

Courtroom Information for Department

39

Judge Tony L. Richardson

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A. GENERAL

Department 39 is an independent/direct calendar court. 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, parties 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, counsel may appear via LA CourtConnect. *See* Cal. Code Civ. Proc. § 367.5; Cal. Rules of Court, rule 3.670; and Local Rule 3.6.

If parties/counsel are going to be late for a hearing, please contact the court staff. For all other inquiries, please contact the court staff between 10:00 a.m. and 12:00 p.m. or between 2:00 p.m. and 5:00 p.m.

B. CASE MANAGEMENT CONFERENCES

Case Management Conferences are held Monday through Friday at 8:30 a.m. The parties must comply with California Rules of Court, rule 3.722, *et seq.*, and Local Rule 3.25 in connection with such conferences.

All defendants must be served with the complaint by the case management conference. If all defendants have not been served, plaintiff or plaintiff’s counsel must submit a declaration to the court five (5) days prior to the hearing explaining what efforts have been undertaken to accomplish service. Cal. Rules of Court, rule 3.110.

The Court requires counsel-of-record (*i.e.*, not appearance counsel) to attend the Case Management Conference.

C. LAW AND MOTION

Law and motion hearings are conducted Monday through Thursday beginning at 9:00 a.m. Unless otherwise set by the Court, summary judgment and summary adjudication motions will be heard on Mondays and Thursdays. Tentative rulings on motions, if any, will be available for viewing on the Los Angeles Superior Court website, www.lacourt.org, under “Online Services,” and also will be available in hard copy in the courtroom on the day of the hearing.

Moving parties must secure a hearing date via the online Court Reservation System on the Los Angeles Superior Court website. Please see the “Online Services” section to find the civil Court Reservation System at www.lacourt.org to reserve a hearing date prior to filing any motion, except for motions *in limine*, which, by Local Rule, are heard during the Final Status Conference. Motion fee payments are required at the time reservations are made online. Courtesy copies of all motion-related documents filed electronically must be delivered to Department 39 within one (1) court day of the electronic filing.

D. INFORMAL DISCOVERY CONFERENCES

The Court generally does not conduct informal discovery conferences (“IDC”) in cases alleging violations of the Song-Beverly Warranty Act and related claims. When faced with discovery disputes, the Court usually orders the parties to produce copies of the following documents unless there are case-specific reasons to deviate from this list:

1. Purchase and/or lease contract concerning the subject vehicle.
2. Repair orders and invoices concerning the subject vehicle.
3. Communications with dealer, factory representative and/or call center concerning the subject vehicle.
4. Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.
5. Any Warranty Policy and Procedure Manual published by defendant and provided to its authorized repair facilities, within the State of California, for the date the subject vehicle was purchased to the present.
6. Any internal analysis, investigation, and/or communications regarding the same defects claimed by plaintiff in vehicles of the same year, make and model as the subject vehicle which were sold within the State of California.
7. Any customer complaints regarding the same defects claimed by plaintiff in vehicles of the same year, make and model as the subject vehicle which were sold within the State of California.
8. All policies and/or procedures used to evaluate customer requests for repurchase pursuant to the Song-Beverly Consumer Warranty Act, from the date of purchase to the present.
9. Technical Service Bulletins and/or Recall Notices regarding the same defects claimed by plaintiff in vehicles of the same year, make and model of the subject vehicle which were sold within the State of California.
10. Any documents supporting plaintiff’s claim for incidental and/or consequential damages.

IDCs are not required in advance of motions to compel further responses. If the parties would like the Court to conduct an IDC, they are required to meet-and-confer in good faith in person, by telephone, or by videoconference. If the parties cannot resolve the issue, they may request an IDC by filing a stipulation. The stipulation shall include a brief joint report that succinctly sets forth the nature of the dispute, the necessity for the discovery, the justification for its nonproduction, and the overall status of discovery, as well as any dispositive issues. The Court will order an IDC if appropriate.

E. EX PARTE APPLICATIONS

Ex parte applications will be considered Monday through Friday at 8:30 a.m. Applicants must comply with California Rules of Court, rule 3.1200, *et seq.*, submit a proposed order, and pay the filing fee before appearing in court.

Ex parte applications are reserved for exigent circumstances. The applicant shall comply with Cal. Rules of Court, rule 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*.”

F. TRIAL PROCEDURES

Trials are scheduled for Tuesday at 9:30 a.m.

The Parties 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 § 1013.

1. Final Status Conference (“FSC”) and Pretrial Filings

Final Status Conferences are conducted on Friday at 9:00 a.m. Pursuant to Local Rule 3.25(f), trial counsel must attend the final status conference in person. The parties are required to file the documents set forth in Local Rule 3.25(f) and (g) in advance of the FSC and should be familiar with Local Rules 3.48 through 3.58.

