

**SUPERIOR COURT OF LOS ANGELES COUNTY
COURTROOM INFORMATION, BEVERLY HILLS, DEPT. 207
JUDGE MICHAEL E. WHITAKER**

Courtroom Telephone: 310-281-2427
Courtroom Hours: 8:30-12, 1:30-4:30
Judicial Assistant: Joyia Young
Courtroom Assistant: Portia Booker

Welcome to Department 207. The Court appreciates all attorneys and 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 Superior Court of Los Angeles County has adopted as civility in litigation recommendations to members of the Bar. (See Superior Court of Los Angeles County Local Rules, Rule 3.26, Appendix 3.A.) The Court expects all attorneys and parties to read and to follow those guidelines.

2. Filings

Except as otherwise provided under Local Rule 3.4, the Court requires all litigants, except Self-Represented Litigants, to lodge courtesy copies directly in Department 207 of all moving, opposition and reply papers, no later than three (3) court days before the scheduled hearing, of the following types of motions:

1. Motions for Preliminary Injunction.
2. Anti-SLAPP Motions under Code of Civil Procedure section 425.16.
3. Motions for Summary Judgment/ Adjudication.
4. Motions to Compel Further Discovery Responses.
5. Trial Documents in compliance with Trial Preparation Orders.

Further, pursuant to California Rules of Court, rule 2.253(b)(2), self-represented parties are exempt from the mandatory electronic filing requirements.

NOTE: IT MAY TAKE 1-2 BUSINESS DAYS FOR AN E-FILED DOCUMENT TO APPEAR ON THE COURT'S DOCKET.

3. Electronically Lodged Documents Which Require Action by the Court

Following the lodgment or filing of any document which requires action by the Court (e.g., stipulation and proposed order, proposed order and/or proposed judgment), the Court requests that parties refrain from calling Department 207 to inquire about the status of the document. Instead, parties should first check on the status through the Case Access function on the Court's website -<https://www.lacourt.org/casesummary/ui/index.aspx?casetype=civil>

4. Service of Summonses, Complaints and/or Cross-Complaints

Parties shall serve summonses, complaints and/or cross-complaints within 60 days of filing of a complaint or cross-complaint. (Cal. Rules of Court, rule 3.110(b).) Failure to do so may result in the imposition of sanctions (Code Civ. Proc., §§ 128, 177.5; Cal. Rules of Court, rule 2.30), including dismissal of the complaint or cross-complaint (Code Civ. Proc., §§ 583.210, et seq.), unless parties show cause why the Court should not make such an order.

5. Case Management Conferences

All parties shall comply with the California Rules of Court regarding Case Management Conferences (CMC) including but not limited to Rules 3.724 and 3.725. CMC statements (Judicial Council Form CMC-110) shall be filed and served on all attorneys and self-represented parties no later than 15 calendar days before the date of the CMC.

A failure to comply with Rules 3.724 and 3.725 may subject parties and/or their attorneys to monetary sanctions. (Cal. Rules of Court, rule 2.30.)

At the CMC, all parties shall be prepared to discuss the action, including status of service of the summons, pleading issues/potential motions, nature/extent of damages sought, contemplated dispositive motions, mediation/ADR, proposed discovery timeline and potential discovery issues and trial, including whether the parties are requesting a bench or jury trial, and the time estimates for either a bench or jury trial.

6. Status Conferences re Discovery, Alternative Dispute Resolution and Motion Practice

During the pendency of a case, the Court may set a Status Conference regarding Discovery, Alternative Dispute Resolution and Motion Practice. If a Status Conference is set by the Court, all parties shall meet and confer in person, telephonically or by videoconference, and cooperate in the preparation of a Joint Report which shall be filed no later than 5 court days before the Status Conference. The Joint Report shall provide detailed information regarding the following:

- a) Discovery
 - i. What discovery has been completed?
 - ii. What discovery is outstanding and the anticipated dates of completion?

