

DEPARTMENT 300 | COURTROOM INFORMATION

Updated 3/7/24

JUDGE: Cherol J. Nellon
JUDICIAL ASSISTANT: Hortencia Garcia
COURTROOM ASSISTANT: Diana DeLeon

LOCATION: 3rd Floor, Stanley Mosk Courthouse
Los Angeles, CA 90012

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COURTROOM HOURS: Monday through Friday
8:30 A.M. – 12:00 P.M.
1:30 P.M. – 4:30 P.M.
(Closed for Lunch: 12:00 P.M. – 1:30 P.M.)

Department 300 is an independent/direct calendar court. Parties and counsel should review the provisions of the California Code of Civil Procedure, the California Rules of Court, and the Superior Court of Los Angeles County Local Rules, Chapter 3, Civil Division Rules (“Local Rules”) that apply to unlimited civil actions in independent calendar courts. This document contains additional policies, procedures, and preferences specific to this department, but it does not supersede any statute, Rule of Court, or Local Rule. The information follows the chronological order in which cases proceed, beginning with case management and ending with the conduct of trial. As a courtesy, information on interpreters and court reporters is provided in the final section.

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. For example, in Song Beverly actions, counsel should be prepared to discuss the specific “nonconformity” at issue. Counsel should also be prepared to give the court a preliminary estimate of how long the trial will take.

Parties and counsel may expect to receive dates for a Final Status Conference and Trial. Unless requested by counsel or called for by the particular circumstances of the case, the court will not schedule any other dates. The Final Status Conference will be set for 10 am on the date selected. Trial will be set for 9 am on the date selected.

The court will select dates based on its own calendar and any applicable statutory priority. The court understands that parties and counsel may have other cases set to proceed on or near the same date. However, the court will not continue its own trial dates on that basis until the conflict becomes imminent. The court is generally willing to adjust its dates to accommodate the vacation plans of counsel, so long as those plans are disclosed in a timely fashion.

DISCOVERY

Should any party wish to file any discovery motion, other than a motion to compel initial responses to party discovery, at any time during the pendency of their case, counsel must first meet and confer verbally (i.e. by telephone, video conference, or in person). If counsel's conversations are not productive, the court may, in any given case, instruct counsel to meet face-to-face (i.e. by video conference or in person).

If the meeting and conference is unsuccessful, counsel must then schedule an Informal Discovery Conference (IDC) by calling the Courtroom Assistant at the phone number given above. **If counsel file their motion without first attending an IDC, the motion may be continued to permit an IDC, or it may be taken off-calendar altogether.**

To avoid issues with jurisdictional filing deadlines, the court requests that all parties sign and file a general stipulation containing language similar to that of Item 5 in Optional Form LACIV 036, tolling the deadline to file any discovery motion during the period between the date a conference is requested and the date that conference is held.

The court requires counsel to meet and confer and file a joint statement of the issues to be discussed at the IDC. The joint statement should be filed 10 calendar days before the hearing. The joint statement and any attached exhibits should be no more than 7 pages long.

LAW AND MOTION

Law and motion hearings are conducted beginning at 8:30 a.m. *Hearing dates must be reserved through the Court's Reservation System (CRS).* Counsel shall include the reservation number of the motion on the CAPTION page.

The court encourages reserving non-discovery motion dates as soon as possible.

Pursuant to CCP § 1010.6 and Local Rule 3.4 which references General Order 2020-GEN-018-00 issued June 11, 2020, the Court orders all parties who use e-filing to accept electronic service, except in those circumstances when personal service is required by law or where any of the parties are self-represented.

This court requires courtesy copies of trial documents and papers submitted in connection with a Motion for Summary Judgment or a Motion for Summary Adjudication, as discussed further below. Department 300 does not maintain a “drop box;” please deliver courtesy copies directly to the Courtroom Assistant.

Please do not submit courtesy copies of any other non-trial documents unless specifically requested by the Court.

The court may post tentative rulings on the morning of the hearing. If all counsel appear and submit, the court will adopt the tentative as the final order. Otherwise, the court will call the matter and since the ruling is only a Tentative Ruling, the court is free to change the ruling.

SUMMARY JUDGMENT/ADJUDICATION

The Separate Statement is the most important document in deciding a motion for summary judgment or summary adjudication. Where counsel intends to move for summary adjudication *in the alternative*, the court asks counsel not to repeat verbatim facts that were previously given or to re-start the numbering sequence for each issue. Counsel should simply list the relevant repeated facts by number and incorporate them by reference beneath each issue heading.

Reply separate statements are not provided for in the Rules of Court and will not be considered.

Counsel should call the department to reserve a hearing date for any

motion for summary judgment or summary adjudication.

Please submit paper courtesy copies of all moving, opposition, and reply papers submitted in connection with a Motion for Summary Judgment or a Motion for Summary Adjudication. Please lodge these courtesy copies on the date the papers are electronically filed.

EX PARTE APPLICATIONS

Ex parte applications will be considered Monday through Friday at 8:30am. Pursuant General Order 2020-GEN-018-00 and Code of Civil Procedure § 166(a)(1), the court may rule from chambers and may not necessarily hear oral argument for an ex parte application for relief.

