

COURTROOM INFORMATION

DEPARTMENT 3

[rev. 12-30-23]

JUDGE: William A. Crowfoot

JUDICIAL ASSISTANT: Cecilia Ho

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LOCATION Department 3
3rd Floor, Room 300
Alhambra Courthouse
150 W. Commonwealth Ave.
Alhambra, CA 91801

Welcome to Department 3. The Court expects attorneys and self-represented parties to read and comply with the policies and procedures set forth below.

Any inquiries may be directed to Court staff every court day between 10:00 a.m. and 12:00 p.m. or between 2:00 p.m. and 5:00 p.m.

A. 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.

B. CASE MANAGEMENT CONFERENCES

Case Management Conferences are held Monday through Friday 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.

All defendants must be served with the complaint by the case management conference. If all defendants have not been served, plaintiff or plaintiff’s counsel must submit a declaration to the Court five (5) days prior to the hearing explaining what efforts have been undertaken to accomplish service. Cal. Rules of Court, rule 3.110.

The Court requires counsel-of-record, or equally informed counsel (i.e., not appearance counsel), to attend the Case Management Conference. This is because the CMC affords the Court an early indication of whether handling counsel (a) are meeting and conferring sufficiently to move the case along quickly and smoothly, (b) are focused on an early identification of the key legal and factual issues driving a resolution of the case, and (c) are likely to pursue the early and reasonable resolution of discovery disagreements.

C. FAILURE TO APPEAR

On any given day a significant number of counsel fail to appear for calendared hearings. Non-appearances delay cases and inconvenience the other parties and the Court. Non-appearances will result in orders to show cause regarding sanctions for failure to appear.

D JOINT STATEMENTS OF THE PARTIES

The Court may from time to time after the Case Management Conference schedule status conferences regarding mediation and discovery and order the parties to submit a joint statement informing the Court whether mediation or other efforts to resolve the case have occurred, and providing the Court with a discovery plan for the remaining discovery in the case. The Court views these status conferences and joint statements as important case-management tools. The failure to timely file a joint statement will result in the Court scheduling an order to show cause for sanctions.

E. MOTIONS

All motion hearing dates must be reserved in advance on the Court Reservation System at www.lacourt.org, under “Online Services,” “Civil,” “Court Reservation System (CRS).” Motions are set for hearing Monday through Friday. Motions *in limine* are heard during the Final Status Conference.

Under the rules of court and the court’s general orders, all filings must be electronically filed unless the filer is a self-represented litigant or otherwise exempted from mandatory electronic filing.

F. MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION

Any party expecting to file a motion for summary judgment or summary adjudication should press the discovery process forward swiftly to be able to prepare its motion and reserve a hearing date sufficiently in advance of the scheduled trial date. Reservation dates for such motions are limited on the Court Reservation System and hearing dates might not be available at least 30 days before the trial date set in the case.

G. EX PARTE APPLICATIONS

Ex parte applications are heard at 9:00 a.m., Monday through Friday. Ex parte applicants must comply with the requirements of California Rules of Court, rules 3.1200-3.1207, submit a proposed order, and pay the filing fee before appearing in court. The parties should not expect to present oral argument in connection with an ex parte application. See Cal. Code Civ. Proc. § 166(a)(1). The Court will inform the parties if it wishes to hear argument before ruling.

Please note that section 8 of the First Amended General Order governing 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 day before the ex parte hearing, and (b) any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing.

Because the Court takes the bench each day at 8:30 a.m., as a practical matter an opposition filed at 8:30 a.m. on the date of the hearing is unlikely to have been seen by the Court prior to the ex parte hearing. The opposing party should make every effort to file its opposition earlier and provide the Court with a courtesy copy delivered to the Court.

It is usually difficult for the court to advance the hearing on a motion for summary judgment or summary adjudication. If a party must file 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. That said, it is the Court's view that the parties' careful and early attention to the discovery needs of their case, and the early resolution of discovery disputes, should generally make case-management ex parte applications unnecessary or very rare, particularly within 60-90 days from the discovery cut-off.

