

**Los Angeles Superior Court  
Pomona South Courthouse  
Department A**

**JUDGE:** Bryant Y. Yang

**JUDICIAL ASSISTANT:** Gustavo Gutierrez, Jr.

**COURTROOM ASSISTANT:** Mindy Tran

**LOCATION:** Pomona South Courthouse  
400 Civic Center Plaza, Department A  
Pomona, CA 91766

**TELEPHONE NUMBER:** (909) 802-1102

**COURTROOM HOURS:** Monday through Friday  
8:30 AM – 12:00 PM  
1:30 PM – 4:30 PM

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**I. GENERAL INFORMATION**

Department A is an independent/direct calendar court. The parties and counsel should review the provisions of the California Code of Civil Procedure, the California 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).

Upon arrival, the parties and counsel must check in with the Courtroom Assistant. Counsel must provide a business card that indicates the party he or she represents and the calendar matter number on which he or she is appearing. In lieu of a personal appearance in the courtroom, the parties and counsel may appear via LA CourtConnect. (See Code Civ. Proc., § 367.5; Cal. Rules of Court, rule 3.670; and Local Rule 3.6.) For further information, please go to: <https://my.lacourt.org/laccwelcome>.

If the parties and counsel are going to be late for a hearing or need a matter to be placed on second call, please contact the court staff. The parties and counsel may also ask for priority with the Judicial Assistant. Cases with stipulations or parties who will submit on tentative orders will get priority in Department A.

## **A. Civility**

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. At all proceedings, the parties and counsel shall address all comments to the Court only, and not to each other. Courtesy titles are to be used when addressing witnesses and one another. The parties and counsel shall not use first names except for minor witnesses or when necessary to prevent confusion because multiple people have the same last name.

## **B. Mandatory eFiling**

The Court mandates electronic filing (“eFiling”) of all documents unless the litigant is self-represented or has received an exemption from eFiling requirements. All parties represented by counsel shall comply with Local Rule 3.4 and the operative General Order re Mandatory Electronic Filing for Civil (May 3, 2019). The operative general order is available at <https://www.lacourt.org/division/efiling/pdf/GenOrdCivilEfiling.pdf>. All filings shall be in strict compliance with the technical requirements set forth in that general order.

## **C. Courtesy Copies**

The Court **requires** courtesy copies (with tabbed exhibits) for motions, briefs, petitions, applications, and trial documents. The conformed, printed courtesy copies are to be delivered directly to Department A within a day of electronic filing.

## **D. Court Reporters**

Official court reporters are not assigned to Civil Courtrooms. It is the responsibility of the parties to provide their own Court Reporter for hearings and trial. The parties are to file either the Stipulation and Order to use Certified Shorthand Reporter or Order Appointing Court Approved Reporter as Official Reporter Pro Tempore prior to the hearing being called.

A party who has a fee waiver pursuant to California Rules of Court, rule 3.55(7) may request an official court reporter by filing form LASC LACIV 269 at least ten (10) calendar days before the hearing or trial. 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.

Government Code section 69959 provides that “[r]emote court reporting shall not be used by courts to make the record of any court proceedings.” (Gov. Code § 69959.) Pursuant to section 69959, the Court does not allow remote court reporting.

## **E. Interpreters**

An interpreter may be provided if arranged for in advance; however, the Court cannot guarantee that one will be available for an exact date and time. The parties and counsel are advised to make their own arrangements for trial.

## **F. Accessibility and Accommodations**

If you require an accommodation relating to a disability, please inform the courtroom staff at least five (5) court days in advance so we can attempt to facilitate your request. Requests can be made by filing Judicial Council Form MC-410.

# **II. PRETRIAL PROCEEDINGS**

## **A. Case Management Conferences**

Case Management Conferences are held Monday through Friday at 9:00 a.m. The parties and counsel must comply with California Rules of Court, rule 3.722, *et seq.*, and Local Rule 3.25 in connection with such conferences. Any counsel who attends the Case Management Conference must be fully knowledgeable about the case, be able to commit to the party's position on issues, and be able to address any questions the Court may have. Counsel must meet and confer, in person or by telephone, to consider each issue identified in California Rules of Court, rule 3.724 no later than thirty (30) calendar days before the conference. The parties and counsel shall file a case management statement using Judicial Council Form CM-110 no later than fifteen (15) calendar days before the date set for the conference.