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 hearing. Any written opposition shall be electronically filed by 8:30 a.m. the day of the hearing.

Pursuant to California Rules of Court, Rule 2.253(b)(2), self-represented litigants are exempt from these mandatory Electronic Filing requirements. PLEASE CAREFULLY REVIEW WHETHER YOU HAVE A PROPER BASIS TO SEEK EX PARTE RELIEF. There must be an affirmative showing of “irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte.” (See Cal. Rules of Court, rule 3.1202 (c).) You will need to demonstrate to the court the reason(s) why you cannot seek the requested relief by other means, such as a noticed motion.

Failing to timely reserve a motion date does not constitute irreparable harm. If any party wishes to advance a hearing date, the motion must already be both reserved and filed. The court will not advance a motion if it is merely reserved.

If any party seeks to continue any proceedings so that they can attend mediation or any sort of settlement conference, they must have the date already scheduled. The court will expect to see that date in the ex parte papers.

SETTLEMENT CONFERENCES

The Superior Court of Los Angeles County has a variety of settlement programs.

- **EMPLOYMENT LAW CASES (RESOLVE LA (RLLA))**RLLA leverages the talents of volunteer settlement officers to conduct virtual MSCs to facilitate case resolution for employment cases.

For more information, access the RLLA web portal at [resolve-law.com](https://www.resolve-law.com)

- **CIVIL MEDIATION VENDOR LIST**

ADR Services, Inc. and the Mediation Center of Los Angeles have agreed to provide a **limited** number of services at reduced or no cost. Information can be found at the following link:

<https://www.lacourt.ca.gov/division/civil/CI0109.aspx>

- **JUDICIAL MANDATORY SETTLEMENT CONFERENCE**

The Judicial Mandatory Settlement Conference (MSC) Program is free of charge and staffed by experienced sitting civil judges who devote their time exclusively to presiding over MSCs. Interested parties should contact the court to obtain **an order**. Further information can be found at the following link: <https://www.lacourt.ca.gov/division/civil/CI0047.aspx>

VOLUNTARY SETTLEMENT CONFERENCE

The court may refer a case, on its own initiative or at their request, to another judicial officer for a settlement conference. The court will only do so if trial is imminent, or other efforts to resolve the litigation appear impractical. Such a reference depends upon the availability of another bench officer and the willingness of the respective parties to participate.

TRIAL PREPARATION

Final Status Conference

Final Status Conferences will be held at 10:00 a.m. All counsel and any unrepresented parties should be present in court, with one joint binder containing a complete set of the trial documents as requested below. Counsel should be prepared to take this binder back with them after the hearing. Trial documents will generally not be stored in the department prior to the first day of trial.

Trial Documents

Pursuant to Local Rule 3.25(f), parties must meet and confer and e-file the following **JOINT** documents five court days before the FSC:

1. Joint Exhibit List

Pursuant to California Rule of Court 3.1110(f) and Local Rules 3.52 and 3.53, all exhibits must be exchanged and pre-numbered, except for those anticipated in good faith to be used for impeachment or during rebuttal. For exhibits a party intends to admit into evidence, please indicate the moving party, stipulations on admissibility, and if not, the basis for any objection i.e., authentication, hearsay, etc.

Documentary exhibits consisting of more than one page must be internally paginated in sequential numerical order. Exhibits written in a foreign language must be accompanied by a certified English translation. Cal. Rule of Court 3.1110(g). Pursuant to Local Rules 3.97 and 3.180, the parties shall not publish to the jury any exhibits or graphics at any time during trial except after being marked and received into evidence, or with the court's permission. All demonstrative exhibits, not admitted into evidence, must be shown to the opposing party before use at trial. Any objections to the use of demonstrative exhibits must be brought to the court's attention in a timely manner and before publication to the jury.

2. Joint Witness List

All witnesses must be listed on one list. Do not repeat the name of a witness. Indicate the total time expected for that testimony, including direct, cross, and re-direct. At the end of the list, state the total time estimated for each witness's testimony.

3. Joint Jury Instructions

Submit a joint set of instructions with all information filled in – no remaining brackets or blanks. If instructions are disputed, submit a separate set or sets indicating the party proposing and opposing the instruction. Submit a disposition table which lists all jury instructions by number, the identity of the party or parties proposing the instruction, and columns for the court to indicate whether the instruction is given, modified, withdrawn, or refused. **Please send an editable Word version to the court's resource account SMCDept300@lacourt.ca.gov in the final format that will be actually presented to the jury.** The court may display the instructions on the Courtroom screen to the jury while reading the instructions.