H. COURT REPORTERS

Department 3 is dedicated to unlimited jurisdiction civil cases. The services of an official court reporter are not available for hearings or trials in Department 3, except as provided by California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivision (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, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivisions (a) and (e). A party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local

Rules, Rule 2.21, subdivision (a). If Department 3 is hearing an overflow limited unlawful detainer matter, however, it will use the electronic recording device allowed in such cases; a fee waiver will not result in the assignment of an official court reporter to the proceeding.

The Court strongly recommends the use of court reporters for both court and jury trials. In any trial conducted without the benefit of a court reporter, the parties will be required to prepare a joint settled statement at the end of each day of trial to be filed with the Court prior to the commencement of the following day of trial.

I. DISCOVERY ISSUES/IDCs/SONG-BEVERLY CASES

The Court encourages the parties' counsel and any self-represented parties to informally resolve discovery disputes, instead of using expensive and cumbersome discovery motions, and to do so at the earliest possible opportunity.

The Court expects the parties' counsel and any self-represented parties first to meet and confer to make a reasonable and good faith attempt to informally resolve each discovery issue in dispute. The mere exchange of position-taking emails would not ordinarily be enough to satisfy this expectation.

If an informal resolution is not reached after meeting and conferring, but the parties *agree* that an informal discovery conference with the Court might help resolve the dispute, either party may request that the Court conduct an informal discovery conference to discuss the dispute.

Please note that the scheduling of an IDC is not a prerequisite to filing a discovery motion, nor will it toll any deadline within which a discovery motion must be filed. Thus, for the IDC to have any value in conserving the time, energy, and resources of the parties, and of the Court, the Court expects the responding party to grant the moving party a reasonable extension of time to file a motion concerning the discovery in dispute to enable the parties to schedule and conduct an informal discovery conference.

To request an informal discovery conference, please reserve a hearing date on the Court Reservation System, which will reflect "Confirmed" upon approval by the Court.

In order to make the IDC useful and efficient, not less than 5 court days prior to the IDC, after meeting and conferring, the parties shall file with the Court a Joint Statement of the parties consisting of a four-column document set up as follows: the first column will identify the number of the discovery request at issue (e.g., SROG No. 1, or FROG No.1, etc.); the second, the full text of the

discovery request; the third, the text of the response; and the fourth, a *brief* bullet-point statement, one from each party, as to why a further response should or should not be compelled.

The failure of the parties to meet and confer and file the required Joint Statement will result in the IDC being taken off calendar.

The Court requires the parties' counsel and any self-represented parties, with full authority to enter into a stipulation to resolve the discovery disputes at issue, to participate in the informal discovery conference with the Court. Ordinarily, the conference shall be conducted remotely using LA Court Connect. The Court finds it useful to be able to see the parties, and for the parties to be able to see each other during IDCs. Because an informal discovery conference is not a hearing on a motion, the Court normally does not make any orders at the informal discovery conference unless the parties stipulate.

Song-Beverly Act Litigation. The Court generally does not conduct IDCs in cases alleging violations of the Song-Beverly Warranty Act and related claims, but the parties are not precluded from requesting one and explaining why it might be useful in the particular case.

When faced with discovery disputes in these types of cases, the Court will usually order the parties to do the following:

Production of Documents. The parties should produce copies of the following documents unless there are case-specific reasons to deviate from this list:

1. Purchase or lease contracts concerning the subject vehicle, including any associated documents reflecting OEM or aftermarket equipment installed at the dealership, ELWs or service contracts, and any other writings signed by the plaintiff at the point of sale.
2. Work orders, repair orders, and invoices (including accounting and warranty versions) for any maintenance, service and repair activity concerning the subject vehicles.
3. Records of communications with dealer personnel, and/or factory representatives and defendant's call center or customer assistance personnel concerning the subject vehicle.
4. Rental car or loaner agreements regarding alternative transportation provided during service or repair visits concerning the subject vehicle.
5. Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.

6. Any Warranty Policy and Procedure Manual or similar policies or claim-handling procedures published by defendant and provided to its authorized repair facilities, within the State of California, from the date the subject vehicle was purchased to the present.

7. Defendant's written statements of policy and/or procedures used to evaluate customer requests for repurchase or replacement pursuant to "Lemon Law" claims, including ones brought under the Song-Beverly Consumer Warranty Act, from the date the subject vehicle was purchased or leased to the date the lawsuit was filed.

8. 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.

