

## **COURTROOM INFORMATION / DEPARTMENT 58**

JUDGE: James I. Montgomery, Jr.

JUDICIAL ASSISTANT: Chiquita Johnson

COURTROOM ASSISTANT: Robert E. Lee

DEPARTMENT: 58, Room 516, 5<sup>th</sup> Floor, Stanley Mosk Courthouse  
111 North Hill Street, Los Angeles, CA 90012

TELEPHONE NUMBER: (213) 633-0658

COURTROOM HOURS: 8:30 a.m. – 4:30 p.m.

Welcome to Department 58. The court appreciates attorneys and self-represented parties taking the time to read and comply with the policies and procedures set forth below.

### **1. CIVILITY AND PROFESSIONALISM**

The court places a very 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 civility, courtesy, and professionalism, both inside and outside the courtroom. The court expects all attorneys and parties to grant reasonable requests for professional courtesies, such as requests for reasonable extensions of time for deadlines to respond to pleadings, discovery, or other matters.

The Los Angeles County Bar Association has adopted “Guidelines for Civility in Litigation,” which the Los Angeles Superior Court has adopted as civility in litigation recommendations to members of the bar. (Los Angeles Superior Court Local Rules, rule 3.26, appendix 3.A.) The court expects all attorneys and parties to read and to follow those guidelines.

### **2. MANDATORY EFiling**

All parties represented by counsel shall comply with LASC rule 3.4 and the operative General Order re Mandatory Electronic Filing for Civil (May 3,

2019). The Operative General Order is available at the court's website. All such filings shall be in strict compliance with the technical requirements set forth in that general order, specifically:

1. Electronic documents must be electronically filed in PDF, test searchable format when technologically feasible without impairment of the document's image;
2. The table of contents for any filing must be bookmarked;
3. Electronic documents, including but not limited to, declarations, proofs of service, and exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked item (e.g. exhibit, declaration, deposition excerpt) **and** with bookmark titles that identify the bookmarked item and briefly describe the item;
4. Attachments to primary documents must be bookmarked (e.g. depositions, declarations, exhibits, etc.);
5. The use of hyperlinks within documents (including attachments and exhibits) is helpful to the court and strongly encouraged;
6. Each document accompanying a single pleading must be filed as a separate digital PDF document;
7. Multiple documents relating to one case can be uploaded in one envelope transaction;
8. Writs and Abstracts must be submitted as a separate electronic envelope.
9. In cases where a judicial officer orders that documents be filed under seal, those documents must be filed electronically (unless exempted under the operative General Order.) The burden of accurately designating the documents sealed at the time of electronic submission is the submitting party's responsibility;
10. It is the submitting party's responsibility to redact confidential information so that confidential information shall not be publicly disclosed.

### **3. EX PARTE APPLICATIONS**

Ex parte applications are heard at 8:30 a.m., Monday through Friday, following the morning calendar. The court typically considers and rules on ex parte applications in chambers based on the papers, without hearing oral

argument. Attorneys and self-represented parties may appear for ex parte hearings by telephone or videoconference.

Ex parte applications must comply with the requirements of California Rules of Court, rules 3.1200-3.1207. Ex parte applications are reserved for exigent circumstances and must 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.” The vast majority of ex parte applications are denied without a hearing because the applicant does not present a true emergency justifying ex parte relief. Only under extraordinary circumstances will ex parte relief be granted.

Parties represented by counsel must electronically file ex parte applications with all documentary support no later than 10:00 a.m. the court day before the ex parte hearing. Any written opposition to the ex parte application by parties represented by counsel must be electronically filed by 8:30 a.m. on the day of the ex parte hearing.

If the parties stipulate to an order, there is no need to file an ex parte application. The parties may instead file a stipulation and proposed order. The court generally promptly decides whether to grant stipulated proposed orders.

#### **4. HEARINGS IN GENERAL**

Upon arrival, please check in with the courtroom assistant. Counsel shall provide a business card that indicates the party they represent and the calendar matter number on which they are appearing. In lieu of a personal appearance in the courtroom, and unless otherwise ordered, counsel may appear via LA Court Connect. See Code Civ. Proc. section 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 prior to the hearing.

