

DEPARTMENT 61 STANLEY MOSK COURTHOUSE

COURTROOM INFORMATION

Judge: Richard S. Kemalyan
Judicial Assistant: Ricky Wang
Courtroom Attendant: Diana De Leon
Location: 7th Fl., Room 732, 111 No. Hill Street, Los Angeles, California 90012.
Telephone No: (213) 633-1061
Courtroom Hours; Monday – Friday 8:30 a.m. – noon and 1:30 p.m. – 4:30

Department 61 is an independent/direct calendar court. Parties and counsel should review the provisions of the California Code of Civil Procedure (CCP), the California Rules of Court (CRC) and the Los Angeles Superior Court Local Rules (LR). Counsel and parties are expected to be familiar with the Local Rules, Chapter 3, Civil Division that apply to unlimited civil actions in independent calendar courts.

GUIDELINES FOR CIVILITY IN LITIGATION: Parties and counsel are expected to know and adhere to the guidelines articulated in Appendix 3.A of the Los Angeles Superior Court Local Rules.

CASE MANAGEMENT CONFERENCES: Case Management Conferences are held at 9:00 a.m. The parties must check in with the Judicial Assistant between 8:30 a.m. and 8:50 a.m. as the Court will take the bench at 9:00 a.m.

The parties must comply with California Rules of Court, Rule 3.722, et. seq., and Local Rules 3.24 – 3.25 in reference to this conference. Note that trial counsel are required to meet and confer by video-conference, telephone or in person no later than fifteen (15) calendar days before the date set for the initial and any succeeding Case Management Conference to consider each of the issues identified in CRC Rules 3.724 and 3.727. Case Management Statements must be filed at least seven (7) calendar days before the date set for the conference. Counsel attending the conference must be knowledgeable about the case and prepared to discuss all issues set forth in CRC Rule 3.727. Failure to comply with the Rules of Court relating to Case Management Conferences and service of the complaint may result in the Court setting an Order to Show Cause why Monetary Sanctions should not be imposed pursuant to CRC R. 2.30 and CCP Sec. 177.5. Finally, please note that jury

fees should be posted by the time of the Case Management Conference pursuant to CCP, Sec. 631.

EX PARTE APPLICATIONS:

The Court typically hears Ex Parte Applications Monday – Friday at 8:30 a.m. NOTE: The Court will only grant ex parte relief upon a showing, by admissible evidence, that the moving party will suffer “irreparable harm”, “immediate danger,” or where the moving party identifies a “statutory basis for granting relief ex parte.” (See Cal. Rules of Ct. Rule 3.1202(c).)

Ex Parte applications are reviewed in chambers and oral argument will be considered at the discretion of the Court. See General Order 2020-Gen-018-00 and CCP Sec. 166(a)(1).

TELEPHONIC/REMOTE APPEARANCES:

LACourtConnect is available for video and telephone appearances. The Court prefers video appearances. Remote appearances are not permitted for Final Status Conferences.

MOTIONS:

The Court hears motions Monday through Friday at 9:00 a.m. The parties must check in with the Judicial Assistant between 8:30 a.m. and 8:50 a.m. as the Court will take the bench at 9:00 a.m. A hearing must be reserved for any motion through the court reservation system. The Court will post a tentative ruling on most motions the afternoon prior to the hearing date. The Court REQUESTS courtesy copies of filings.

DISCOVERY/DISCOVERY MOTIONS AND DISCOVERY DISPUTES:

The Court expects and encourages attorneys and self-represented parties to informally resolve discovery disputes, rather than through expensive and time consuming discovery motions. To assist with this expectation, the Court, when time permits, may conduct an informal discovery conference (IDC) at the request of the parties.

The parties are required to conduct an independent meet and confer prior to the filing of a motion to compel discovery. At such time, the parties may desire to request an IDC with the court if they are unable to reach a resolution on their own. To schedule an IDC, counsel must meet and confer on a date and then call the court to request an agreeable date. At least five (5) court days before the IDC, the parties MUST separately or jointly file a brief of no more than three (3) pages setting forth the issues in dispute and their respective positions. Failure to file the required IDC brief will result in the IDC being taken off calendar. The Court will endeavor to hear the IDC at the close of the calendar.

Should the Court determine from the brief(s) that the IDC will not be beneficial, parties will be so advised and they may proceed to file any motions.