9. A list of or compilation of customer complaints in defendant's electronically stored information database that are substantially similar to the alleged defects claimed by plaintiff, in vehicles purchased in California for the same year, make and model of the subject vehicle. A substantially similar customer complaint would be the same nature of reported symptom, malfunction, dashboard indicator light, or other manifestation of a repair problem as the description listed in any work order or repair order for the subject vehicle, other than routine or scheduled maintenance items. The list provided by defendant may be in the chart or spreadsheet format, and shall include the VIN, date of repair visit, dealership or other reporting location, and text of the other customers' reported complaint, but shall not include the other customers' names, addresses, phone numbers, e-mail addresses, or other personal identifying information.

10. 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.

11. Copies of any repair instruction, bulletin, or other diagnostic/repair procedure identified in any of the repair order/invoice records for the subject vehicle

12. Any documents supporting plaintiff's claim for incidental and/or consequential damages.

If a party believes any of this information should be subject to a protective order, that party shall serve and file a proposed protective order within 5 days of the request for the information and the parties shall meet and confer as to

agreeable language for the same. The default will be the standard Protective Order provided by the LASC in its website.

The information may be provided to the opposing party in electronic form as a PDF at the option of the producing party.

Plaintiff and defendant shall serve verification with the documents they produce. Any additional requests for documents may only be propounded by stipulation and/or court order (via motion upon showing of good cause).

Interrogatories, Deposition, and Vehicle Inspection. Similarly, the parties may expect the Court to usually require the following:

Interrogatories: Within the time limits allowed by law, both plaintiff and defendant may propound one set of Judicial Council Form Interrogatories and one set of maximum of 35 special interrogatories. Any additional special interrogatories may only be propounded by stipulation and/or court order (via motion upon showing of good cause).

Deposition: Within the time limits allowed by law, defendant may depose plaintiff, and plaintiff may depose the person most knowledgeable (PMK) as to up to 5 categories of information, plus a deposition of the PMK as to why the subject vehicle was not repurchased, in addition to depositions of any experts identified by the 24 parties, after a formal demand and exchange of expert witness information, per CCP § 2034. Parties shall meet and confer as to whether there is a need to take any additional depositions. Any additional depositions may only be noticed and taken by stipulation and/or court order (via motion upon showing of good cause). If a deponent resides out of state, the deposition may be taken by video conference or telephone. The parties will not be required to travel to California, and the attorneys will not be required to travel out of state.

Vehicle Inspection: Within the time limits allowed by law, the subject vehicle may be inspected by the parties at a mutually agreeable time and place. Unless otherwise agreed by the parties, the vehicle inspection (VI) process shall be as follows:

1. Defendant shall show plaintiff's representative proof of insurance for the person/company who will be road testing the subject vehicle;
2. The defense VI shall commence at 8:00 a.m. at an authorized service and repair facility closest to plaintiff's residence, and may continue until no later than 5:00 p.m. that same day;
3. Plaintiff shall deliver the vehicle to the noticed place of inspection. If the subject vehicle has a dead battery, plaintiff's counsel shall notify defendant's counsel at least one court day before the VI, and

the VI shall proceed with defendant paying for the tow or jump start to the place of inspection and taking reasonable steps to retrieve stored diagnostic codes and other onboard data before the battery is recharged or replaced.

4. Defendant shall provide plaintiff's representative with duplicate copies of all paper and electronic documents created during and because of the VI, such as test results, the stored codes in the vehicle's internal network or in its control units, alignment sheets, etc.;

5. If the subject vehicle is in then-current use by plaintiff, and if requested within a reasonable time, in writing, prior to the VI, plaintiff shall be provided a loaner or rental vehicle paid for by defendant for the duration of the VI, conditioned on plaintiff providing standard rental car disclosures such as proof of a current driver's license and insurance coverage, and with plaintiff responsible for the loaner vehicle's fuel. The loaner vehicle need not be the same model or type as the subject vehicle unless plaintiff agrees to pay for an upgrade;

6. Defendant shall be permitted to run tests of relevant electronic control units (ECUs) and components, conditioned on defendant maintaining, downloading, or printing out stored data on the existing condition or historical information stored in an ECU; and

7. Plaintiff's representative is permitted to conduct video and audio recording of the VI.

J. FINAL STATUS CONFERENCE AND TRIAL

Department 3 conducts jury trials Monday through Thursday from 10:00 a.m. to 4:30 p.m. with a break from 12:00 to 1:30 p.m. and short breaks as needed during the morning and afternoon sessions. Non-jury trials generally are conducted Monday through Thursday from 1:30 p.m. to 4:30 p.m. with short breaks as may be needed.