#### **5. CASE MANAGEMENT CONFERENCES**

The parties/counsel must comply with California Rules of Court, rule 3.700 et seq., and Local rule 3.25 in connection with such conferences and hearings.

Case management statements must be filed at least fifteen (15) calendar days before the conference. (Cal. Rules of Court, rule 3.725(a).)

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). Any counsel who attends the case management conference must be fully knowledgeable about the case, be able to commit to the party's position, and able to address any questions the court may have.

If any party has requested a jury trial, the party/counsel must comply with California Code of Civil Procedure section 631 regarding the posting of jury fees.

If you require the services of an interpreter for your hearing, please advise court staff no later than when you check in. Courtroom interpreters are not always available on the same day as requested. If you contact court staff at least 2 days prior to your hearing with your request for an interpreter, there is a higher chance one will be available at the time of your hearing.

## **6. LAW AND MOTION**

### **A. Reservation Hearing Date**

Parties must reserve hearing dates for motions using the Court Reservation System (CRS) available online ([www.lacourt.org](http://www.lacourt.org)). After reserving a motion hearing date, the reservation requestor must submit the moving papers for filing with the reservation receipt number printed on the face page of the document under the caption and attach the reservation receipt as the last page.

Be mindful that papers for a reserved matter must be filed within 3 days of making the reservation, else the reservation will be cancelled.

As soon as a reservation requestor realizes that a motion hearing, or other proceeding requiring a reservation, such as in Informal Discovery Conference, will not be necessary, the reservation requestor should immediately use CRS to cancel the reservation for the motion hearing, or other proceeding requiring a reservation.

If the moving party deems the hearing date to be too far in the future (say after the trial date), Parties should check CRS from time to time because earlier

hearing dates may become available as cases settle or hearings are taken off calendar.

### **B. Papers Must be Text Searchable and Bookmarked**

All electronically filed documents must be text searchable and bookmarked. (See operative General Order re Mandatory Electronic Filing in Civil.

(<http://lacourt.org/division/civil/pdf/GeneralOrderreMandatoryElectronicFilingforCivil.pdf>.)

### **C. Courtesy Copies Not Required Except For Ex Parte and Motion for Summary Judgment Containing Media Exhibits**

With the exceptions of Oppositions to Ex Parte Applications and Motions for, Oppositions to and Replies to Oppositions to Motions for Summary Judgment or Summary Adjudication, Department 58 does not require courtesy copies of any filed papers. Courtesy copies of Oppositions to Ex Parte Applications and Motions for, Oppositions to, and Replies to Oppositions to Motions for Summary Judgment or Summary Adjudication must be submitted directly to Department 58.

Department 58 also strongly encourages the parties filing and opposing lengthy Motions for Summary Judgment or Adjudication, to submit one or more three ring binders organizing the courtesy copy behind tabs. Any courtesy copies of documents with declarations and/or exhibits must be tabbed. (Cal. Rules of Court, rule 3.1110(f).) All deposition excerpts referenced in briefs must be marked on the transcripts attached as exhibits. (Cal. Rules of Court, rule 3.1116(c).) Courtesy copies, including any media attached thereto, will be destroyed by the court without notice following the hearing.

### **D. Withdrawal of Motions**

If a moving party takes a motion off the court's calendar, the moving party should notify the court immediately and should remove the item from the court's calendar on CRS. (Cal. Rules of Court, rule 3.1304(b).) If, in response to a demurrer, a party exercises its right to amend a pleading as prescribed by Code of Civil Procedure section 472, subdivision (a), the court requests that party to work with the party who filed the demurrer or motion to strike to take the demurrer or motion to strike off calendar so that the court does not needlessly prepare tentative rulings. The court may sanction a party for failing to take a motion off calendar.

## **E. Motions to Compel Further Responses to Discovery**

Parties seeking to compel further responses to discovery should schedule an Informal Discovery Conference (IDC) before the hearing, and preferably, the filing of their motions. The court may deny a motion to compel further responses to discovery if parties fail to schedule and complete an IDC before the scheduled hearing on the motion.