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 seven (7) days prior to the hearing explaining why service has not been completed, documenting the efforts that have been made to complete service, and specifying the date by which service is proposed to be completed. (Cal. Rules of Court, rule 3.110.)

## **B. *Ex Parte* Applications**

*Ex parte* applications will be considered Monday through Friday at 9:00 a.m. Applicants must comply with California Rules of Court, rule 3.1200, *et seq.*, submit a proposed order, and pay the filing fee before appearing in court. Although the parties should not expect to present oral argument in connection with an *ex parte* application, the Court in its discretion may decide to hear argument. (See Code Civ. Proc. § 166(a)(1).) The Court will inform the parties if it wishes to hear argument before ruling.

*Ex parte* applications are reserved for exigent circumstances. The applicant shall comply with California 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*."

Parties represented by counsel must electronically file *ex parte* applications with all documentary support no later than 10:00 a.m. the court day *before* the *ex parte* hearing. Any written opposition to the *ex parte* application by parties represented by counsel must be electronically filed by 8:30 a.m. on the day of the *ex parte* hearing.

Self-represented parties seeking to present documents in support of or in opposition to an *ex parte* application must file them with the Judicial Assistant in Department A by 9:00 a.m. on the day of the hearing, *after* paying any applicable filing fee (unless the party has a fee waiver). A separate courtesy copy of the papers shall also be brought for each other party in the case. If you wish to have a stamped copy for your own records, please bring another extra copy for that purpose. The Judicial Assistant will date stamp that copy and return it to you. The court will not accept *ex parte* papers from self-represented parties for hearings that same day if filed after 9:00 a.m.

### **C. Law and Motion**

Law and motion hearings are conducted Monday through Thursday beginning at 9:30 a.m. Pursuant to California Rules of Court, rule 3.1308(a)(2), tentative rulings on motions, if any, will be available at 8:30 a.m. the day of the hearing by telephone ((909) 802-1115), via email to the email addresses that the parties provided to enroll for LA CourtConnect, or in hard copy in the courtroom. Under California Rules of Court, rule 3.1308, the Court is not required to have a tentative ruling.

Moving parties must secure a hearing date via the online Court Reservation System 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, by Local Rule, are heard during the Final Status Conference. Motion fee payments are required at the time reservations are made online.

The Court strongly encourages the active participation of junior attorneys in hearings before the Court to help develop their litigation skills. When a junior attorney argues for whatever relief is requested, the Court will permit one senior attorney for the same party to augment the argument, if needed, and will allocate more time to the hearing to accommodate.

### **D. Discovery Disputes**

The Court expects the parties to resolve discovery disputes among themselves in a courteous, reasonable, and professional manner. Pursuant to Code of Civil Procedure section 2016.040, the parties and counsel are ordered to meet and confer to make reasonable, good-faith efforts to informally resolve discovery disputes.

If the parties are unable to settle their discovery disputes, pursuant to Code of Civil Procedure section 128(a)(3), the Court requests that they schedule an Informal Discovery Conference

(“IDC”) prior to filing any discovery motion. The Court hears such conferences Monday through Friday at 10:30 am. The parties are instructed to file their Request for an IDC using Form LACIV-094.

Because scheduling or participating in an IDC does not extend any deadlines for filing discovery motions, the Court urges responding/objectioning parties to waive time to avoid unnecessary motion practice. If the responding/objectioning party declines to extend the deadline to file a motion to compel, then the moving party may file an *ex parte* application to set an IDC and/or to calendar a hearing on the motion to compel. A responding/objectioning party’s refusal to continue deadlines for filing may be considered by the Court in determining whether sanctions are appropriate for the prevailing party in the discovery dispute.

