

SANTA MONICA COURTHOUSE DEPARTMENT O
ONLINE COURTROOM INFORMATION
JUDGE BRADLEY S. PHILLIPS
(310) 255-1866

CIVILITY: The Court places a 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 courtesy both inside and outside the courtroom.

The Los Angeles County Bar Association has adopted “Guidelines for Civility in Litigation” which the Superior Court of Los Angeles County has adopted as recommendations to members of the bar. (SCLAC Local Rules, Appendix 3A, see <https://www.lacourt.ca.gov/courtrules/ui/index.aspx?tab=5>.)

The Court expects all attorneys and parties to read and follow those guidelines.

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

Counsel attending a CMC should be sufficiently knowledgeable about the case to address and agree upon matters listed in the CMC statement, including a discussion about the factual details of the pleadings.

TRIAL SETTING CONFERENCES: Counsel and/or self-represented parties are ordered to meet and confer in person or by video at least 14 calendar days in advance of the TSC and, at least 7 calendar days in advance of the hearing, *jointly* file (1) a statement of the issues to be tried, (2) a witness list with time estimates, and (3) a report on the status of discovery.

FILINGS: The Los Angeles County Superior Court has implemented electronic filing of all documents filed in Limited and non-complex Unlimited Civil matters by litigants represented by attorneys pursuant to the operative General Order re Mandatory Filing for Civil. Pursuant to California Rules of Court, Rule 2.253(b), represented litigants are required to electronically file documents with the court through an approved Electronic Filing Service Provider. Pursuant to California Rules of Court, Rule 2.253(b)(2), self-represented litigants are exempt from mandatory electronic filing requirements and may file papers at the filing window on the first floor, Room 102.

The Court does not need courtesy copies of filings other than those for motions for summary judgment or adjudication and special motions to strike (anti-SLAPP motions).

EX PARTE: Ex parte applications are heard at 8:30 a.m. Monday through Friday and must comply with CRC 3.1200 et seq. For represented litigants, all ex parte applications and documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing. For self-represented litigants, ex parte application fees must be paid in Room 102 of the Clerk's Office no later than 8:30 a.m. on the date of the ex parte hearing, and the ex parte application and all supporting documents must be submitted to the Judicial Assistant in Department O no later than 8:45 a.m. on the date of the ex parte hearing.

DISCOVERY DISPUTES: The Court expects and encourages the parties' counsel and any self-represented parties to informally resolve discovery disputes, instead of using expensive and cumbersome discovery motions.

LESS EXPERIENCED ATTORNEYS: The Court strongly encourages law firms and governmental agencies to give less experienced attorneys the opportunity to argue motions and to have an important role at trial, including examining witnesses, conducting voir dire, and giving opening statements and closing arguments.

INTERPRETERS: Court-certified language interpreters will be provided to limited English-speaking litigants free of charge. Please make the request at the court's website at <http://www.lacourt.ca.gov/irud/UI/ReqInput.aspx> or inform the Judicial Assistant as soon as possible. When presenting your case in court, a court-certified language interpreter must be used.

COURT REPORTERS: The Court does not provide a court reporter 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 calendar days prior to the hearing or trial. (See CRC 2.925(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.

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

REMOTE APPEARANCE: LACourtConnect is available for remote appearances and may be used as provided for by CRC 3.670 (except for final status conferences and trials). NOTE: Court reporters must be present in the courtroom for all matters being reported.

LAW & MOTION: All parties must obtain a motion date via the online Court Reservation System (CRS) on the Los Angeles Court website. Go to "LA Court Online, Court Reservation System," at www.lacourt.ca.gov to reserve a date prior to filing any motion papers.

Counsel are required to notify the Court immediately by telephone or email if a party withdraws or takes off calendar a motion within seven days of the scheduled hearing date.

TENTATIVE RULINGS: The Court may or may not post written tentative rulings on the court's website www.lacourt.ca.gov.