After meeting and conferring about available dates for an IDC, the moving/propounding party should reserve an IDC by calling Dept. 58's staff.

**Note: Scheduling an IDC does not extend the time to file a motion to compel further responses to discovery.**

The court will consider a party's failure to request an IDC and/or failure to stipulate to extend the time for filing of a motion to compel so that an IDC may be held when contemplating appropriate sanctions on the motion.

The court has found that, in most cases, IDCs are successful at assisting the parties to amicably resolve their discovery disputes, and a start in resolving the case as a whole. The purpose of the IDC is to assist the parties to resolve and/or narrow the scope of discovery disputes. Therefore, parties, through their respective counsel of record with full authority to make binding agreements, shall participate in the scheduled IDC. The court has found that most discovery disputes result from a failure to meaningfully meet and confer on the pending discovery issues. The court generally finds that meeting and conferring by only exchanging letters and e-mails, as opposed to actual conversation, is insufficient and ineffective. Thus, in requesting an IDC, the parties should indicate on their IDC forms what efforts were made to informally resolve pending discovery issues, which should include in-person or virtual meetings or telephonic communications. (The court requires this same showing in declarations filed in support of, and in opposition to, motions to compel further discovery responses.)

The court prefers but does not require the parties to appear in person for the IDC if all parties agree. If no agreement, the IDC will be conducted virtually. A joint statement setting forth the discovery issues and the position of the parties is due within three court days of the IDC.

## **F. Motions for Summary Judgment/Summary Adjudication**

Any party who intends to file a Motion for Summary Judgment or Summary Adjudication must reserve a hearing date immediately because the reservation dates for such motions are limited on the Court Reservation System, they fill up fast, and the present reservation dates available for such motions are very close to the trial dates being set by the court. Do not wait until discovery has been completed to reserve a hearing date for a motion for summary judgment or summary adjudication because, at a later date, hearing dates might not be available at least 30 days before the trial date set in your case.

### **7. SETTLEMENT**

While some cases need to be tried, most cases can and should be resolved without the need for trial. “There is a strong public policy in the State of California to encourage the voluntary settlement of litigation.” (*Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1339.) The court believes that it is in the best interests of the parties to settle their cases at an early stage to avoid the time, expense, uncertainty, and risk of trial.

Toward that end, at the Case Management Conference, the court may issue an order requiring the parties and their counsel to (1) hold a meeting to discuss settlement or (2) attend a court affiliated alternative dispute resolution (ADR) program. A chart outlining these programs is posted on the Department’s webpage. Alternatively, if the parties stipulate to hold a mediation with a private mediator, the court will order the parties to hold a mediation. The court expects the parties’ counsel and any self-represented parties to discuss before the Case Management Conference, and to be prepared to address at the Case Management Conference, whether the parties will stipulate to an ADR program or private mediation and, if so, what deadline the court should set for completion of the mediation or Mandatory Settlement Conference.

Upon stipulation of the parties, the court is also available to conduct mandatory settlement conferences. A Stipulation and Order re Settlement Conference with Trial Judge is required to be signed by all parties.

### **8. 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.

### **A. 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](http://www.lacourt.org/ADR/programs.html).

### **B. 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](http://www.lacourt.org/ADR) or email [ADRCivil@lacourt.org](mailto:ADRCivil@lacourt.org).

### **C. 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](mailto:ADRCivil@lacourt.org).

#### **D. 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://resolvelawla.com>.

#### **9. 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/or evidence at trial, or waiver of jury trial.

#### **10. TENTATIVE RULINGS**

The court in most instances posts tentative rulings on the court's website, [www.lacourt.org](http://www.lacourt.org), by 4:00 p.m. of the court day before the motion hearing. Written tentative rulings will also be made available in Dept. 58 on the day of any given motion hearing.

