page must be "Bates" numbered sequentially. For example, if Exhibit 1 has 5 pages, "Ex 1-05" would be the fifth page of Exhibit 1.

The exhibits must be exchanged at least five (5) calendar days before the FSC. At least three sets of exhibit binders – tabbed, marked and paginated – are required on the first day of Trial: a set for the Court, the Judicial Assistant and for the Witness. Counsel must also supply an exhibit binder(s) to each opposing party if not exchanged electronically.

TAB "I" – 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 witnesses' live testimony, the parties/counsel shall meet & confer and jointly prepare and file a chart for each of the following: (1) the page and line designations of the deposition or former testimony requested for use (2) objections (3) counter-designations (4) and responses thereto and (5) the Court's ruling.

TAB "J" – Copies of the Current Operative Pleadings

The operative complaint, answer, cross-complaint and answer to any cross-complaint.

TAB "K" - Stipulations

VOIR DIRE:
The Court will begin the jury selection process by questioning the entire panel (or as many as logistically possible). The Court will inquire using the "Questions on the Board" method (name, area of residence, marital status, children, occupation and any previous jury experience). The Court, if requested, will also voir dire on any "sensitive areas."

Each party is entitled to six (6) peremptory challenges. If there are multiple parties to each side, each side shares eight (8) peremptories so long as each side receives an equal number (See CCP 231(c)).

OPENING STATEMENTS:
Neither party is required to give an opening statement and a defendant may reserve it until after the presentation of the opposing party's case-in-chief. Opening statements should not be used to argue your case, pre-instruct or pre-condition the jury. Present the jury with a roadmap as to what you believe the evidence will show. Use of visual aids in opening statements is generally

not allowed unless previewed and agreed upon by all parties/counsel (See, L.A. Superior Court Rule 3.97).

DISPLAY OF DEMONSTRATIVE EVIDENCE:
Department 38 is equipped with a large screen monitor visible to the jury with an ELMO overhead projector and computer connections (HDMI and VGA) at counsel table. There is also a monitor on the witness stand. The parties must provide their own cables and computer, and a pre-trial test run is encouraged as the Court is not able to provide technical support. If a PowerPoint is to be used, a copy of the slides must be shared with opposing counsel prior to the presentation leaving sufficient time to object.

WITNESS AVAILABILITY:
Out of respect for all the parties and jurors involved, please plan accordingly and have witnesses present and ready to testify. It is assumed all witnesses and/or litigants will appear in-person to provide testimony. The Court will not inconvenience the jury just because a witness cannot appear. In such a situation, the party may be forced to rest. Any proposed remote appearances must be pre-approved by the Court prior to Trial. If approved, remote appearance to be arranged by counsel via ZOOM with any necessary link provided to the Court via email.

USE OF DEPOSITION TRANSCRIPTS AND DISCOVERY RESPONSES:
Deposition transcripts and discovery responses shall be lodged with the Court the evening prior to scheduled testimony of any particular witness the following day. Before the reading into evidence of any portion of a deposition, interrogatory or request for admission, the party shall advise the Court and opposing party/counsel of the page and line number of the deposition, or the numbers of the interrogatories or requests for admission to be read or shown to the witness (L.A. County Court Rule 3.158).

USE OF PODIUM AND APPROACHING WITNESSES:
The courtroom has a podium which the Court prefers the parties use. Under certain circumstances, parties may question from counsel table. The parties are asked to stand when addressing the Court for any extended period of time. Counsel may approach the witness after first requesting permission to do so, and then only to assist the witness with or show the witness an exhibit. Questioning is to resume at the podium or from counsel table.

OBJECTIONS:
The parties are to refrain from speaking objections. The Court will always allow argument on the points of law or evidentiary matters outside the presence of the jury. However, it may not be contemporaneous with the objection depending on the situation. Also, counsel ordinarily should not interrupt an incomplete question to object unless the question is both patently objectionable and at least arguably prejudicial (L.A. Superior Court Rule 3.111).

USE OF EXHIBITS:
Counsel may publish exhibits to the jury only after they have been admitted in evidence. If counsel agree that an exhibit or exhibits will be admitted without objection, counsel may publish the agreed-upon exhibit(s)to the jury during opening statement.

INTERPRETERS:
Court-provide interpreters are not guaranteed to be available in civil trials and are prioritized pursuant to Evidence Code 756(b). If necessary, please retain your own interpreter, calculate the additional time needed for examination and cross-examination on the witness list and let court staff know prior to calling the witness.

MUTLIPLE COUNSEL FOR A PARTY:
If a party has more than one lawyer, only one may conduct the direct, cross-examination or make objections to that witness.

CLOSING ARGUMENTS AND JURY INSTRUCTION:
Parties/counsel should be prepared to present closing arguments upon completion of evidence. Parties/counsel may ask the Court to pre-instruct the jury with the goal of keeping all closing arguments together. However, this is not always logistically possible.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Plaintiff(s), vs. Defendant(s).	CASE NO. _____ **CASE MANAGEMENT ORDER** TODAY'S DATE: _____ CASE FILED: _____ DEPT.: 38

HAVING READ AND CONSIDERED THE CASE MANAGEMENT STATEMENTS FILED BY THE PARTIES AND ORAL REPRESENTATIONS MADE IN OPEN COURT, THE COURT MAKES THE FOLLOWING CASE MANAGEMENT ORDERS AS SET FORTH BELOW:

1. PARTIES:

☐ There is/is not/will be/ a cross-complaint(s) in this matter.

☐ All named Defendants/Cross-Defendants have been served and have appeared.

2. JURY/NON-JURY:

☐ The right to a trial by jury is waived.

