

**Courtroom Information**  
**Department 78**  
**Stanley Mosk Courthouse**  
**7<sup>th</sup> Floor, Room 730**  
**Judge Tiana J. Murillo**

**JUDICIAL ASSISTANT:** Diana Castro-Martinez

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**COURTROOM HOURS:** 8:30 a.m. to 12 noon and 1:30 p.m. to 4:30 p.m.

Department 78 is an independent/direct calendar court.

**A. CIVILITY IN LITIGATION**

This 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. 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. Parties and counsel should review and comply with the California Code of Civil Procedure (“CCP”), the California Rules of Court (“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). All counsel and parties appearing in Department 78 shall conduct themselves with dignity, courtesy and integrity.

**B. COURT REPORTERS**

Per Government Code section 69959 and Code of Civil Procedure section 367.75(d)(2)(A), Court Reporters are not permitted through the use of remote technology, and the official reporter or the official reporter *pro tempore* **shall be physically present in the courtroom.**

Court reporters are no longer provided by the court for civil trials. Parties are therefore responsible for arranging court reporters to be present for the trial at their own expense. Real time/Live Note is preferred, with a connection for the Court. **If the parties do not have a court reporter, the Court may require counsel to provide the Court with a joint summary of the testimony and evidence admitted daily, due by the morning following said testimony.**

## **C. FILING OF DOCUMENTS**

Except for parties or attorneys who have obtained an exemption from mandatory electronic filing, parties must electronically file documents. Filings are not accepted via facsimile. **Please be aware that it may take 1-2 business days for a filed document to appear in the Court's docket.** The requirements for electronic filing are detailed in the operative General Order re Mandatory Electronic Filing for Civil (Superior Court, L.A. County). This Order is available online at:

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

## **D. SERVICE OF SUMMONS AND COMPLAINT**

Plaintiff(s) shall service the summons and complaint upon Defendant(s) within 60 days of filing of the complaint. (Rules of Court, rule 3.110 (b).) Failure to do so may result in the imposition of sanctions (See CCP §§ 128, 177.5; Rules of Court, rule 2.30), including dismissal (CCP §§ 583.410, 583.420), unless Plaintiff(s) shows cause why the court should not make such an order.

## **E. CASE MANAGEMENT CONFERENCES**

Thirty days before a scheduled Case Management Conference, the parties are ordered to meet and confer in person, by telephone, or by video to discuss the items listed in Rules of Court, rule 3.724. The Court expects this to be a meaningful conference in which counsel with authority discuss the pleadings, discovery, and a path to case resolution, whether by settlement or trial. The parties must then file timely Case Management Conference Statements pursuant to Rules of Court, rule 3.725 (preferably a joint statement), describing the nature of the case, when discovery will be completed (“per code” does not assist the Court), and any agreements the parties have reached (see 19(b) of the Statement). A failure to comply with Rules of Court, rules 3.724 and 3.725 may subject the offending counsel to sanctions of up to \$250 per violation. (Rules of Court, rule 2.30.)

## **F. LAW AND MOTION**

### **1. Reservation Hearing Date**

Moving parties must secure a hearing date via the online Court Reservation System (CRS) on the Los Angeles Superior Court website. Please see the “Online Services” section to find the civil Court Reservation System at [www.lacourt.org](http://www.lacourt.org) to reserve a hearing date prior to filing any motion, except for motions *in limine*, which are normally heard at the final status conference or the first day of trial. Motion fee payments are required at the time reservations are made online.

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

A party who cannot find a hearing date soon enough on CRS should check from time to time, as earlier dates may become available as cases settle or other hearings taken off calendar.

### **2. Papers – Text-Searchable and Bookmarked**

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

### 3. Courtesy Copies

Except for oppositions to *ex parte* applications and papers related to motions for summary judgment/adjudication, Department 78 does not require courtesy copies of any filed papers. Such courtesy copies must be submitted directly to Department 78. Parties filing and opposing lengthy motions for summary judgment or adjudication are strongly encouraged 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. (Rules of Court, rule 3.1110(f).) All deposition excerpts referenced in briefs must be marked on the transcripts attached as exhibits. (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.