- iii. Are there any discovery issues which may require Court intervention? If the answer is Yes, parties shall provide a brief summary of the discovery issues and their efforts to resolve the issues informally without Court intervention.
- b) Alternative Dispute Resolution
 - i. Have the parties agreed to resolve the action through ADR, including private mediation, a Mandatory Settlement Conference through the Resolve Law LA program or a Settlement Conference with a judicial officer? If the answer is no, the parties shall explain why and what impediments preclude resolving the action through ADR. If the parties have agreed to private mediation, the parties should provide information about the mediator and the date of the mediation.
- c) Motion Practice
 - i. Are there any motions the parties contemplate filing? If so, parties shall provide a brief summary of the contemplated motions and their efforts to resolve the issues informally without Court intervention.

7. Court Appearances

All attorneys and/or parties may appear in person or remotely, unless otherwise ordered by the Court. All attorneys and parties wishing to appear remotely should visit the Court's webpage at: <https://my.lacourt.org/laccwelcome>

**NOTE: TEST YOUR EQUIPMENT (E.G., MICROPHONE AND SPEAKERS)
BEFORE THE HEARING TO AVOID TECHNICAL PROBLEMS OR DELAYS.**

8. 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, to enable them to devote their time and energy to matters that are more productive, and to be in control of their financial affairs moving forward.

Accordingly, at a Case Management Conference or Status Conference, the Court will usually issue an order requiring all parties to hold a meeting to discuss and try to settle all disputed issues in the case.

Further, the Court expects all parties to discuss before a Case Management Conference or Status Conference, and to be prepared to address at a Case Management Conference or Status Conference, whether the parties will stipulate to hold a mediation with a private mediator and to share the costs (typically, 50% paid by plaintiffs and 50% paid by defendants) and, if so, what deadline the Court should set for completion of the private mediation.

Alternatively, the Court may order a Mandatory Settlement Conference, using either a court MSC program or the ResolveLALaw.com platform. Parties wanting a MSC should discuss the request with the Court either at a hearing or by means of a written stipulation for the Court's review and approval.

9. Jury Fees

Unless otherwise ordered by the Court, all parties shall pay jury fees no later than 365 calendar days after the filing of the initial complaint. (Code Civ. Proc., § 631, subd. (c)(2).)

10. Motions

All motion hearing dates must be reserved in advance on the Court Reservation System at www.lacourt.ca.gov, under "Online Services," "Civil," "Court Reservation System (CRS)." Motions are set for hearing Monday through Thursday. The Court endeavors to post tentative rulings the afternoon before any hearing.

Continuing Hearings and Withdrawal of Motions

Once a motion is reserved **and noticed/scheduled**, any continuance of the hearing date must be ordered by the Court -- It is insufficient merely to reschedule the hearing on the Court Reservation System.

If a moving party takes a motion off the Court's calendar, the moving party must notify the Court immediately and should remove the item from the Court's calendar on the 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.

Filing of Motions

All motions, oppositions and replies shall be filed pursuant to the FIRST AMENDED GENERAL ORDER IN RE SUPERIOR COURT OF LOS ANGELES COUNTY - MANDATORY ELECTRONIC FILING FOR CIVIL filed May 3, 2019. Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt from the mandatory electronic filing requirement.

Courtesy Copies of Motions

~~Before any scheduled hearing, all parties shall deliver to/lodge in Department 207 courtesy paper copies of all motions, oppositions and replies, including but not limited to ex parte applications, demurrers, motions to strike, Anti-SLAPP motion, motions for judgment on the pleadings, motions for preliminary injunction, motions to compel further discovery responses and motions for summary judgment or summary adjudication.~~

Except as otherwise provided under Local Rule 3.4, the Court requires all litigants, except Self-Represented Litigants, to lodge courtesy copies directly in Department 207 of all moving, opposition and reply papers, no later than three (3) court days before the scheduled hearing, of the following types of motions:

1. Motions for Preliminary Injunction.
2. Anti-SLAPP Motions under Code of Civil Procedure section 425.16.
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4. Motions to Compel Further Discovery Responses.
5. Trial Documents in compliance with Trial Preparation Orders.