4. Joint Proposed Verdict Form

If the parties cannot agree on the verdict form, each party must submit their own proposed verdict form. Any proposed special verdict should be in a form that is easily used and understood by the jury, and which does not require the jury to answer unnecessary questions. **Please send an editable Word version to the Court's resource account SMCDept300@lacourt.ca.gov in the final format that will be actually presented to the jury.**

5. Motions in Limine

Local Rule 3.57 requires the parties to meet and confer before filing any motion in limine. All motions in limine must be accompanied by a sworn declaration attesting that the subject of the motion has been discussed with the opposing party and setting forth the opposing party's position regarding the motion(s) and must be submitted with timely statutory notice. See Local Rule 3.25(f)(2). It is important that the court receive the motions in a timely manner so that it may prepare. However, the court will hear argument and rule on the motions on the first day of trial. The court may entertain a stipulation to shorten the briefing schedule, so long as the proposed schedule leaves the court adequate time to prepare.

Experts

If counsel or any unrepresented party intends to call an expert at trial, counsel shall present to the Court and opposing counsel a copy of the Code of Civil Procedure section 2034.260 declaration that states the substance of the proffered opinion. That document shall be produced at or before the Final Status Conference. Any party responding to a *Kennemur v. State of California* (1982) 133 Cal.App.3d 907 objection at trial must be prepared to have the page and line marked in any deposition testimony and any attorney communication demonstrating that the objecting party had reasonable advance notice of any opinion that departs from the prior notice.

Statement of the Case

Counsel for each side should expect to give a 5-minute mini-opening statement to the prospective jurors at the beginning of jury selection, when counsel introduce their clients. The Court does not need a written statement of the case.

Bench Trials

The parties must submit a joint exhibit list and joint witness list as described above. Counsel must also supply a binder containing those lists, as well as copies of the trial exhibits, for the use of the court.

Compliance

Failure to submit any item required in this order in a timely manner without good cause may result in the imposition of sanctions.

TRIAL LOGISTICS

The court anticipates that trial hours will be from 10:00 A.M. – 12:00 P.M. and 1:30 P.M. – 4:30 P.M. These hours may be adjusted on any given day depending on the needs of the court's calendar and staff. The court may order counsel to appear at 9:00 A.M. to address matters outside the presence of the jury.

This does not include the Final Status Conference. In a bench trial, the court will require a copy of each day's transcript. The court generally does not set a time deadline for the provision of the transcripts, but sooner is always better.

Time Limits

The court may impose an overall time limit on the parties' presentation to ensure timely completion of trial. See California Crane School, Inc. v. National Com. for Certification of Crane Operators (2014) 226 Cal.App.4th 12, 22-24. However, the court will not impose a time limit on any specific portion of the presentation (i.e. voir dire, opening statements, or closing statements).

Side Bars

Counsel should not expect to argue evidentiary issues at side bar during the presentation of evidence. If counsel would like to be heard on evidentiary issues, counsel should notify opposing counsel and the court before the issue arises. Counsel and the court can arrange for an opportunity to be heard outside of the presence of the jury. Otherwise, the court will rule on objections based on the information known to the court at the time the objection is made. Counsel will have a fair opportunity to be heard to make a further record, if necessary, at the next break, at the end of the day or before

the jury returns the following day.

Trial Technology

Many counsel employ audio/visual aids in opening or closing argument, or seek to present audio/visual materials as evidence. Counsel are welcome to use the court's technological equipment and platforms, however, it is their responsibility to secure the assistance of an IT helper if one is necessary. The court does not provide this assistance.

Remote Witnesses

The court will entertain requests that a witness appear remotely, provided counsel can supply a reason for doing so. Illness or mobility issues may be an acceptable reason. Travel distance by itself will not be an acceptable reason unless the witness is coming from out-of-state. If a witness is unable to appear remotely for technological reasons, and the witness cannot appear in court promptly thereafter, trial will proceed without that witness.

Jury Selection and Etiquette

When a jury has been called, their time is of paramount importance. If they are present, the court expects that counsel will be ready to proceed with them. The court will not permit delays while counsel argue evidentiary issues, compile instructions, copy verdict forms, or engage in other activities which could have been completed at other times.

During jury selection, the court will ask jurors to (1) give their name, (2) identify their occupation, that of their spouse or significant other, and that of any other adults living in their home, (3) disclose any prior jury experience, whether it was civil or criminal, and whether they reached a verdict, (4) state whether they (or a close friend or relative) have sued anyone or been sued by anyone, (5) report any legal training they or someone close to them may have, and (6) mention any specialized training they think the litigants should know about.

After these questions have been answered, counsel will be permitted to inquire. The court imposes no specific limitations on what counsel may ask the jurors, other than pre-existing legal limitations. The court will not generally entertain or employ written questionnaires drafted by counsel. However, if there are questions of a particularly sensitive or delicate nature that all counsel would like the court to ask, the court will consider that request, so long as it is made in advance of the actual commencement of voir dire.

CLERK'S OFFICE AND COURT SUPPORT SERVICES

- **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 to represented parties absent a fee waiver. Given the limited availability of official court reporters, the Court may not know whether a reporter is available for any case until the day of the hearing or trial. 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 <https://www.courts.ca.gov/documents/fw020.pdf> as soon as possible before the hearing or trial. (See CRC 2.956(c).) Proceedings in unlimited jurisdiction courts are not electronically recorded.

- For Clerk's Office assistance, call the Court Support Service numbers: 213-830-0800 Stanley Mosk.

- For Self-Help services, call the Self-Help Center at 213-830-0845.