### 4. Withdrawal of Motions

A party who takes a motion off calendar shall promptly do so in the CRS and notify the court immediately. (Rules of Court, rule 3.1304(b).) If, in response to a demurrer, a party exercises its right to amend a pleading per CCP section 472, subdivision (a), the Court requests that party to work with the demurring party to take the demurrer (and any accompanying 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.

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

The Court expects partes to resolve discovery disputes among themselves in a courteous, reasonable, and professional manner. Per CCP section 2016.040, the parties are ordered to meet and confer to make reasonable, good-faith efforts to informally resolve discovery disputes. The Court generally finds that meeting and conferring by only exchanging letters and e-mails, as opposed to phone or video conversation, is insufficient and ineffective.

Parties seeking to compel *further* responses to discovery are encouraged to attempt to schedule an Informal Discovery Conference (IDC) before the hearing on their motions. **Scheduling the IDC does not extend the time to file a motion to compel further responses to discovery.**

After meeting and conferring about available dates for an IDC, the parties should file a **joint statement** (no longer than 5 pages) that succinctly summarizes the nature of the dispute, necessity for the discovery, and objection or other basis for withholding the information, as well as overall status of discovery. Parties should briefly indicate what efforts were made to informally resolve the issue. Thereafter, the moving/propounding party should reserve an IDC by calling Dept. 78's staff. **Please note that whether and when to hold an IDC is entirely at the Court's discretion; accordingly, there may be times when the Court declines to set an IDC.** In such cases, the Court will attempt to notify the parties promptly.

To further assist the parties, in Song-Beverly Warranty Act claims, the Court offers the following guidelines as to what it believes is discoverable:

- Purchase and/or lease contract concerning the subject vehicle.
- Repair orders and invoices concerning the subject vehicle.
- Communications with dealer, factory representative and/or call center concerning the subject vehicle.
- Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.

- 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.
- 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.
- 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.
- 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.
- 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.
- Any documents supporting plaintiff's claim for incidental and/or consequential damages.

#### **6. Tentative Rulings**

Tentative rulings on motions, if any, will be available for viewing on the Los Angeles Superior Court website, [www.lacourt.org](http://www.lacourt.org), under "Online Services." They will also be available in hard copy in the courtroom on the day of the hearing.

#### **G. EX PARTE APPLICATIONS**

*Ex parte* applications must comply with Rules of Court, rule 3.1200, et seq. and pay the filing fee before appearing in Dept. 78. *Ex parte* applications are reserved for exigent circumstances and must comply with 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*."

#### **H. JURY FEES**

Parties must pay jury fees no later than 365 calendar days after the filing of the initial complaint. (CCP § 631, subd. (c)(2).)

#### **I. MANDATORY SETTLEMENT CONFERENCES**

The Court may order a Mandatory Settlement Conference ("MSC") in the appropriate circumstances, using either a Court MSC program or the ResolveLALaw.com platform. Parties interested in an MSC should first discuss the matter between themselves and then discuss the matter with the Court, either at a hearing or by means of an *ex parte* application. If the case settles before a scheduled MSC, parties should forthwith notify the court to which the case is assigned of such settlement. The parties should also document their settlement agreement in a writing signed by all parties whether before or at the scheduled MSC.

#### **J. TRIAL PROCEDURES**

Parties and counsel are to follow the civil trial procedure rules set forth in Local Rule 3.25, et seq. Absent special circumstances, the Court will generally give preference to the oldest case if more than one case is announced ready for trial. 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 CCP section 1013.

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

Per Local Rule 3.25(f) and (g), all trial counsel must attend the final status conference (“FSC”) in person, unless excused by the Court beforehand. All pretrial documents must be filed in advance of the FSC. The Court will verify at the FSC that all parties have (1) prepared all necessary trial documents, and (2) met and conferred to stipulate to ultimate facts, legal issues, motions in limine, and the authentication/foundation and admissibility of exhibits.