At least five (5) **court** days prior to the FSC, the parties/counsel shall serve and file the following trial readiness documents:

a. Trial Briefs – Each party shall file a trial brief succinctly identifying: (1) the claims and defenses subject to litigation, (2) the major legal issues (with supporting points and authorities), (3) the relief claimed and the calculation of damages sought, and (4) any other information that may assist the Court at trial.

b. Motions *in Limine* – The caption of each motion *in limine* shall concisely identify the evidence that the moving party seeks to admit or exclude. Parties filing more than one motion *in limine* shall number the motions consecutively. Parties filing opposition and reply briefs shall identify the corresponding motion number in the caption of their pages.

c. Joint Statement – For jury trials, the parties shall prepare a joint written statement of the case for the Court to read to the jury. The parties/counsel shall sign the joint statement.

d. Joint Witness List – The parties shall work together and file a joint list of all witnesses that each party intends to call, excluding impeachment and rebuttal witnesses. The joint witness list shall identify each witness by name, specify which witnesses are experts, estimate the length of direct examination, cross-examination, and re-direct examination of each, and include a total of the number of hours for all witness testimony. The parties shall identify all potential witness scheduling issues and special requirements. The parties/counsel shall sign the joint witness list.

e. Joint List of Proposed Jury Instructions – The parties 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. The list of proposed jury instructions must include a space by each instruction for the Court to indicate whether the instruction was given. The parties/counsel shall sign the joint list of proposed jury instructions.

f. Jury Instructions (Joint and Contested) – The parties shall prepare a complete set of full-text proposed jury instructions. The parties shall prepare special instructions in a format ready for submission to the jury with the instruction number, title, and text only.

g. Joint Verdict Forms – The parties shall prepare and file a joint proposed general verdict form or special verdict form (with interrogatories). If the parties cannot agree on a joint verdict form, each party must separately file a proposed verdict form.

h. Joint Exhibit List – The parties shall prepare and file a joint exhibit list organized with columns identifying: (1) the exhibit, (2) which party is 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, and (5) the date on which the exhibit was admitted. Prior to filing the joint exhibit list, the parties shall meet-and-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.

i. Page and Line Designations for Deposition and Former Testimony – If the parties intend to use deposition testimony or former trial testimony in lieu of any witness's live testimony, the parties shall meet-and-confer and jointly prepare and file a chart with columns 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) any responses thereto, and (5) the Court's rulings. The objecting party shall specify all objections in the respective column. The parties/counsel shall sign the designations.

j. Stipulations Concerning Ultimate Facts and Issues – The Court orders the

parties to meet-and-confer concerning potential stipulations to the ultimate facts and issues.

2. Trial Binders

Counsel must provide a joint trial binder for the Court at the FSC. The trial binder shall be organized as follows:

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|--------|--|
| Tab A: | Trial Briefs |
| Tab B: | Blank |
| Tab C: | Joint Statement of the Case Tab |
| D: | Joint Witness List |
| Tab E: | Joint List of Jury Instructions |
| Tab F: | Joint and Contested Jury Instructions |
| Tab G: | Joint and/or Contested Verdict Forms |
| Tab H: | Joint Exhibit List |
| Tab I: | Page and Line Designations for Deposition and Former Testimony |
| Tab J: | Stipulations |

3. Motions *in Limine*

Motions *in limine* will be heard at the time of the FSC. *See* Local Rule 3.25(f)(2). Motions *in limine* are governed by the statutory notice requirements set forth in Code of Civil Procedure sections 1005(b) and 1013. Because motions *in limine* will be heard at the time of the FSC, they should not be calendared through the Court Reservation System.

When filing motions *in limine*, the parties must comply with Local Rule 3.57, including the required declaration, if applicable. Five (5) days before the FSC, counsel must provide a tabbed binder 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 identifying each motion *in limine*, opposition, and reply, and the corresponding tab for each.

4. Exhibits

Pursuant to Local Rules 3.52 and 3.53, the exhibits must be pre-marked using Arabic numerals and in instances where exhibits consist of multiple pages, each page must be numbered sequentially. The exhibits must be exchanged at least five (5) calendar days before the FSC and lodged with the Court on the first day of trial. At least three sets of exhibit binders – tabbed and paginated – are required on the first day of trial: a set each for the Court, judicial assistant, and witness. Counsel must also supply an exhibit binder to each opposing party.

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).

5. Non-Compliance

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(f)(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(f)(1) states that failure to exchange and file the pretrial items set forth above may result in the exclusion of witnesses and evidence at trial, or waiver of jury trial. 5/29/24

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.

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://resovelawla.com>.