See addendum re Song-Beverly discovery.

COURT REPORTERS:

The Court strongly recommends the use of a court reporter for both bench and jury trials.

The Court does not provide court reporters absent a fee waiver. A party who has received a fee waiver pursuant to CRC 3.55.(7) may request an official court reporter by filing form FW-020 at least ten (10) court days before the trial or hearing. (See CRC 2.956(c)). 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.

Should parties not provide a court reporter, they will be required to provide a joint summary of testimony and evidence admitted each day, for the Court's use in preparing a settled statement for appellate purposes. The summary of the testimony and evidence must be submitted as a joint summary for the prior day's testimony no later than 8:30 a.m. on the following day of trial.

INTERPRETERS:

Court-certified language interpreters will be provided free of charge to limited English-speaking litigants. Please make the request at the Court's website at <http://www.lacourt.org/irud/UI/ReqInput.aspx>, or inform the Judicial Assistant as soon as possible. A court-certified language interpreter must be used to address the Court. Counsel are required to advise the Court at the time of the Final Status Conference that an interpreter will be required.

SETTLEMENT CONFERENCES AND MEDIATION:

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 video-conferencing. 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/ADR/programs.html.

MEDIATION VOLUNTEER PANEL (MVP): Cases referred to the Court's Mediation Volunteer Program (MVP) are eligible for three (3) hours of virtual mediation at no cost with a qualified mediator from the MVP. Through this program, mediators volunteer preparation time and three (3) hours of mediation at no cost. If the parties agree to continue the mediation after the three hours, the mediator may charge his/her 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 program, 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 e-mail 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, 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 LA Law 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 parties must complete the program's on-line registration process. The program leverages the talent of attorney mediators with at least ten (10) years of litigation experience who volunteer as settlement officers. Each MSC includes two (2) settlement officers, one each from the plaintiff and defense bars. For more information, visit <https://resolvelawla.com>.

The Court is also willing to personally conduct settlement conferences for cases assigned to this department. Please contact the Courtroom Assistant to arrange a conference. Parties will need to obtain and execute a stipulation for settlement conferences conducted by the trial judge.

NOTICE OF SETTLEMENT/REQUEST FOR DISMISSAL:

Notice of Settlement must be e-filed by plaintiff using Judicial Council Form CM-200, even if the case is settled at a judicial MSC. Once Notice of Settlement of the entire case is e-filed, all future appearances will be taken off calendar and an OSC re dismissal/settlement will be scheduled approximately forty-five (45) days from the filing. If trial binders were lodged, prior to settlement, they must be picked up within two (2) weeks of filing the Notice of Settlement or they will be discarded. Refer to CRC 3.1385 for duties upon settlement.

TRIAL PREPARATION AND PROCEDURES

FINAL STATUS CONFERENCE:

The Court generally schedules a Final Status Conference (FSC) at 9:30 a.m. ten (10) days before the trial date. BECAUSE OF THE ISSUES THAT WILL BE COVERED AT THE FSC, THE COURT REQUIRES TRIAL COUNSEL TO ATTEND.

The purpose of an FSC is to verify that the parties are completely ready to proceed to trial continuously and efficiently, from day to day, until verdict.

Counsel will be ordered to meet and confer in advance of the FSC regarding (1) the preparation of trial documents as discussed below, (2) the potential for stipulations to ultimate facts, legal issues and motions in limine, and (3) issues affecting the authentication and admissibility of exhibits, including any objections.

NOTE: The parties are required to prepare joint documents (discussed below) and to file them electronically AND in trial notebooks or binders prior to the FSC. See Local Rule 3.25(f)(1).

Failure to comply with the Court's FSC requirements and the Local Rules governing trial preparation may result in the Court continuing the FSC, and/or the trial, and further, the Court may set an Order to Show Cause why monetary sanctions should not be imposed on counsel, or imposing limitations on the trial pursuant to Local Rule 3.25(f)(1), and may include orders prohibiting the calling of witnesses or presentation of exhibits.

TRIAL DOCUMENTS AND FILING THEREOF:

Pursuant to Local Rule 3.25(g)(3), the Court orders that all trial documents discussed herein MUST be filed and served no later than ten (10) days before the FSC.