#### **11. COURT REPORTERS**

Because Department 58 is dedicated to unlimited jurisdiction civil cases, the services of an official court reporter are not available for hearings or trials in Department 58, except as provided by California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, rule 2.21, subdivision (a). A party who has not received a fee waiver may arrange for the

presence of a certified shorthand reporter to serve as official pro tempore reporter pursuant to California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, rule 2.21, subdivisions (a) and (e). A party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, rule 2.21, subdivision (a). The court strongly recommends the use of court reporters for both court and jury trials.

## **12. FINAL STATUS CONFERENCE**

Final Status Conferences are frequently convened on Tuesdays at 9:00 a.m., six days before any given Monday trial, but FSC's may be set on other days.

## **13. TRIAL PROCEDURES**

Trials are usually set on Mondays at 9:00 a.m.

Department 58 normally will order the parties' compliance with a Trial Preparation Order (example attached hereto). The court expects the parties' counsel and any self-represented parties to work together to jointly prepare and submit the documents and binders required by that order. The order will require the following items to be completed prior to commencing jury trial in Department 58:

### **A. Meet and Confer**

Prior to the Final Status Conference, counsel are to meet and confer to exchange, discuss, and prepare for submission to the court the jury instructions, a verdict form or forms, a statement of the case, exhibits, exhibit lists, and witness lists. Counsel shall also attempt to reach stipulations with regard to ultimate facts and issues, and the authenticity/ admissibility of exhibits.

### **B. Filings and Submissions**

All documents required for the Final Status Conference, unless otherwise specified by the court, shall be FILED/LODGED DIRECTLY IN DEPT. 58 AT LEAST FIVE CALENDAR DAYS PRIOR to the FSC, and must be served on all opposing counsel early enough to be received by other counsel before the FSC date. The parties are to comply with the court's trial preparation order. Be sure to bring copies of all documents to the FSC. The documents required in the manner set forth in the Trial Preparation Order include the following:

## **1. Trial Briefs**

A Trial Brief from each party containing:

1. A brief description of the claims and defenses subject to litigation;
2. A list of the primary legal issues anticipated with supporting points and authorities;
3. A brief statement of the relief sought and a calculation of the damages sought; and
4. Any other information which counsel believes may assist the court in ruling upon trial objections or other matters that may arise at trial.

## **2. Motions in limine**

Motions in limine shall be noticed for hearing at the Final Status Conference. A discussion about the motions may be commenced at the Final Status Conference. Boilerplate or form motions in limine are disfavored. Motions in limine shall designate the specific evidence sought to be precluded. Counsel shall comply with LASC rule 3.57 in connection with filing of Motions in limine. If more than one Motion in limine is filed, each motion shall be numbered consecutively. Opposition papers shall include the number of the motion to which it responds.

## **3. Statement of the Case**

A Joint Statement of the case suitable to be read to the jury.

## **4. Witness List**

A Joint Witness List, including each witness's name, the time estimate for direct, cross, and redirect, total estimated time for all witnesses expected to testify, any potential scheduling problems, and any special requirements. The names of the witnesses are to be listed alphabetically.

## **5. Exhibit List**

A Joint Exhibit List. Counsel are to agree on a block of numbers to be allocated to each party for exhibits. (See LASC Rule 3.53). The exhibit list shall include the exhibit number and a BRIEF description of the exhibit. The court

requests that counsel attempt to stipulate to the admissibility or foundation of documents contained on the joint exhibit list.

## **6. Jury Instructions**

A joint set of Jury Instructions. Counsel shall meet and confer to prepare this joint set. Any proposed special instruction to which counsel cannot agree shall be submitted as a separate set or sets. Each such special instruction shall indicate the party/parties requesting the instruction. All blanks on CACI instructions must be filled in and any irrelevant portions stricken. (See LASC rule 3.170). Special instructions should be submitted in a format suitable for jury review, i.e., citations of authority and the identity of the requesting party shall be placed above the text. (See LASC rule 3.171). All Jury Instructions shall be formatted pursuant to the governing rules.

## **7. Verdict Form**

A Joint General Verdict Form, and/or any special verdict forms that are requested. A jury panel cannot be ordered until an acceptable verdict form has been prepared.