11. Discovery Motions

“Civil discovery is intended to operate with a minimum of judicial intervention. It is a central precept of the Civil Discovery Act that discovery be essentially self-executing.” (*Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants* (2007) 148 Cal.App.4th 390, 402 [cleaned up].) As a result, the Court expects and encourages the parties to informally resolve discovery disputes, instead of filing and opposing costly and cumbersome discovery motions.

Per the Discovery Act, all parties shall first meet and confer, in person, by videoconference or by telephone, to attempt to informally resolve discovery issues.

If the parties cannot agree, the parties shall schedule an Informal Discovery Conference with the Judicial Assistant or the Courtroom Assistant. Unless the Court permits otherwise, an

Informal Discovery Conference must be scheduled and completed before the Court will hear discovery motions.

**NOTE: SCHEDULING INFORMAL DISCOVERY CONFERENCES DO NOT
EXTEND STATUTORY DEADLINES TO FILE DISCOVERY MOTIONS.**

Accordingly, the Court expects the parties to agree to reasonable extensions of time to file discovery motions in order to facilitate an informal resolution of disputes through the Informal Discovery Conference. If the parties are unable to agree to reasonable extensions of time, the Court may permit the parties to file the discovery motions, provided that an Informal Discovery Conference is scheduled and completed before the hearing on the discovery motions. Following the completion of an Informal Discovery Conference, the Court may or may not grant permission to the parties to schedule discovery motions for hearing.

Five court days before an Informal Discovery Conference, the parties shall file (on eCourt) a joint statement of issues to be covered at the conference, not to exceed five (5) pages. Informal Discovery Conferences will be conducted remotely, unless otherwise ordered by the Court.

12. Motions for Summary Judgment/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 hearing dates might not be available at least 30 days before the trial date set in a case.

13. Ex Parte Applications

Ex parte applications are heard at 8:30 a.m., Monday through Friday. The Court typically considers and rules on ex parte applications in chambers based on the papers, without hearing oral argument. All parties may appear for ex parte hearings remotely.

Ex parte applications must comply with the requirements of California Rules of Court, rules 3.1200-3.1207. The Court will grant ex parte relief only 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.” (Cal. Rules of Court, rule 3.1202(c).)

Please note that section 8 of the FIRST AMENDED GENERAL ORDER IN RE SUPERIOR COURT OF LOS ANGELES COUNTY - MANDATORY ELECTRONIC FILING FOR CIVIL filed May 3, 2019, provides that, with the exception of self-represented litigants and other persons excused from filing documents electronically:

- a) Ex parte applications and all documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing.
- b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. on the day of the ex parte hearing.

Because it is usually extremely difficult for the Court to advance the hearing on a motion for summary judgment or summary adjudication, if a party files an ex parte application to advance the hearing on such a motion because no hearing dates are available on the Court Reservation System before the trial date, the moving party should also consider including an alternative request that the Court continue the trial to a date after the hearing on the motion.

14. Trial Preparation Orders – Bench and Jury Trials

Department 207 issues Trial Preparation Orders in cases set for trial. The Court expects all parties to work collaboratively in preparation and submission of the documents and binders required by the orders.

The Court has discretion to require any party’s attorney and any party who fails to comply with a Trial Preparation Order to show cause why the Court should not impose monetary, evidentiary and/or issue sanctions.

15. Final Status Conferences

Final Status Conferences (FSC) are typically set on Fridays, ten days before a Monday trial date. Upon the initial setting of a FSC, the Court will issue Trial Preparation Orders for jury and bench trials. The orders provide information regarding the preparation for the FSC. All parties shall comply with the Trial Preparation Orders and appear in person at the FSC. Further, to comply with the Trial Preparation Orders, all parties shall meet and confer in person, telephonically or by videoconference.

