

**COURTROOM INFORMATION AND
TRIAL PREPARATION ORDER
HON. LISA SEPE-WIESENFELD
DEPARTMENT N
LOS ANGELES SUPERIOR COURT**

GENERAL COURTROOM INFORMATION

FILINGS: All parties are to comply with the General Order re Mandatory Electronic Filing for Civil dated November 5, 2018. Courtesy copies shall be provided pursuant to the First Amended General Order dated May 3, 2019. Printed Courtesy Copies are required for any filing electronically filed two or fewer days before the hearing, a courtesy copy must be delivered to the courtroom by 4:30 p.m. the same business day the document is efiled. If the efile is submitted after 4:30 p.m., the courtesy copy must be delivered to the courtroom by 10:00 a.m. the next business day.

b) Regardless of the time of electronic filing, a printed courtesy copy (along with proof of electronic submission) is required for the following documents:

- i) Any printed document required pursuant to a Standing or General Order;
- ii) Pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more;
- iii) Pleadings and motions that include points and authorities; iv) Demurrers;
- v) Anti-SLAPP filings, pursuant to Code of Civil Procedure section 425.
- vi) Motions for Summary Judgment/ Adjudication; and
- vii) Motions to Compel Further Discovery.

c) Nothing in this General Order precludes a Judicial Officer from requesting a courtesy copy of additional documents. Courtroom specific courtesy copy guidelines can be found at www.lacourt.org on the Civil webpage under "Courtroom Information."

EX PARTES: Ex parte applications are heard Monday through Thursday at 8:30 a.m. and Friday at 9:00 a.m. and must comply with California Rule of Court 3.1200 et. seq. Ex Parte applications must be electronically filed by 10:00 a.m. on the day before the hearing. If the Ex Parte pertains to a Law and Motion matter, the Motion must be reserved in the Court Reservation System (or E-Court) prior to the Ex Parte filing. Courtesy copies must be brought for the Court on the morning of the hearing.

CONTINUANCES: Requests for trial continuances must be made by noticed motion or ex parte application when appropriate.

Any stipulations and order for continuance must be e-filed at least seven (7) court day prior to the hearing date sought to be continued to allow time for the Court to receive and review the request.

CASE MANAGEMENT CONFERENCES: Counsel are expected to comply with the requirements of CRC 3.722 et. seq. regarding case management conferences. A case management statement must be filed at least fifteen (15) days prior to the hearing as required by CRC 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. CRC 3.110.

TELEPHONIC APPEARANCES: LACourtConnect is available for telephonic appearances as permitted by CRC 3.670. You must check in with LACourtConnect by 8:15 a.m. so that you can be connected to the court for all 8:30 a.m. appearances.

MOTIONS: The court expects counsel to be familiar with and abide by the California Code of Civil Procedure and the California Rules of Court with respect to the format and filing of all motions. Failure to comply with the relevant code sections or rules may result in denial of the motion and/or sanctions. The court expects counsel to be familiar with and abide by the Guidelines for Civility in Litigation, Appendix 3A to the Los Angeles County Court Rules.

You must reserve a hearing date for any motion through E-Court with the exception of Motions to Compel Further which first requires an Informal Discovery Conference (IDC).

The court hears motions Tuesday through Thursday at 8:30 a.m., and on Friday at 9:00 a.m. Hearing dates are to be reserved through the Courtroom Reservation System (CRS) on the court's website. DO NOT reserve any motion hearing date unless the party will file the motion within two days of reserving the hearing date. The Court reserves the right to cancel any reservation where the moving papers have not been filed to secure that reservation.

SERVICE OF PAPERS: Any papers required to be served on another party pursuant to this order must be served in a manner calculated to reach that party no later than the date indicated in this order. The parties are encouraged to agree on the method of service, e.g., by e-mail, fax, or overnight delivery.