## **8. Exhibits**

Counsel shall prepare a joint set of exhibits. The original and 2 copies of all exhibits shall be provided to the court at the outset of trial. The exhibits shall be placed in one or more 3-ring binders for ease of access and shall be properly marked. Each exhibit shall be internally paginated. Non-documentary exhibits shall be represented in the binder with a simple written description. Counsel are to meet and confer with respect to each exhibit prior to trial with a view toward agreeing on the authenticity/admissibility of all or most exhibits.

## **9. Digital/Electronic Devices**

These matters shall be discussed at the FSC.

## **14. TRIAL**

### **A. Jury Selection**

The “six pack” method is used.

## **B. Jury Fees**

Fees must be paid on a daily basis. The judicial assistant will advise you how much is owed each day.

## **C. Court Reporters**

The court no longer provides a court reporter. If counsel wish to have a trial or a hearing reported, they are responsible to arrange for a court reporter to be present at the proceeding. Please refer to the LASC website for further information regarding court reporters.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

«Plaintiff»,	)	Case No. «Case_No»
	)	
Plaintiff(s),	)	STIPULATION AND ORDER RE:
	)	SETTLEMENT CONFERENCE WITH
vs.	)	TRIAL JUDGE
	)	
«Defendant»,	)	
	)	
Defendant(s).	)	
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1. The parties stipulate, through their undersigned counsel, that a settlement conference may be conducted in this case by Judge James I. Montgomery, Jr.
2. The parties stipulate that the above-stated judge may conduct the settlement conference as he finds appropriate, including discussing all aspects of the case candidly with counsel and/or the parties.
3. The parties stipulate that the above-stated judge may discuss the case privately with counsel for any side, with or without their clients present.
4. The parties stipulate that the above-stated judge may discuss the case privately with the parties on any side without their counsel present.
5. The parties acknowledge that this stipulation allows the above-stated judge to review the probable evidence, offer evaluations of the strength of the evidence or of its admissibility,

offer evaluations of the applicable law, offer an evaluation of damages, and take any other steps or apply any other settlement techniques he finds appropriate.

6. The parties acknowledge that if the case is not settled, trial of the case may be conducted by the above-stated judge.
7. The parties stipulate that nothing that is said, and nothing that occurs, during or as a consequence of the settlement conference will later constitute, or be cited as, a basis for disqualification of the above-stated judge as the trial judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney for Plaintiff

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Signature of Attorney for Defendant

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Judge of the Superior Court

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7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**  
10

11 «Plaintiff», ) Case No. «Case\_No»  
12 )  
13 Plaintiff(s), ) TRIAL PREPARATION ORDER  
14 )  
15 vs. )  
16 )  
17 «Defendant», )  
18 )  
19 Defendant(s). )  
20

21 The dates for trial and the final status conference having been set in this case, the court  
22 orders as follow:

23 **1. MEET AND CONFER**

24 No later than 18 calendar days before the final status conference, the parties' counsel  
25 and any self-represented parties shall exchange all exhibits they intend to introduce at trial.

26 No later than 11 calendar days before the final status conference, the parties' counsel  
27 and any self-represented parties shall meet and confer to do the following:

- 28 (1) discuss and prepare the documents required in sections 2.B-H below, and  
the Motions in limine binder, exhibit binders, and trial binders required in  
sections 3-5 below,



- (2) discuss and make a good faith effort to stipulate to the authenticity and admissibility of each trial exhibit,
- (3) discuss and make a good faith effort to stipulate to resolve each motion in limine,
- (4) discuss and make a good faith effort to stipulate to ultimate facts and legal issues, and
- (5) discuss and make a good faith effort to settle the case.

2. **TRIAL DOCUMENTS TO BE FILED**

No later than *five calendar days* before the final status conference, the parties' counsel and any self-represented parties shall file and serve the following documents:

**A. TRIAL BRIEFS (MANDATORY)**

Each party may, but is not required to, file a trial brief succinctly identifying:

- (1) the claims and defenses that remain in dispute for trial,
- (2) the major legal issues (with supporting points and authorities),
- (3) the relief and calculation of damages sought, and
- (4) any other information that may assist the court at trial.