16. Court Reporters

Because Department 207 is dedicated to unlimited jurisdiction civil cases, the services of an official court reporter are not available for hearings or trials in Department 207, except as provided by California Rules of Court, rule 2.956(c), and Superior Court of Los Angeles County Local Rules, rule 2.21(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(c), and Superior Court of Los Angeles County Local Rules, rule 2.21(a), (e). A party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, rule 2.956(c), and Superior Court of Los Angeles County Local Rules, rule 2.21(a).

The Court strongly recommends the use of court reporters for both court and jury trials. If a court reporter is retained for trial, Real Time/Live Note is preferred, with a connection for the Court.

If the parties do not have a court reporter, all parties will be required to provide the Court with a joint summary of the testimony and evidence admitted on a daily basis by the morning following the testimony.

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – WEST DISTRICT**
10 **BEVERLY HILLS**
11 **DEPARTMENT 207**

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13 _____,) Case No. _____
14 Plaintiff(s),)
15 v.) TRIAL PREPARATION ORDER
16 _____,) (Bench Trial)
17 Defendant(s).)
18 _____)

19
20 The dates for trial and the Final Status Conference having been set in this case, the Court
21 orders as follows:

22 **1. MEET AND CONFER**

23 No later than 18 calendar days before the Final Status Conference, the parties' counsel and
24 any self-represented parties shall exchange all exhibits they intend to introduce at trial.

25 No later than 11 calendar days before the Final Status Conference, the parties' counsel and
26 any self-represented parties shall meet and confer to do the following: (1) discuss and prepare the
27 documents required in Sections 2.B-D, below, and the Motions in Limine Binder, Exhibit Binders,
28 and Trial Binder required in Sections 3-5, below, (2) discuss and make a good faith effort to stipulate

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

4 **2. TRIAL DOCUMENTS TO BE FILED**

5 No later than **five calendar days** before the Final Status Conference, the parties' counsel and
6 any self-represented parties shall file and serve the following documents:

7 **A. TRIAL BRIEFS (OPTIONAL)**

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

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

13 **B. JOINT WITNESS LIST**

14 The parties' counsel and any self-represented parties shall work together to prepare and file a
15 joint list of all witnesses whom any party intends to call at trial, excluding impeachment and rebuttal
16 witnesses. (Los Angeles County Court Rule ("Local Rule") 3.25(g)(5).) The joint witness list
17 shall be organized with columns (in the format set forth below) which state (1) the name of each
18 witness (in alphabetical order), if the witness is being called to testify as an expert, and any special
19 requirements or accommodations needed for the witness (*e.g.*, interpreter), (2) the party calling the
20 witness, (3) whether the witness is actually expected to testify, (4) a brief description of the witness's
21 expected testimony, (5) an estimate of the length of direct examination (in hours), (6) an estimate of
22 the length of cross-examination (in hours), and (7) the total estimated length of examination (in
23 hours). At the end of the joint witness list, the parties and any self-represented parties shall add up
24 the estimated times for all witnesses' testimony and state the grand total in the last column. Any
25 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 identified on the witness list must first make a showing of good cause to the Court.

JOIN 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)

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) which state, as to each exhibit any party intends to offer at trial: (1) the exhibit number, (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) any evidentiary objections to admission of the exhibit, (7) the date the exhibit was marked for identification, and (8) the date the exhibit was admitted into evidence. (Local Rule 3.25(g)(6).) As set forth above, the parties' counsel and 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)	Evidentiary Objections	Date marked for ID	Date Admitted

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

3 If any parties intend to use deposition testimony or former trial testimony in lieu of or in
4 addition to a witness's live testimony, the parties' counsel and any self-represented parties shall meet
5 and confer to discuss, and work together to prepare and file, a joint chart in the format set forth below
6 ("Joint Chart of Page and Line Designations for Deposition and Former Testimony").