At least five court days prior to the FSC, the parties shall serve and file the following trial readiness documents:

- **Trial briefs.** Each party shall file a trial brief succinctly identifying (i) the claims and defenses subject to litigation; (ii) the major legal issues (with supporting points and authorities); (iii) the relief claimed, and calculation of damages sought; and (iv) any other information that may assist the court at trial.
- **Motions in limine.** Before filing motions in limine, the parties shall comply with the statutory notice provisions of CCP section 1005 and the requirements of Local Rule 3.57(a). The caption of each motion in limine shall concisely identify the evidence that the moving party seeks to preclude. 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 papers.
- **Joint statement.** For jury trials, the parties shall prepare a joint written statement of the case for the Court to read to the jury. (Local Rule 3.25(g)(4).) The joint statement shall be a neutral short statement of the case and not exceed 2 paragraphs. The parties/counsel shall sign the joint statement.
- **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. (Local Rule 3.25(g)(5).) The joint witness list shall identify each witness by name, specify which witnesses are non-experts and experts, estimate the length of the direct, cross examination and re-direct examination of each witness, and include a total time for all witness testimony. The parties shall identify all potential witness scheduling issues and special requirements. Any party who seeks to elicit testimony from a witness not identified on the witness list must first make a showing of good cause to the trial court. The parties/counsel shall sign the joint witness list.
- **Jury instructions (joint and contested).** The parties shall prepare a complete set of full-text proposed jury instructions, editing all proposed California Civil Jury Instructions, insert party name(s), eliminate blanks, brackets, and irrelevant material. The parties shall prepare 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 indications on the printed

instruction itself as to the requesting party). Where there is an available CACI instruction, the court will generally not give a substituted special instruction. Uncontested and contested instructions shall be separated into subsections, with all uncontested instructions together, and all contested instructions together.

- **Joint verdict form(s).** The parties shall prepare and file a joint proposed general verdict form or special verdict form (with interrogatories) acceptable to all sides. (Local 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, and bring an electronic copy of their proposed verdict form to the FSC, ready to be edited in the courtroom.
- **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) each party's evidentiary objection, if any, to admission of each exhibit, (5) the date on which the exhibit was identified, and (6) the date on which the exhibit was admitted. The parties shall meet and confer to resolve objections to the admissibility of each exhibit. The parties shall sign the joint exhibit list.
- **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.
- **Stipulations.** The Court orders the parties to meet and confer regarding potential stipulations to the ultimate facts and issues, as well as to the admissibility of exhibits.

## 2. Trial Binders

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

- Tab A: Trial Briefs
- Tab B: Motions in Limine
- Tab C: Joint Statement of the Case
- Tab D: Joint Witness List
- Tab E: Joint List of Jury Instructions (joint and contested)
- Tab F: Full Text Jury Instructions
- Tab G: Joint and/or Contested Verdict Forms

(cont'd on next page)

Tab H: Joint Exhibit List

Tab I: Joint Chart of Page and Line Designations for Deposition and Former Testimony

Tab J: Operative Pleadings

Tab K: Stipulations

If there are more than a few motions in limine, they should be placed in a separate binder. Whether in a separate binder or Tab B, Plaintiff's should come first, followed by those of Defendant. There should be numbered tabs separating each motion and colored sheets of paper between the motion and any opposition and between the opposition and any reply.

### **3. Motions in Limine**

Before filing motions in limine, the parties shall comply with the statutory notice provisions of Code of Civil Procedure section 1005 and the requirements of the Superior Court, Los Angeles County, Local Rules, rule 3.57(a). The caption of each motion in limine shall concisely identify the evidence that the moving party seeks to preclude. Parties filing more than one motion in limine shall number them consecutively. Parties filing opposition and reply papers shall identify the corresponding motion number in the caption of their papers.

Parties must meet and confer in good faith prior to filing the motions in limine, to try to reach a stipulation on the evidence and other issues. A simple exchange of letters that identify the motions to be filed is not sufficient. Failure to meet and confer in good faith may result in a summary denial of the motion.

The parties/counsel are strongly encouraged to stipulate to uncontested motions. Uncontested motions should note "uncontested" in the caption.

The following motions in limine are deemed filed and granted:

- (A) to preclude non-testifying, non-party witnesses from being present in the courtroom when others are testifying (see Evid. Code § 777)
- (B) to preclude reference to the liability insurance in a case defended by that liability insurance policy; and
- (C) to preclude references to settlement discussions.