At least seven (7) calendar days before the IDC, the parties and counsel shall file a joint statement that succinctly summarizes the nature of the dispute, the necessity for the discovery, the basis for any objection or withholding of information, and the overall status of discovery. Please group the identified discovery by issue in dispute, if possible. Please deliver a courtesy copy of the succinct joint statement.

For Song-Beverly Consumer Warranty Act and related cases, the Court usually orders the parties to produce copies of the following documents unless there are case-specific reasons to deviate from the list:

1. Purchase and/or lease contract concerning the subject vehicle.
2. Repair orders and invoices concerning the subject vehicle.
3. Communications with dealer, factory representative and/or call center concerning the subject vehicle.
4. Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.
5. Any Warranty Policy and Procedure Manual published by defendant and provided to its authorized repair facilities, within the State of California, for the date the subject vehicle was purchased to the present.
6. 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.
7. Any customer complaints regarding the same defects claimed by plaintiff in vehicles of the same year, make and model as the subject vehicle which were sold within the State of California.
8. 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.
9. 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.
10. Any documents supporting plaintiff’s claim for incidental and/or consequential damages.

## **E. Trial Continuances**

Pursuant to California Rules of Court, rule 3.1332, trial dates are firm. The Court disfavors requests for a trial continuance. Such a request must be made by noticed motion or an *ex parte* application, whether contested or uncontested or stipulated to by the parties. (See Cal. Rules of Court, rule 3.1332(b).) Once the necessity for the continuance is discovered, the party or counsel must make the motion or application as soon as reasonably practical.

## **III. TRIALS**

Jury trials are scheduled for Tuesdays at 10:30 a.m. Bench trials are scheduled for Mondays at 10:30 a.m. Once trial starts, the Court may begin proceedings at 11:00 a.m. and continue to 4:15 p.m.

The parties and counsel are to follow the civil trial procedure rules set forth in Local Rule 3.25, et seq. 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 Code of Civil Procedure section 1013.

### **A. Final Status Conference**

Final Status Conferences (“FSC”) are normally conducted on Fridays at 10:30 a.m., three (3) weeks prior to the scheduled jury trial date or three (3) weeks prior to the bench trial date. Pursuant to Local Rule 3.25(f), all trial counsel must attend the final status conference in person, unless excused by the Court beforehand. All pretrial documents must be filed in advance of the FSC.

At least fourteen (14) calendar days prior to the FSC, the parties and counsel shall serve and file the following trial readiness documents. The parties shall provide the Court with courtesy copies.

1. **Trial Briefs** – Each party shall file a trial brief succinctly identifying: (1) the claims and defenses subject to litigation; (2) the legal and factual issues to be decided (with supporting points and authorities); (3) the relief claimed and the calculation of damages sought; and (4) the ultimate facts or issues to which you will stipulate; (5) the major evidentiary issues anticipated; and (6) any other information that may assist the Court at trial.
2. **Motions in *Limine*** – The caption of each motion in *limine* shall concisely identify the evidence that the moving party seeks to admit or exclude. 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 pages for the Court to read to the jury.

3. **Joint Statement** – For jury trials, the parties shall prepare a joint written statement of the case for the Court to read to the jury. The parties and counsel shall sign the joint statement.
4. **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. The joint witness list shall identify each witness by name, specify which witnesses are experts, estimate the length of direct examination, cross-examination, and re-direct examination of each, and include a total of the number of hours for all witness testimony. The parties shall identify all potential witness scheduling issues and special requirements. The parties and counsel shall sign the joint witness list.
5. **Joint List of Proposed Jury Instructions** – The parties shall jointly prepare and file a of proposed jury instructions, organized in numerical order, specifying the instructions upon which all sides agree and the contested instructions, if any. The list of proposed jury instructions must include a space by each instruction for the Court to indicate whether the instruction was given. The parties and counsel shall sign the joint list of proposed jury instructions.
6. **Jury Instructions (Joint and Contested)** – The parties shall prepare a complete set of full-text proposed jury instructions. The parties shall prepare special instructions in a format ready for submission to the jury with the instruction number, title, and text only.
7. **Joint Verdict Forms** – The parties shall prepare and file a joint proposed general verdict form or special verdict form (with interrogatories). If the parties cannot agree on a joint verdict form, each party must separately file a proposed verdict form.
8. **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) the date on which the exhibit was identified, and (5) the date on which the exhibit was admitted. Prior to filing the joint exhibit list, the parties shall meet and confer to determine whether they will stipulate to the authenticity and/or admissibility of each exhibit or whether there are objections to any exhibit. If there are stipulations, the parties shall note that in the respective column. If not, the objecting party shall specify all objections in the respective column. The parties and counsel shall sign the joint exhibit list.
9. **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 and counsel shall sign the designations.