**DEPARTMENT O
FINAL STATUS CONFERENCE AND TRIAL PREPARATION ORDER¹**

The Court's Trial Preparation Order, which is available online and in hard copy in the courtroom, is as follows:

MEET AND CONFER REQUIRED PRIOR TO FINAL STATUS CONFERENCE

The parties must meet and confer sufficiently in advance to discuss, prepare, exchange, and eFile the following documents **NO LATER THAN FIVE COURT DAYS BEFORE THE FINAL STATUS CONFERENCE:**

FOR JURY TRIALS

- 1) **OPTIONAL TRIAL BRIEFS** (optional for jury trials, *mandatory* for bench trials). Trial briefs are limited to ten pages unless permission to file an oversized brief is sought and granted in advance.
- 2) **JOINT STATEMENT OF THE CASE TO BE READ TO THE JURY.** A jointly prepared, short, non-argumentative written statement of the case to be read to the jury. Local Rule 3.25 (g)(4).
- 3) **JOINT WITNESS LIST.** All witnesses, other than those to be called exclusively for impeachment or rebuttal, must be identified on one list. Do not repeat the name of a witness who will be called by more than one party. The joint witness list must identify each witness by name, specify which witnesses are experts, and estimate the length of the direct, cross-examination and redirect examination (if any) of each witness. In an additional column, the parties must total the time estimated for each witness's testimony. At the bottom of the witness list, the parties must total the time for all witnesses on direct, cross, and redirect. Make realistic time estimates. Absent good cause, the total number of hours listed for testimony should not exceed the trial estimate given at the CMC, including an allocation of one day for jury selection and one day for instructions, closing arguments, and deliberations. Identify all potential witness scheduling issues and special requirements, including interpreters on the witness list.

¹ Any failure to timely comply with any item required by this order shall subject any non-complying party to the imposition of appropriate sanctions, including but not limited to monetary sanctions, exclusion of evidence, issue preclusion, denial of a claim of defense, dismissal, or contempt (pursuant to CCP sections 128.5; 177.5; 575.2; 583.410; GC section 68608, and Local Rule 3.25 (f)(1)).

- 4) **JOINT EXHIBIT LIST.** All exhibits, other than those to be used exclusively for impeachment or rebuttal, must be listed on the list, identified by a number and brief description. The parties/counsel shall meet and confer in an effort to resolve objections to the admissibility of each exhibit. The exhibit list must have a column labeled “Objections.” If any party has any objection to the admissibility of any exhibit, the objecting party must be identified, and the grounds for the objection must be set forth in the “Objections” column next to that exhibit. The exhibit list must have two columns on the far right labeled “DATE ID’d” and “DATE ADMITTED” in which the Judicial Assistant may note the dates of identification and admission of each exhibit. Three-ring binders containing all exhibits must be available on the final status conference date, and all parties must be prepared to tell the Court that they have had an opportunity to review all documents in the exhibit notebooks. Place a copy of the exhibit list in the front of each exhibit notebook and place tabs in the notebook to correspond with the exhibit number. If an exhibit contains more than one page, pages must be internally numbered, i.e., 3.1, 3.2, 3.3, etc. The parties must provide the Court with three copies of the exhibit book: one for the Court, one for the Judicial Assistant, and one for the witness.

- 5) **JOINT LIST OF PROPOSED JURY INSTRUCTIONS (JOINT AND CONTESTED).** The parties/counsel shall jointly prepare and file one list of proposed jury instructions, organized in CACI numerical order. The instruction list must have five columns labeled: “CACI #,” “Title,” “Proposed By,” “Objections By,” and “Given.” If all parties agree on an instruction, indicate “joint” in the “Proposed By” column, and leave the “Objections By” column blank. Otherwise, indicate the party proposing the instruction in the “Proposed By” column and the party objecting to the instruction in the “Objections By” column. Leave the “Given” column blank for the Court to decide whether the instruction will be given.

- 6) **JURY INSTRUCTIONS (JOINT AND CONTESTED).** The parties/counsel shall jointly prepare a complete set of full text proposed jury instructions, editing all proposed CACI, inserting party name(s) and all other information, filling in all blanks, and eliminating all brackets and irrelevant bracketed language. The parties/counsel 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 tear sheets and no boxes or other indication on the printed instruction itself as to the requesting party). The instructions should be divided into two packages separated by a colored sheet of paper: those agreed upon and those that are disputed. Please submit an electronic version of the jury instructions in Word format on a thumb drive.