**B. JOINT WITNESS LIST**

The parties' counsel and any self-represented parties shall work together to prepare and file a joint list of all witnesses whom any party intends to call at trial, excluding impeachment and rebuttal witnesses. (Los Angeles County Court Rule (Local rule) 3.25, subd. (g)(5).) The joint witness list shall be organized with columns (in the format set forth below) that state:

- (1) the name of each witness (in alphabetical order), if the witness is being called to testify as an expert, and any special requirements or accommodations needed for the witness (e.g., interpreter),
- (2) the party calling the witness,
- (3) whether the witness is actually expected to testify,
- (4) a brief description of the witness's expected testimony,

- (5) an estimate of the length of direct examination (in hours),  
(6) an estimate of the length of cross-examination (in hours), and  
(7) the total estimated length of examination (in hours).

At the end of the joint witness list, the parties and any self-represented parties shall add up the estimated times for all witness testimony and state the grand total in the last column. Any witness who is not included on the joint witness list is subject to being excluded from testifying at trial other than for purposes of giving actual impeachment or rebuttal testimony. Any party who seeks to elicit testimony from a witness not in the witness list must first make a showing to the court of good cause.

JOINT WITNESS LIST						
Name (State if Expert)	Party Calling (Π/Δ)	Actually Expected To Testify? (Yes/No)	Brief Description of Testimony	Length of Direct (in hours)	Length of Cross (in hours)	Total Length (in hours)

There is no need to make objections to any witness on the joint witness list. The parties do not waive or preserve objections on the joint witness list.

### C. JOINT EXHIBIT LIST

The parties' counsel and any self-represented parties shall work together to prepare and file a joint exhibit list organized with columns (in the format set forth below) that state, as to each exhibit any party intends to offer at trial:

- (1) the exhibit number (not letter),
- (2) a brief description of the exhibit,
- (3) which party is offering the exhibit,
- (4) whether the parties have stipulated to authentication of the exhibit,
- (5) whether the parties have stipulated to admissibility of the exhibit,
- (6) the date the exhibit was marked for identification, and
- (7) date the exhibit was admitted into evidence. (Local rule 3.25, subd. (g)(6).

As set forth above, the parties' counsel any self-represented parties shall meet and confer in an effort to resolve objections to the authenticity and admissibility of each exhibit.

JOINT EXHIBIT LIST						
No.	Description	Offered By (Π/Δ)	Stipulate to Authen.? (Yes/No)	Stipulate to Admiss.? (Yes/No)	Date marked for ID	Date Admitted

There is no need to make specific objections on the joint exhibit list. The parties do not waive or preserve objections on the joint exhibit list.

#### D. JOINT STATEMENT TO BE READ TO THE JURY

Rule 3.25, subd. (g)(4). A joint statement should usually be only a few sentences. It should be in plain English without legal jargon.

#### E. JOINT LIST OF PROPOSED JURY INSTRUCTIONS (JOINT AND CONTESTED)

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a joint list of proposed jury instructions (in the format set forth below) that states, as to each jury instruction:

- (1) the jury instruction number (listed in numerical order),
- (2) the title of the jury instructions,
- (3) the party requesting the jury instruction,
- (4) whether the jury instruction is agreed upon or contested,
- (5) a concise statement of any objection, and
- (6) whether the jury instruction was given by the court (Joint List of Proposed Jury Instructions).

JOINT LIST OF PROPOSED JURY INSTRUCTIONS				
No.	Title	Requested By (Π/Δ)	Agreed or Contested	Given (Yes/No)

1                   **F. JURY INSTRUCTIONS (JOINT AND CONTESTED)**

2           For jury trials, the parties' counsel and any self-represented parties shall work together  
3 to prepare a complete set of full text proposed jury instructions, editing all proposed Judicial  
4 Council of California Jury Instructions (CACI) instructions, inserting party names, and  
5 eliminating blanks, brackets, and other irrelevant or inapplicable material. If there is an  
6 appropriate CACI jury instruction on a point of law, the court expects the parties to request  
7 the CACI instructions instead of a specially prepared jury instruction. The court rarely uses  
8 a special jury instruction on a topic covered by a CACI instruction. Special jury instructions  
9 that use quotes from appellate cases taken out of context, or that do not use plain English, are  
10 usually not appropriate.