MOTIONS TO COMPEL FURTHER AND INFORMAL DISCOVERY CONFERENCES: Before a party will receive a hearing date on any motion to compel further, the party must attend an Informal Discovery Conference ("IDC"). The moving party shall contact the courtroom to obtain an Informal Discovery Conference date. At least ten (10) days prior to an Informal Discovery Conference, the parties are ordered to meet and confer in an effort to resolve all discovery disputes. The parties shall submit a JOINT brief, less than five pages in length that summarizes the discovery dispute(s) at issue.

TRIALS

FINAL STATUS CONFERENCE: Counsel must comply with Los Angeles Superior Court Local Rules ("LASCR") 3.25(f)-(h) and other local rules concerning preparation for the final status conference and trial. You must meet and confer, and then file the following documents **FIVE COURT DAYS BEFORE THE FINAL STATUS CONFERENCE**. Counsel must also lodge courtesy copies of all trial documents in Department N five court days before the final status conference, placed in JOINT three ring binders. Each document shall be tabbed, with an index provided in the front of each binder.

On or before the first day of trial, counsel shall bring three Exhibit binders (discussed below) to Department N. Counsel shall e-file all JOINT trial documents and submit a courtesy copy to Department N.

TRIAL DOCUMENTS:

The following documents shall be filed five court days before the final status conference for a *jury trial*, except that a trial brief is optional. The parties shall file the operative pleadings, joint witness list, joint exhibit list and trial briefs for a *court trial*. Plaintiff(s) shall be responsible for filing joint documents unless the parties agree otherwise.

1. OPERATIVE PLEADINGS

2. JOINT SHORT STATEMENT OF THE CASE TO BE READ TO THE JURY.

Unless all parties agree to mini-opening statements; counsel shall meet and confer with opposing counsel to prepare a brief, neutral description of the case. *See*, LASCR 3.25(g)(4). The statement should inform the jury about the parties and their claims, without favoring one side, and gives jurors reasons why they would want to serve on your case. The statement should be in plain English, not expound legal theories, or be factual advocacy for either side.

In most instances, it should not exceed 2-3 paragraphs.

3. JOINT WITNESS LIST. The parties shall list all witnesses, with realistic estimates for direct and cross-examination on one list. *See*, LASCR 3.25(g)(5). Do not repeat the name of a witness who will be called by more than one party. The witness list should have columns that indicate for each witness the total time expected for direct, cross, and redirect testimony. At the bottom of the list, total the time estimated for all testimony. Make realistic time estimates. The list should specify if the witness is percipient or expert (with area of expertise). Absent good cause, the total number of hours listed for testimony should not exceed the trial estimate given at the case management conference, including the allocation of 1 day for jury selection and motions in limine and 1 day for deliberations. For example, a 5 day trial estimate means no more than 3 days of testimony. Any person who is not listed on the joint witness list shall be either excluded from testifying or his or her testimony shall be limited to only impeachment or rebuttal.

4. JOINT EXHIBIT LIST. The parties shall prepare a joint exhibit list. *See*, LASCR 3.25(g)(6). The Joint Exhibit List shall have the following columns: **Ex. No., Description, Offered by, Stipulated, Objection, Date ident., and Date admit..** Counsel must meet and confer prior to filing of the Joint Exhibit List in an effort to resolve any objections as to the foundation and admissibility of exhibits, with stipulations as to foundation and admissibility

where feasible. Submission of the joint exhibit list shall not be deemed a waiver of any objection to the admission into evidence at trial of any exhibit on the list.

The joint exhibit list must list exhibits to be offered using consecutive arabic numerals. *See*, LASCER 3.52 and 3.53. Documentary exhibits consisting of more than one page should be internally paginated in sequential numerical order to facilitate reference to the document during interrogation of witnesses (e.g., 1-2, 1-2, 1-3). Counsel should agree in advance that their respective party will have a range of exhibit numbers, e.g., Plaintiff 1-99; Defendant 100-199.

On or before the day of trial, the parties shall lodge three (3) sets of exhibit binders, with an exhibit list in the front of each binder to serve as an index, and with divider tabs numbered by exhibit. The binders should be labeled with the name and case number for the case, and each binder shall be labeled "Judicial Assistant," "Judge" or "Witness."