7 In the joint chart, each designating party's designations of deposition or former testimony
8 shall include columns which state: (1) the designation number and name of the witness, (2) the date
9 and type of testimony (*e.g.*, deposition or trial testimony), (3) the page and line designations of the
10 deposition or former testimony requested to be used, (4) any objections, (5) whether the other party
11 has counter-designated any additional deposition or former testimony of the witness that relates to the
12 designation, and, if so, the designation number of the counter-designation, and (6) the Court's ruling.

13 In the joint chart, each counter-designating party's counter-designations of additional
14 deposition or former testimony of the witness that relates to the designations shall include columns
15 which state: (1) the designation number and name of the witness, (2) the date and type of testimony
16 (*e.g.*, deposition or trial testimony), (3) the page and line counter-designations of the deposition or
17 former testimony requested to be used, (4) any objections, (5) the designation number of the other
18 party's designation to which the counter-designation relates, and (6) the Court's ruling.

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

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**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	

1 **3. MOTIONS IN LIMINE**

2 Motions in limine are more appropriate for jury trials than non-jury trials. In many non-jury
3 trials, motions in limine are unnecessary. But if the parties anticipate disputes about important
4 evidentiary issues, it may be helpful to the Court to file briefs regarding those issues in advance.
5 Even if the Court does not grant a party's motion in limine before the commencement of testimony,
6 bringing the issue to the Court's attention in a timely manner may help expedite the trial.

7 Motions in limine shall be noticed for hearing at the Final Status Conference. The parties'
8 counsel and any self-represented parties shall comply with the statutory notice provisions of Code of
9 Civil Procedure section 1005 and file declarations that comply with the requirements of Local
10 Rule 3.57(a). The caption of each motion in limine shall concisely identify the evidence
11 that the moving party seeks to exclude. Parties filing more than one motion in limine shall
12 number them consecutively. Parties filing opposition and reply papers shall identify the
13 corresponding motion number in the caption of their papers.

14 No later than **five calendar days** before the Final Status Conference, the parties' counsel and
15 any self-represented parties shall jointly prepare and lodge in Department 207 a Motions in Limine
16 Binder. The Motions in Limine Binder shall include one-sided, conformed copies of all motions in
17 limine, opposition papers, and reply papers, organized in one or more three-ring binders, tabbed in
18 numerical order with the opposition papers and reply papers for each motion placed directly behind
19 the moving papers with a colored sheet of paper separating the moving, opposition, and reply papers.

20 **4. EXHIBIT BINDERS**

21 The parties' counsel and any self-represented parties shall work together to jointly prepare
22 five sets of tabbed, internally paginated by document, and properly-marked exhibits, organized
23 numerically in three-ring binders (a set for the Court, a set for the Judicial Assistant, a set for the
24 witnesses, and a set for each party) ("Exhibit Binders"). Copies of documentary exhibits shall be one-
25 sided copies.

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The parties' counsel and any self-represented parties shall bring one set of the Exhibit Binders to the Final Status Conference for the Court to review.

5. TRIAL BINDER

No later than **five calendar days** before the Final Status Conference, the parties' counsel and any self-represented parties shall jointly prepare and lodge in Department 207 a Trial Binder, consisting of one-sided, conformed copies, tabbed and organized in a three-ring binder with a table of contents that includes the following (for trials by the Court without a jury, the Trial Binder shall only include the documents listed under Tabs A, B, C, H, and I):

Tab A: Trial Briefs (Optional. If no trial briefs are filed, leave Tab A empty.)

Tab B: Joint Witness List

Tab C: Joint Exhibit List

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

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

6. FAILURE TO COMPLY WITH TRIAL PREPARATION ORDER

The Court has discretion to require any party's counsel and any party who fails to comply with this Trial Preparation Order to show cause why the Court should not impose monetary, evidentiary, and/or issue sanctions. (Code Civ. Proc., § 177.5.)