☐ Jury trial is demanded by _____.

☐ Fees posted _____.

3. FINAL STATUS CONFERENCE:

☐ Final Status Conference is set for _____, 202__, at 9:30 a.m. in Department 38 of this Court. All lead trial counsel to be present **<u>in-person</u>** at the FSC. The purpose of the FSC is to verify that the parties are completely prepared

and ready to proceed to trial continuously and efficiently from day-to-day until verdict. At least five (5) court days prior to FSC. Please see described in Department 38's Courtroom Information Sheet, under "3. Final Status Conference," pp. 1-2) for instructions on the preparation of Joint Trial Notebook and Joint Exhibit Notebook by the FSC date.

4. TRIAL DATE:

☐ This case is set for trial on _____, 202__, at 9:30 a.m. in Department 38 of this Court. Estimated duration of trial: _____ days (includes voir dire). Multiple (more than 1) Motions in Limine should be tabbed and indexed and submitted in a three-ring binder containing copies of those motions in limine e-filed by each party in numerical order and grouped with corresponding opposition and reply. Three-ring binder to be lodged directly in Department 38 at the Final Status Conference (FSC). Motions in limine, if any, will be heard on the first day of trial (at court's discretion).

☐ At the conclusion of trial, it is stipulated that all Trial Exhibits be immediately returned to respective counsel and must be maintained through appellate period.

5. LAW & MOTION

☐ Law & motion is heard Monday through Friday at 9:30 a.m. All motions must be reserved via Court Reservation System (CRS) on the Court's website at www.lacourt.org under "Online Services, Court Reservation System." Dates reserved on CRS cannot be adjusted or changed telephonically. CRS must be utilized to continue or cancel any law & motion matters. Please avoid reserving multiple law & motion dates for the same motion. Reserved dates that go unused and not removed in a timely manner via CRS are problematic as they create

calendar availability issues for other pending cases.

A courtesy copy of the moving papers, opposition, reply, and any supporting evidence are requested to be lodged directly in Department 38 on the same day of e-filing.

DISPUTE RESOLUTION OPTIONS

6. MEDIATION THROUGH PRIVATE DISPUTE RESOLUTION:

☐ By stipulation: All parties and counsel are ordered to forthwith arrange a settlement conference before a private settlement officer they select by agreement. The selection of a settlement officer is to be made within 20 days. The court is to be promptly notified in writing (with notice to all persons entitled thereto) of any failure to agree. Absent timely agreement, the court may select the private settlement officer. The charges for the settlement conference shall be paid _____. All counsel and parties are ordered to complete said settlement conference:

☐ Within _____ days.

☐ Compliance is required with the following: LASC 3, CRC 3.890-3.898 and CCP 1775-1775.15.

☐ All parties within full Settlement Authority are ordered to be present.

☐ All parties are to provide to court a joint statement within 10 days confirming mediation completion.

7. MANDATORY SETTLEMENT CONFERENCE:

☐ All parties and counsel are ordered to arrange a mandatory settlement conference (MSC) with a mediator, active judge, or retired judge to be completed no later than 30 days before the final status conference herein above scheduled.

☐ Litigants and/or agents with full settlement authority are ordered to be physically present at MSC. No remote appearances without prior leave of Court.

☐ Pursuant to stipulation, matter is referred to Resolve Law LA (RRLA) virtual MSC program. Counsel to submit requisite intake information at resolvelawla.com or via lacourt.org by selecting "Settlement Programs (RLLA)."

☐ All parties are to provide to court a joint statement within 10 days confirming MSC completion.

☐ Authorized to Court Program _____.

8. EX PARTE APPLICATIONS:

☐ Ex parte applications are heard at 8:30 am Monday through Friday. Ex parte's are to be e-filed by 10:00 a.m. the court day prior to the actual ex parte hearing date.

Courtesy copies of ex parte application and supporting documentation are requested to be lodged directly in Department 38 on the day of e-filing.

Opposition to ex parte applications may be electronically filed or hand-delivered into Department 38 no later than 8:30 a.m. on the date of hearing.

This Court will only entertain an ex parte application in an *emergency* situation. Counsel should make ex parte applications (including to shorten an otherwise applicable time period) only where there is a *bona fide* emergency. (*Los Angeles Superior Court Rule 3.26(j)(3); Appendix 3A(j)(3)*.) Ex parte orders should not be sought unless it is clear that such relief is proper. If there are any serious factual issues involved, the Court will not resolve them ex parte. Sanctions may be imposed for misuse of the ex parte process.

9. DISCOVERY:

☐ To assist in the speedy resolution of actual and potential discovery disputes, the Court is willing to conduct an **in-person** voluntary Informal Discovery Conference (IDC).

All interested parties must appear **in-person** in Department 38. Requesting party to first reach-out to all necessary participants and obtain three (3) dates when all can be physically present in Department 38 for the IDC.

Requesting party to then contact the Courtroom Assistant (Nancy Del Real) to book one (1) of the three IDC dates at (213) 633-0158.

In the event discovery issues are not resolved, counsel may then reserve the first available hearing date on the Court's Online Reservation System (CRS).

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☐ **OTHER ORDERS/INFORMATION:**

_____

_____

10. NOTICE:

☐ is waived. Parties to receive a copy of this Order.

☐ is to be given by _____ by serving a completed copy of this Order.

☐ Notice is given as a courtesy by FAX / E-mail to all counsel who appeared via court call by _____.

☐ Parties stipulate to email notice and service during this litigation.

☐ DOES DISMISSED

Dated: _____

_____
MAUREEN DUFFY-LEWIS
Judge of the Superior Court

Revised: August, 2024