5. **JOINT JURY INSTRUCTIONS.** The parties shall file a joint set of proposed agreed and not agreed CACI jury instructions with headings and all information filled in (e.g., singular or plural, gender, etc.), and no remaining brackets or blanks. *See*, LASCER 3.25(g)(7). Do not use tear sheets for the instructions and do not include the disposition box on the page of the individual instruction. Instructions as to which there are disagreements should be provided in separate sets. However, disputed jury instructions may be filed only if counsel have met and conferred. The jury instructions should include a disposition table that lists all jury instructions by number, the identity of the party or parties proposing (or opposing) the instruction and include columns for the court to use to indicate whether the instruction is given, modified, withdrawn or refused.

6. **JOINT PROPOSED VERDICT FORM.** The parties should seek to reach agreement on a joint verdict form. *See*, LASCER 3.25(g)(8). Any proposed special verdict should be in a form that is easily used by the jury, and which does not require the jury to answer unnecessary questions.

7. **TRIAL BRIEFS.** Trial briefs are not required in *jury trials* but can be useful to the Court. They are *required* in *court trials* and must be filed at least five (5) court days before the FSC. A trial brief should contain a brief description of the facts, remaining cause of actions, parties' status (dismissed, defaulted, etc.), brief description of defenses, list of legal issues anticipated with points and authorities supporting and defending the issues, a brief statement of the relief claimed, and calculation of damages sought, and any additional information that may assist the Court in ruling upon trial objections or matters that may arise during trial.

MOTIONS IN LIMINE/TRIAL MOTIONS:

Motions in limine (MILs) and trial motions must be filed with timely statutory notice, to be heard on the day of the final status conference. *See* LASCER 3.25(f)(2). MILs and other trial motions should be numbered consecutively, with a caption that clearly and concisely identifies the subject of the motion. The court does not rule on MILs until the first day of trial. MILs should not be used to seek summary judgment, summary adjudication of issues, or judgment on the pleadings. MILs must comply with LASC Rule 3.57.

The party filing the most MILs must assemble the MILs into a binder for the Court containing: (1) the MIL; (2) opposition to the MIL; and (3) any reply. The documents must be tabbed and indexed with the courtesy copy delivered to the Court five court days before the final status conference.

STIPULATIONS:

Counsel shall file and execute stipulations, if any, regarding ultimate facts and issues and the admissibility of exhibits (i.e. foundation and/or authentication) on or before the time of filing trial documents.

CONDUCT OF COUNSEL AND PARTIES AT TRIAL:

Counsel are ordered to follow the guidelines of LASCR 3.26 and Appendix 3.A.

1. If counsel answers "**READY**," they are committing to being **available each day**, all day and during the estimated time of the trial.
2. Sidebars are disfavored and should be avoided unless necessary. The Court may address issues at sidebar or at recess. (LASCR 3.123)
3. Counsel, the parties and family/friends/associates of the parties should not comment, gesture or make facial reactions to any testimony, argument or statement made by anybody during the trial. (LASCR 3.120)
4. Counsel shall not address witnesses, parties or other counsel by first names. (LASCR 3.96)
5. Counsel and the parties should not talk with prospective jurors or jurors and should not talk to co-counsel, opposing counsel or witnesses where the conversation may be overheard by jurors. Each counsel should admonish counsel's own clients and witnesses to avoid such conduct.

COURT REPORTERS:

Court reporters are no longer provided by the Court for civil trials. If any party wishes to have the trial reported, the party is responsible for arranging for a court reporter to be present for the trial at their own expense. Additional information concerning court reporters may be found on the court's website. Real time/Live Note is preferred, with a connection for the court, if financially feasible. *If the parties do not have a court reporter, counsel will be required to provide the court with a joint summary of the testimony and evidence admitted daily by the morning following the testimony.*

JURY SELECTION:

1. In most cases, a panel of 35 jurors will be ordered to begin the jury selection process. Any request for more than 35 jurors or for pre-screening of jurors as to time must be made to the Court at least 20 days in advance of the trial date.
2. Typically, a modified “six-pack” method of jury selection will be used, specifically, 14 jurors in the box, and 6 seated in front of the box. All challenges for cause will be taken at sidebar. (LASCR 3.74) The Court will call and question 20 jurors. Counsel will have an opportunity to question the jurors. After all the jurors have been questioned by the Court and counsel, challenges for cause will be addressed at sidebar. Those jurors subject to a challenge for cause will be excused. Any jurors excused for cause among the first 12 jurors will be replaced by the juror next in order in seats 13 through 20. Thereafter, counsel will exercise their peremptory challenges to the first 12 jurors. As jurors are excused, each will be replaced with a juror seated in seats 13 through 20 until only 11 jurors remain. Additional jurors will be called and the above-described process repeated. Typically, the Court will seat 2 alternates.
3. The Court may question jurors. The Court will examine the jury panel with additional questions consistent with the Standards of Judicial Administration, California Rules of Court Standard 3.25. Counsel may submit questions in writing for the Court to ask. Counsel will be given reasonable time to inquire but should not repeat questions asked by the Court. Pre-instruction, pre-argument, and suggestive questions designed to pre-condition jurors will not be permitted.

Counsel will be billed daily jury fees. Proof of payment must be provided to the clerk no later than the next day before trial can resume.

USE OF LECTERN AND APPROACHING WITNESS:

Counsel should speak from behind the lectern or counsel table. (LASCR 3.109) Counsel may approach the witness without the Court’s permission, but only to give or show the witness an exhibit. (LASCR 3.110) Counsel shall return to the lectern or counsel table afterwards. Before approaching a witness for any other purpose, counsel must request permission from the Court.

OBJECTIONS:

No speaking objections. Counsel should stand to make an objection, stating only the legal basis. All objections, statements and arguments shall be made to the Court, not to opposing counsel. (LASCR 3.122) Arguments on points of law or evidentiary matters shall be made outside the presence of the jury. (LASCR 3.123) Counsel may not use objections for the purpose of making a speech, recapitulating testimony, or attempting to guide the witness.

STIPULATIONS:

As noted above, to the extent feasible, stipulations are to be filed prior to trial. Counsel should not make an offer of stipulation in front of the jury without the knowledge and agreement of opposing counsel. (LASCR 3.125)

WITNESSES:

1. Counsel shall be prepared with a sufficient number of 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 desiring to place a witness "on call" shows good cause. (LASCR 3.113)
2. 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.
3. If witnesses are not under subpoena and do not timely appear, trial will proceed without them. Continuances will not be granted due to witnesses who do not appear in a timely manner. 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.
4. Counsel, their clients and any witnesses are expected to be prompt. Failure to report to court on time without satisfactory explanation may result in sanctions.
5. 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.

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)

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)

VISUAL AIDS AT OPENING STATEMENT:

No visual aids shall be used in opening statement without opposing counsel first having been given the opportunity to review the visual aids prior to trial. (LASCR 3.97) If counsel intends to use PowerPoint, the Court shall be informed at the Final Status Conference and a copy of the slides must be shared with opposing counsel prior to the presentation. If there are any objections to any slide, the objecting party must submit the objections to the court as soon as possible and before the jury is empaneled. A copy of the slides must be lodged with the court. Counsel shall set-up and test the equipment (such as a projector) prior to the time it will be used to avoid any delays. See the Court Assistant about setting up the equipment.

EXHIBITS:

1. Non-documentary exhibits shall be represented in a binder with a simple written description.
2. Bulk exhibits, e.g., voluminous medical records will not be permitted. Counsel must separately mark and identify the specific items within a bulk exhibit. Blow-ups of portions of exhibits should be identified and marked as sub-part A. Typically, a blow-up will not be admitted into evidence. Each page of a multi-page exhibit must be consecutively paginated.
3. At the end of the trial, counsel will be required to prepare and lodge with the court a revised exhibit list that reflects only those exhibits that have been admitted. The revised exhibit list will be provided to the jury during their deliberations.
4. No exhibits may be published to the jury prior to being admitted into evidence or pursuant to a prior stipulation between the parties. (LASCR 3.155)
5. Any items that have not been admitted into evidence and are left in the courtroom overnight *without prior Court approval* will be discarded. Due to limited space available in the courtroom, please do not bring numerous boxes of documents until the jury has been selected.