11           The court's practice is to keep a working list of all jury instructions it intends to give  
12 as of the first day of trial. The parties should not request CACI instructions that do not apply  
13 when the trial begins. For example, CACI 5013 shall not apply unless and until there is a  
14 deadlocked jury. During trial, if circumstances change, the parties may request additional  
15 jury instructions.

16           The court generally does not give the jury redundant instructions. For example, CACI  
17 105 and CACI 5001 are the same. Unless unusual circumstances warrant otherwise, the  
18 court shall only give this instruction once.

19                   **G. VERDICT FORM(S)**

20           For jury trials, the parties' counsel and any self-represented parties shall work together  
21 to prepare and file a joint proposed general verdict form, or a joint proposed special verdict  
22 form acceptable to all parties. (Local rule, subd. (g)(8).) If the parties cannot agree on a joint  
23 verdict form, each party must separately file a proposed verdict form. When a special verdict  
24 form is requested, if there is an appropriate CACI special verdict form for a cause of action,  
25 affirmative defense, or other finding, the court expects the parties to use the CACI special  
26 verdict form.

1                                   **H. JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR**  
2                                   **DEPOSITION AND FORMER TESTIMONY**

3           If the parties intend to use deposition testimony or former trial testimony in lieu of or  
4 in addition to a witness's live testimony, the parties' counsel and any self-represented parties  
5 shall meet and confer to discuss, and work together to prepare and file, a joint chart (in the  
6 format set forth below) (Joint Chart of Page and Line Designation for Deposition and  
7 Former Testimony). The parties do not, however, need to include in the joint chart  
8 deposition testimony or former trial testimony they plan on using for impeachment purposes  
9 only.

10           In the joint chart, each designating party's designation of deposition or former  
11 testimony shall include column that state:

- 12                           1) the designation number and name of the witness,  
13                           2) the date and type of testimony (e.g. deposition or trial testimony),  
14                           3) the page and line designations of the deposition or former testimony  
15                                 requested to be used,  
16                           4) any objections,  
17                           5) whether the other party has counter-designated any additional deposition or  
18                                 former testimony of the witness that relates to the designation, and, if so, the  
19                                 designation number of the counter-designation, and  
20                           6) the court's ruling.

21           The parties shall attach copies of the pages of the transcripts of the deposition or  
22 former testimony they are designating or counter-designating to the Joint Chart of Page and  
23 Line Designations for Deposition and Former Testimony, with numbered tabs separating each  
24 deposition or trial transcript. Each designation or counter-designation shall be highlighted,  
25 with each party using a different color highlighter.  
26  
27  
28

**JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR  
DEPOSITION AND FORMER TESTIMONY**

**I. Plaintiff's Designations**

Number/ Witness Name	Date/Type of Transcript	Page: Line Designation	Objections	Is There a Counter? (Yes/No/#)	Ruling
1. John Doe	1/3/20 Depo.	1:2-25	Hearsay	Yes #4	
2. John Doe	3/4/19 Trial Testimony	5:20-25		No	
3. Jane Doe	1/15/20 Depo.	2:5-10		No	

**Defendant's Counter-Designations**

Number/ Witness Name	Date/Type of Transcript	Page: Line Designation	Objections	What # Does This Counter?	Ruling
4. John Doe	1/3/20 Depo.	1:26-2:20		#1	

**II. Defendant's Designations**

Number/ Witness Name	Date/Type of Transcript	Page: Line Designation	Objections	Is There a Counter? (Yes/No/#)	Ruling
5. John Doe	3/4/19 Trial Testimony	5:20-25	No foundation	Yes #7	
6. Jane Doe	1/15/20 Depo.	2:5-10		No	