IT IS SO ORDERED.

Dated: _____

Michael E. Whitaker
JUDGE OF THE SUPERIOR COURT

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – WEST DISTRICT**
10 **BEVERLY HILLS**
11 **DEPARTMENT 207**

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13 _____,) Case No. _____
14 Plaintiff(s),)
15 v.) TRIAL PREPARATION ORDER
16 _____,) (Jury Trial)
17 Defendant(s).)
18 _____)
19

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21 orders as follows:

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28 and Trial Binder required in Sections 3-5, below, (2) discuss and make a good faith effort to stipulate

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3 ultimate facts and legal issues, and (5) discuss and make a good faith effort to settle the case.

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10 (2) the major legal issues (with supporting points and authorities);
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13 **B. JOINT WITNESS LIST**

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15 joint list of all witnesses whom any party intends to call at trial, excluding impeachment and rebuttal
16 witnesses. (Los Angeles County Court Rule ("Local Rule") 3.25(g)(5).) The joint witness list
17 shall be organized with columns (in the format set forth below) which state (1) the name of each
18 witness (in alphabetical order), if the witness is being called to testify as an expert, and any special
19 requirements or accommodations needed for the witness (*e.g.*, interpreter), (2) the party calling the
20 witness, (3) whether the witness is actually expected to testify, (4) a brief description of the witness's
21 expected testimony, (5) an estimate of the length of direct examination (in hours), (6) an estimate of
22 the length of cross-examination (in hours), and (7) the total estimated length of examination (in
23 hours). At the end of the joint witness list, the parties and any self-represented parties shall add up
24 the estimated times for all witnesses' testimony and state the grand total in the last column. Any
25 witness who is not included on the joint witness list is subject to being excluded from testifying at

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JOINT EXHIBIT LIST

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D. JOINT STATEMENT TO BE READ TO THE JURY

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a brief, joint written statement of the case for the Court to read to the jury. (Local Rule 3.25(g)(4).) A joint statement should usually be only a few sentences 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) which states, as to each proposed jury instruction: (1) the jury instruction number (listed in numerical order), (2) the title of the jury instruction, (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	Objection	Given (Yes/No)

No.	Title	Requested By (Π/Δ)	Agreed or Contested	Objection	Given (Yes/No)

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

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare a complete set of full-text proposed jury instructions, editing all proposed Judicial Council of California Civil Jury Instructions ("CACI") instructions, inserting party names, and eliminating blanks and other irrelevant or inapplicable material. The proposed jury instructions shall be prepared on Superior Court of Los Angeles County form SCLAC LACIV 129 or in a Word document that is in the same format. If there is an appropriate CACI jury instruction on a point of law, the Court expects the parties to request the CACI instruction instead of a specially prepared jury instruction.

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

2 For jury trials, the parties' counsel and any self-represented parties shall work together to
3 prepare and file a joint proposed general verdict form or a joint proposed special verdict form
4 acceptable to all parties. (Local Rule 3.25(g)(8).) If the parties cannot agree on a joint verdict
5 form, each party must separately file a proposed verdict form. When a special verdict form is
6 requested, if there is an appropriate CACI special verdict form for a cause of action, affirmative
7 defense, or other finding, the Court expects the parties to use the CACI special verdict form.
8

9 **H. JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR**
10 **DEPOSITION AND FORMER TESTIMONY**

11 If any parties intend to use deposition testimony or former trial testimony in lieu of or in
12 addition to a witness's live testimony, the parties' counsel and any self-represented parties shall meet
13 and confer to discuss, and work together to prepare and file, a joint chart in the format set forth below
14 ("Joint Chart of Page and Line Designations for Deposition and Former Testimony").