HIGHLY PREJUDICIAL EVIDENCE:

Before inquiring into evidence that may reasonably be anticipated to be inflammatory or highly prejudicial, and potentially excludable pursuant to Evidence Code section 352, counsel should bring the intended area of inquiry to the attention of opposing counsel and the Court outside the presence of the jury. (LASCR 3.107)

JURY INSTRUCTIONS:

As a rule, all jury instructions, except concluding instructions, will be read before the closing arguments. The Court will also read the CACI Preliminary Instructions Series 100 prior to opening statements.

1 **MOTIONS TO COMPEL FURTHERS**

2 **DEPARTMENT N**

3 Motions to Compel Furthers are currently being set months ahead due to court congestion
4 and the number of such motions being filed.

5 To minimize court intervention in the discovery process, parties engaging in discovery
6 are required by the Civil Discovery Act to attempt informal resolution of disputes before
7 requesting court assistance in resolving them. Indeed, almost every provision authorizing
8 attorneys to make a motion under the Act contains a “meet and confer” requirement in the hope
9 that parties may be able to informally resolve disputes before they are presented to the court for
10 resolution. (See, e.g., Code Civ. Proc., §§ 2017.020(a), 2025.420(a), and 2025.450(b)(2).)

11 The court may conduct an informal discovery conference upon request by a party or on
12 the court's own motion for the purpose of discussing discovery matters in dispute between the
13 parties. Pursuant to the Court's power to “amend and control its process and orders so as to make
14 them conform to law and justice” pursuant to CCP § 128(a)(8), **the Court issues the following**
15 **standing order requiring all parties to participate in an Informal Discovery Conference**
16 **(“IDC”) to resolve any Motion to Compel Furthers.**

17 First, prior to any Motion to Compel Furthers being set for hearing by the Court, the
18 moving party shall confer with opposing counsel and obtain three available dates on either a
19 Wednesday or a Thursday for an IDC, then contact the Court to schedule the IDC. Moving party
20 shall also give notice.

21 Second, prior to the IDC, counsel must meet and confer, via telephone or video
22 conference, in an effort to resolve all pending discovery disputes. Counsel are advised to keep
23 track of when and for how long counsel met and conferred.

24 Third, a joint brief – less than five-pages in length that summarizes the discovery
25 dispute(s) at issue – shall be provided to the Court at least two court days prior to the hearing.
26 The purpose of this short summary is to provide the Court with an understanding of each sides'
27 position and to identify the remaining discovery issues.
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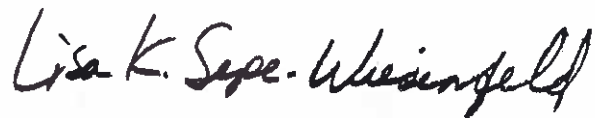
1 Fourth, lead counsel (or other designated counsel for the parties *with full authority*) are
2 ordered to appear for any scheduled IDC as directed by the Court. IDC sessions are informal and
3 shall not be transcribed without prior Court approval.

4 Fifth, this order does not extend the time within which a motion to compel further must
5 be brought. The parties, however, are encouraged to reach a written stipulation relating thereto,
6 although such an agreement is not mandated by this order. The filed motions to compel further
7 will not receive a hearing date until the IDC process is completed.

8 If the parties resolve their discovery disputes before the IDC date, Moving Party shall
9 notify the Court and take both the IDC and any underlying Motion to Compel Further off
10 calendar as soon as possible. At the conclusion of the IDC process, the Court will schedule
11 hearing dates for any remaining motions to compel further.

12 Moving Party is ordered to provide notice of this Standing Order.

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14 DATE: March 2, 2023



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16 Hon. Lisa Sepe-Wiesenfeld
17 Judge, Los Angeles Superior Court
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