**Plaintiff's Counter-Designations**

Number/ Witness Name	Date/Type of Transcript	Page: Line Designation	Objections	What # Does This Counter?	Ruling
7. John Doe	3/4/19 Trial Testimony	5:26-6:10		#5	

**3. MOTIONS IN LIMINE**

Motions in limine shall be noticed for hearing at the Final Status Conference. The parties' counsel and any self-represented parties shall comply with the statutory notice

1 provisions of Code of Civil Procedure section 1005 and file declarations that comply with the  
2 requirements of Local rule 3.57, subdivision (a). The caption of each motion in limine shall  
3 concisely identify the evidence that the moving party seeks to exclude. Parties filing more  
4 than one motion in limine shall number them consecutively. Parties filing opposition and  
5 reply papers shall identify the corresponding motion number in the caption of their papers.

6 No later than three calendar days before the Final Status Conference, the parties’  
7 counsel and any self-represented parties shall jointly prepare and lodge in Department 58 a  
8 Motions in limine Binder. The Motions in limine Binder shall include one-sided, conformed  
9 copies of all motions in limine, opposition papers, and reply papers, organized in one or more  
10 three-ring binders, tabbed in numerical order with the opposition papers and reply papers for  
11 each motion placed directly behind the moving papers with a colored sheet of paper  
12 separating the moving, opposition, and reply papers.

13 The parties should not file generic motions in limine untethered to actual anticipated  
14 disputes about evidence. Motions in limine that seek rulings “which would merely be  
15 declaratory of existing law” and do not include a discussion about the particular evidence the  
16 moving party seeks to exclude are not appropriate. (*Kelly v. New West Federal Savings*  
17 (1996) 49 Cal.App.4<sup>th</sup> 659, 670-671.)

#### 18 4. EXHIBIT BINDERS

19 The parties counsel and any self-represented parties shall work together to jointly  
20 prepare at least five *identical* sets of tabbed, exhibit binders organized numerically in three-  
21 ring binders (Exhibit Binders): a set for the court, a set for the judicial assistant, a set for the  
22 witnesses, and a set for each party. Copies of documentary exhibits shall be one-sided copies.  
23 The parties’ counsel and any self-represented parties shall bring one set of the Exhibit Binder  
24 to the Final Status Conference for the court to review.

#### 25 5. TRIAL BINDER

26 No later than three calendar days before the Final Status Conference, the parties’  
27 counsel and any self-represented parties shall jointly prepare and lodge in Department 58 a  
28 physical Trial Binder, consisting of one-sided, conformed copies, tabbed and organized in a

1 three-ring binder with a table of contents that includes the following (for trials by the court  
2 without a jury, the Trial Binder shall only include the documents listed under tabs A, B, C, H,  
3 and I):

4 Tab A: Trial Briefs

5 Tab B: Joint Witness List

6 Tab C: Joint Exhibit List

7 Tab D: Joint Statement to be Read to the Jury

8 Tab E: Joint List of Jury Instructions

9 Tab F: Joint and Contested Jury Instructions

10 Tab G: Joint or Contested Verdict Form(s)

11 Tab H: Joint Chart of Page and Line Designations for Deposition and  
12 Former Testimony

13 Tab I: Copies of the Current Operative Pleadings (including the  
14 operative complaint, answer, cross-complaint, if any, and answer  
15 to any cross-complaint).

16 The parties shall organize proposed jury instructions into group behind Tab F in the  
17 following order (labeled by cover sheets):

18 1) the agreed-upon instructions,

19 2) plaintiff's requested instructions to which defendant objects, and

20 3) defendant's requested instructions to which plaintiff objects.

21 **6. FAILURE TO COMPLY WITH TRIAL PREPARATION ORDER**

22 The court has discretion to require any party's counsel and any party who fails to  
23 comply with this Trial Preparation Order to show cause why the court should not impose  
24 monetary, evidentiary, and/or issue sanctions.

25 IT IS SO ORDERED.

26  
27 DATED:

28 \_\_\_\_\_  
James I. Montgomery, Jr.  
Judge of the Los Angeles Superior Court