- 7) **JOINT VERDICT FORM.** The proposed special verdict form must be joint. Any proposed special verdict should be in a form that is easily used by the jury and does not require the jury to answer unnecessary questions. Submit an electronic version of the verdict form in Word on a thumb drive. Failure of the parties to agree on a proper special verdict form may result in the Court’s using a general verdict form.

- 8) **PAGE AND LINE DESIGNATION FOR DEPOSITION AND FORMER TESTIMONY.** If the parties/counsel intend to use deposition testimony or former trial testimony in lieu of any witness's live testimony, other than exclusively for impeachment or rebuttal, the parties/counsel shall meet and confer and jointly prepare and file a chart with columns for each of the following: 1) the line and page designations of the deposition or former testimony requested for use, 2) objections, 3) counter-designations, 4) any responses thereto, and 5) the Court's ruling.
- 9) **MOTIONS IN LIMINE.** Counsel shall meet and confer on all motions in limine. Boilerplate or form motions in limine are disfavored. All motions in limine must be in writing and shall be filed with sufficient statutory notice under CCP section 1005 so that they may be heard no later than the date of the Final Status Conference pursuant to Local Rule 3.25(f)(2). Likewise, oppositions and replies for motions in limine must be served and filed with sufficient statutory notice in accordance with Local Rule 3.25(f)(2). Any failure by any party or counsel to exchange or discuss any motions in limine may result in the refusal of the Court to hear any such motion in limine, pursuant to applicable court rules. Each motion in limine for the purpose of precluding the mention or display of inadmissible and prejudicial matters in the presence of the jury shall be accompanied by a declaration in compliance with the requirements of Rule 3.57 of the Local Rules and must comply with *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659, 670-71. **The parties must assign different, sequential numbers or letters to their motions in limine.** For example, Plaintiff's motions in limine may be numbered 1-5; Defendant's motions in limine may be lettered A-E; additional parties may use double numbers or letters or some other agreed-upon designation to avoid duplication and confusion. If the motions in limine will be numerous and time-consuming, the parties must contact the Courtroom Assistant in Department O to schedule a separate hearing for the motions in limine.

No later than five court days before the Final Status Conference, the parties must lodge directly in Department O, an indexed and tabbed three-ring binder containing conformed copies of all moving, opposition, and reply papers for all motions in limine.

If the parties file, collectively, more than five motions in limine, they must file a joint document at least four court days before the final status conference that (a) describes the motion, (b) has a one-paragraph argument in support and (c) has a one-paragraph argument in opposition.

FOR COURT TRIALS

The parties must submit trial briefs, a joint exhibit list, and a joint witness list, as described above. The parties must also comply with the provisions above concerning designation of deposition and former testimony and concerning motions in limine, if any.

FOR ALL TRIALS

TRIAL READINESS BINDERS. A Trial Readiness Binder must be presented to the Court at the Final Status Conference. The binder must contain conformed copies of the trial briefs, joint statement of the case, joint witness list, joint exhibit list, joint list of jury instructions, joint full-text jury instructions, joint verdict form, joint page-line designation chart, motions in limine, and current operative pleadings (including the operative complaint, answer, cross-complaint, if any, and answer to any cross-complaint). The trial documents must be tabbed, and the notebook must contain a table of contents listing the trial documents by tab number.

In preparation for cross-examination of witnesses, each party should pre-mark five copies of all impeachment exhibits with each page properly paginated to reflect the exhibit number and page number so that they are ready for distribution during cross-examination.

The parties must meet and confer to discuss whether they plan to have a court reporter transcribe the trial proceedings. In order to ensure a proper record for appellate purposes, if the parties do not arrange for a court reporter, then counsel for the parties will be required to prepare a daily settled statement summarizing the testimonies of witnesses who have testified each day at trial.

If any party needs a foreign language interpreter to assist any trial witnesses, that party must reserve and make arrangements in advance for the interpreters that party will need.

Trials are usually set Mondays at 9:30 a.m. The total time estimate for trial is usually divided equally among the parties.