The trial documents required are as follows:

1. **Motions in Limine:** These motions and opposition thereto must be filed in a separate notebook/binder. Compliance with Local Rules 3.25(f)(2) and 3.57 is required, including the meet and confer requirements. Note that these motions must not be used as a substitute for statutorily authorized dispositive motions. If there are multiple motions they must each bear a number and title of what is being addressed.
2. **Trial Briefs:** The Court recommends that each side file a trial brief in either a bench or jury trial.
3. **Joint Statement of the Case:** For jury trials, counsel should reach an agreement on a joint statement of the case to be read to the jury. See Local Rule 3.25(g)(4). The statement should identify the parties and be neutral in describing the general subject matter of the case.
4. **Joint Witness List and Trial Schedule:** The parties must submit a joint witness list of all witnesses each party actually intends to call. Next to each witness, note if the witness is an expert, indicate the total time estimated for that witness's testimony, including direct, cross and redirect. Time estimates must be realistic. At the end of the list, total the time estimated for testimony. Absent good cause, the total number of hours listed for testimony shall not exceed the trial estimate given at the CMC, including the allocation of one day of the estimate for jury selection and sufficient time for opening statements and closing arguments. The parties shall discuss with the Court at the FSC, which witnesses will appear in person and which, if any, may appear by video.

The Court will consider imposing time limits in appropriate cases.

At the conclusion of each court day, counsel are ordered to advise opposing counsel of the witnesses to be called the next day.

5. **Joint Exhibit List and Exhibits:** Counsel shall prepare and file a joint exhibit list organized with columns identifying each exhibit and specifying each party's evidentiary objections, if any, to the admission of each exhibit. Before submitting the joint exhibit list, counsel must meet and confer in an effort to resolve objections to the admissibility of each exhibit. Objections not stated in writing on the joint list shall be deemed waived except upon a showing of good cause. A failure to timely

file a joint exhibit list may result in the Court prohibiting the use of exhibits at trial.

NOTE: Each exhibit must be separately numbered. If an exhibit contains more than one page, the pages must be internally numbered, i.e. Exh. 3, 3.1, 3.2 etc.

6. Joint Proposed Jury Instructions: The parties are to submit a joint set of instructions, PLUS a set of instructions from each side to which there are objections. The parties shall provide the full text of all requested instructions. Before submitting, counsel must fill in the blanks, make every appropriate modifications, and comply with Local Rule 3.170-3.171. Use CACI for form instructions. Citation of authority and the party requesting will be required to be removed by counsel after the jury instruction conference and before submission to the jury.
7. Proposed Verdict Form: Counsel are encouraged to agree upon a special verdict form and submit it to the Court with the other joint materials. If counsel cannot agree on a special verdict form, the Court may prepare a general verdict form.

TRIAL COMMENCEMENT/START TIME:

For jury trials, the first day will commence at 10:30 a.m. This allows the Court to complete the calendar and check-in the panel of prospective jurors. On all remaining days, trial will commence at 10:00 a.m. Counsel should arrive early enough to set-up and, if necessary to address any issues out of the presence of the jury. The court will not unnecessarily delay the start of trial.

For bench trials, the proceeding will commence daily at 10:00 a.m.

COURTROOM DECORUM:

Counsel are expected to follow the requirements of Local Rules 3.92-3.183. Any new issues that arise in trial should be conveyed to the other side and arrangements should be made to meet in court early to discuss the matter in order to avoid taking away jury time. Sidebars are discouraged.

Counsel should only state the legal basis for an objection. Should the Court require more, the attorneys will be asked to approach.

Counsel may publish exhibits to the jury only after they have been marked for identification. If counsel agree that an exhibit will be admitted without objection, counsel may publish the particular exhibit to the jury during opening statement.

ADDENDUM RE SONG-BEVERLY ACT DISCOVERY:

The Court provides the this Addendum in order to circumvent unnecessary discovery motions. Review of this material will hopefully negate disputes. In Song-Beverly Warranty Act Claims, the Court offers the following guidelines as to what is discoverable:

1. Purchase and/or lease contracts concerning the SUBJECT vehicle;
2. Repair orders and invoices concerning the SUBJECT vehicle;
3. Communications with the 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 or at defendant's direction, and provided to its authorized repair facilities within the State of California from the date the subject vehicle was purchased to the present;
6. Any internal analysis, investigation and/or communication 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. Any warranty repairs 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;
9. 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; and,
10. 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.