If an opposing counsel or party refuses to cooperate in the filing of joint trial documents, the party should file the trial documents unilaterally, along with a declaration stating the attempts made by the party to file jointly trial documents and the refusal of the other party to cooperate.

## **B. Trial Binder**

The parties and counsel shall 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 <i>in Limine</i>                                                      |
| Tab C: | Joint Statement of the Case                                                   |
| Tab D: | Joint Witness List                                                            |
| Tab E: | Joint List of Jury Instructions                                               |
| Tab F: | Joint and Contested Jury Instructions                                         |
| Tab G: | Joint and/or Contested Verdict Forms                                          |
| Tab H: | Joint Exhibit List                                                            |
| Tab I: | Joint Chart of Page and Line Designations for Deposition and Former Testimony |
| Tab J: | Copies of all Current Operative Pleadings                                     |

## **C. Motions *in Limine***

Motions *in limine* will be heard at the time of the FSC. (See Local Rule 3.25(f)(2).) As explained above, the motions *in limine* shall be filed and served fourteen (14) calendar days before the FSC. Any opposition to the motions *in limine* shall be filed and served seven (7) calendar days before the FSC. The moving party may file a reply brief three (3) calendar days before the FSC.

The parties and counsel shall meet and confer in good faith prior to filing the motions *in limine* in an attempt to reach a stipulation on the evidence and other issues. (See Local Rule 3.57(a)(2).) Motions *in limine* shall not be used to seek dispositive orders that should have been sought through a motion for summary judgment, summary adjudication or judgment on the pleadings.

When filing motions *in limine*, the parties must comply with Local Rule 3.57, including the required declaration, if applicable. As explained above, the parties and counsel must provide a tabbed binder at the FSC containing all motions *in limine*, oppositions, and replies in sequential order consistent with the number assigned to each motion *in limine*. The binder also must contain a table of contents identifying each motion *in limine*, opposition, and reply, and the corresponding tab for each.

## **D. Exhibits**

Pursuant to Local Rules 3.52 and 3.53, the exhibits must be pre-marked using Arabic numerals and in instances where exhibits consist of multiple pages, each page must be numbered sequentially. The exhibits must be exchanged at least fourteen (14) calendar days before the FSC and lodged with the Court on the first day of trial. At least three sets of exhibit binders – tabbed and paginated – are required on the first day of trial: a set each for the Court, judicial assistant, and witness. Counsel must also additionally supply an exhibit binder to each opposing party.

The parties and counsel should be familiar with Local Rule 3.148, et seq., regarding trial exhibits, including, but not limited to, Rule 3.152 (requiring exhibits to be moved into evidence as soon as the evidentiary foundation for their admission has been established), Rule 3.155 (governing publication of exhibits to jurors), and Rule 3.158 (use of depositions, interrogatories, and requests for admissions).

## **IV. FAILURE TO COMPLY**

The parties and counsel should be familiar with Code of Civil Procedure section 575.2(a) (setting forth penalties for failure to comply with the Local Rules) and Local Rules 3.10 and 3.25(f)(1). Local Rule 3.10 authorizes the imposition of sanctions for failure or refusal to comply with the Local Rules and any Court order entered pursuant to those rules, and incorporates the sanctions set forth in the Code of Civil Procedure, California Rules of Court, and Government Code. Further, Local Rule 3.25(f)(1) states that failure to exchange and file the pretrial items set forth above may result in the exclusion of witnesses and evidence at trial, or waiver of jury trial.