### **4. Evidentiary Exhibits**

The parties shall jointly prepare (and be ready to temporarily lodge for inspection at the FSC) one set of tabbed, internally paginated by document, and properly-marked exhibits, organized numerically in three-ring binders (a set for the Court, the Judicial Assistant, and the witnesses). At trial, the parties will need additional copies of the exhibits for the Court's clerk, for use on the witness stand, and for each counsel. The parties shall mark all non-documentary exhibits and insert a simple written description of the exhibit behind the corresponding numerical tab in the exhibit binder.

### **5. Witnesses**

Counsel must be prepared with enough court witnesses to use the entire court day until the party rests. Absent unusual circumstances, breaks or early recesses will not be permitted due to witness

unavailability. When the testimony of a witness is finished, the witness will be excused unless a party seeking to place a witness “on call” shows good cause. (LASCR 3.113)

If a party has more than one lawyer, only one lawyer may conduct the direct or cross-examination of a particular witness or make objections to that witness.

Sidebars are greatly disfavored. Counsel should make every effort to avoid the need for sidebars by meeting and conferring with their opposing counsel outside of trial hours and bringing unresolved issues to the Court’s attention before or after trial session.

If witnesses are not under subpoena and do not appear timely, trial will proceed without them. Continuances will not be granted due to witnesses who do not appear timely. If possible, the Court will try to accommodate the scheduling needs of expert witnesses, professionals, out-of-state witnesses, or others if the circumstances warrant.

Counsel, their clients and any witnesses are expected to be prompt. Failure to report to court on time without a satisfactory explanation may result in sanctions.

At the conclusion of each court day, counsel must advise opposing counsel of the witnesses to be called the next day and the order in which they will testify. (LASCR 3.81.) Each morning, counsel must provide the Court Attendant with a written list of witnesses to be called that day including their full names with correct spellings and the order in which they will be called.

**6. Stipulations**, or offers for such, are not to be made in front of the jury without the knowledge and agreement of opposing counsel. To the extent feasible, stipulations are to be filed before trial. (LASCR 3.125)

**7. Reading from Discovery Responses/Deposition Transcripts**

Before trial, copies of deposition transcripts or other discovery responses shall be lodged with the Court. (LASCR 3.56.) Before reading into evidence any portion of a deposition, interrogatory or request for admission, counsel shall advise the Court and opposing counsel of the page and the line of the deposition or the numbers of the interrogatories or requests for admission to be read or shown to the witness. (LASCR 3.158)

**8. Reference to Evidence**

No exhibit or demonstrative evidence shall be referred to at trial without opposing counsel having had the opportunity to review and assert any objections. (LASCR 3.150)

**9. Opening Statements**

The Court normally prohibits the use of exhibits during opening statements, absent a stipulation of counsel. (LASCR 3.97). If parties wish to use exhibits during an opening statement (including audio or video recordings), they must meet and confer with opposing counsel first. If there is disagreement about whether the exhibits may be used, the proponent must bring the dispute to the Court’s attention at the earliest opportunity before opening statements are held. Failure to comply with this requirement may result in the Court prohibiting the use of such material.

## **10. Final Jury Instructions and Verdict Forms**

The parties are jointly responsible for the preparation of a final set of jury instructions and verdict forms after the Court rules on any disputes. The final set of jury instructions and verdict forms shall be in a format suitable for submission to the jury during deliberations, and shall not include any citations to authority, identification of the party requesting the instruction or verdict, or any letterhead or markings identifying the attorney who prepared or printed them. (LASCR 3.174).

The Court will read instructions (except for concluding instructions) to the jury before closing arguments.

## **11. Closing Arguments**

If a party wishes to use graphics, demonstrative exhibits, or other visual aids during their closing arguments, including presentations created with PowerPoint or other presentation software, they must disclose such material to their opposing counsel no later than 8:30 am on the day that closing arguments are scheduled, so that any objections may be identified and resolved. (Local Rule 3.180.) Failure to comply with this requirement may result in the Court prohibiting the use of such material.