15 In the joint chart, each designating party's designations of deposition or former testimony
16 shall include columns which state: (1) the designation number and name of the witness, (2) the date
17 and type of testimony (*e.g.*, deposition or trial testimony), (3) the page and line designations of the
18 deposition or former testimony requested to be used, (4) any objections, (5) whether the other party
19 has counter-designated any additional deposition or former testimony of the witness that relates to the
20 designation, and, if so, the designation number of the counter-designation, and (6) the Court's ruling.

21 In the joint chart, each counter-designating party's counter-designations of additional
22 deposition or former testimony of the witness that relates to the designations shall include columns
23 which state: (1) the designation number and name of the witness, (2) the date and type of testimony
24 (*e.g.*, deposition or trial testimony), (3) the page and line counter-designations of the deposition or
25 former testimony requested to be used, (4) any objections, (5) the designation number of the other
26 party's designation to which the counter-designation relates, and (6) the Court's ruling.

27 The parties shall attach copies of the pages of the transcripts of the deposition or former
28 testimony they are designating or counter-designating to the Joint Chart of Page and Line
29 Designations for Deposition and Former Testimony, with numbered tabs separating each deposition

or trial transcript. Each designation or counter-designation shall be highlighted, with each party using a different color highlighter.

**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	

1 **3. MOTIONS IN LIMINE**

2 Motions in limine shall be noticed for hearing at the Final Status Conference. The parties’
3 counsel and any self-represented parties shall comply with the statutory notice provisions of Code of
4 Civil Procedure section 1005 and file declarations that comply with the requirements of Local
5 Rule 3.57(a). The caption of each motion in limine shall concisely identify the evidence
6 that the moving party seeks to exclude. Parties filing more than one motion in limine shall
7 number them consecutively. Parties filing opposition and reply papers shall identify the
8 corresponding motion number in the caption of their papers.

9 No later than **five calendar days** before the Final Status Conference, the parties’ counsel and
10 any self-represented parties shall jointly prepare and lodge in Department 207 a Motions in Limine
11 Binder. The Motions in Limine Binder shall include one-sided, conformed copies of all motions in
12 limine, opposition papers, and reply papers, organized in one or more three-ring binders, tabbed in
13 numerical order with the opposition papers and reply papers for each motion placed directly behind
14 the moving papers with a colored sheet of paper separating the moving, opposition, and reply papers.

15 **4. EXHIBIT BINDERS**

16 The parties’ counsel and any self-represented parties shall work together to jointly prepare
17 five sets of tabbed, internally paginated by document, and properly-marked exhibits, organized
18 numerically in three-ring binders (a set for the Court, a set for the Judicial Assistant, a set for the
19 witnesses, and a set for each party) (“Exhibit Binders”). Copies of documentary exhibits shall be one-
20 sided copies. The parties’ counsel and any self-represented parties shall
21 bring one set of the Exhibit Binders to the Final Status Conference for the Court to review.

22 **5. TRIAL BINDER**

23 No later than five calendar days before the Final Status Conference, the parties’ counsel and
24 any self-represented parties shall jointly prepare and lodge in Department 207 a Trial Binder,

25 ///

26 ///

27 ///

28 ///

1 consisting of one-sided, conformed copies, tabbed and organized in a three-ring binder with a table of
2 contents that includes the following (for trials by the Court without a jury, the Trial Binder shall only
3 include the documents listed under Tabs A, B, C, H, and I):

4 Tab A: Trial Briefs (Optional. If no trial briefs are filed, leave Tab A empty.)

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 Former
12 Testimony

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

15 The parties shall organize proposed jury instructions into groups behind Tab F in the
16 following order (labeled by cover sheets): (1) the agreed-upon instructions, (2) plaintiff's requested
17 instructions to which defendant objects, and (3) defendant's requested instructions to which plaintiff
18 objects.

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

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

23
24 IT IS SO ORDERED.

25
26 Dated: _____

Michael E. Whitaker
JUDGE OF THE SUPERIOR COURT