This Department has separate Trial Preparation Orders for jury trials and court trials, which apply to every such case set for trial. These can be found at the same online location as this general information. Parties' counsel and self-represented parties should become familiar with these Trial Preparation Orders well in advance of the Final Status Conference in their case because the requirements are complex.

The Court expects the parties' counsel and any self-represented parties to work together to jointly prepare and timely submit the trial document binders required by the applicable Trial Preparation Order. The parties must deliver trial document binders, and motion *in limine* binders, to Department 3 not later

than 4:00 p.m. at least 5 court days before the date of the Final Status Conference.

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

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – NORTHEAST DISTRICT**
10 **DEPARTMENT 3**

11
12 _____,) Case No. _____
13 Plaintiff(s),)
14 v.) **JURY TRIAL PREPARATION ORDER**
15 _____,) [rev. 12/30/23]
16 Defendant(s).)
17 _____)

18
19 The dates for trial and the Final Status Conference having been set in this
20 case, the Court orders as follows:

21 **1. MEET AND CONFER**

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

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

1 required in Sections 3-5, below; (2) discuss and make a good faith effort to
2 stipulate to the authenticity and admissibility of each trial exhibit; (3) discuss and
3 make a good faith effort to stipulate to resolve each motion *in limine*; (4) discuss
4 and make a good faith effort to stipulate to ultimate facts and legal issues and
5 agree to a jury verdict form; and, (5) discuss and make a good faith effort to settle
6 the case.

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

8 No later than five court days before the Final Status Conference, the parties'
9 counsel and any self-represented parties shall file and serve the following
10 documents:

11 **A. TRIAL BRIEFS**

12 Each party shall file a trial brief succinctly identifying:

- 13 (1) the claims and defenses that remain in dispute for trial;
- 14 (2) the major legal issues (with supporting points and authorities);
- 15 (3) the relief and calculation of damages sought; and,
- 16 (4) any other information that may assist the court at trial.

17 **B. JOINT WITNESS LIST**

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

hours). At the end of the joint witness list, the parties counsel and any self-represented parties shall add up the estimated times for all witnesses' testimony and state the grand total in the last column. Any 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.

JOINT 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, subd. (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

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, subd. (g)(4).)

**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 as proposed, modified, refused, or withdrawn (CRC 2.1055) ("Joint List of Proposed Jury Instructions").

JOINT LIST OF PROPOSED JURY INSTRUCTIONS					
No.	Title	Requested By (Π/Δ)	Agreed or Contested	Objection	Given Modified Refused Withdrawn
					G__M__R__W__

1
2 **F. JURY INSTRUCTIONS**
3 **(JOINT AND CONTESTED)**

4 For jury trials, the parties' counsel and any self-represented parties shall
5 work together to prepare a complete set of full-text proposed jury instructions,
6 editing all proposed Judicial Council of California Civil Jury Instructions ("CACI")
7 instructions, inserting party names, and eliminating blanks and other irrelevant or
8 inapplicable material. The jury instructions should be prepared in a Word
9 document ready for distribution to the jury. If there is an appropriate CACI jury
10 instruction on a point of law, the court expects the parties to request the CACI
11 instruction instead of a specially prepared jury instruction. In most cases, the
12 Court will expect the parties to prepare a sufficient number of copies of the jury
13 instructions to be able to give one to each juror and alternate.

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

15 For jury trials, the parties' counsel and any self-represented parties shall
16 work together to prepare and file a joint proposed general verdict form or a joint
17 proposed special verdict form acceptable to all parties. (Local Rule 3.25, subd.
18 (g)(8).) If after meeting and conferring the parties cannot agree on a joint verdict
19 form, each party must separately file a proposed verdict form. When a special
20 verdict form is requested, if there is an appropriate CACI special verdict form for a
21 cause of action, affirmative defense, or other finding, the Court expects the parties
22 to use the CACI special verdict form.

23
24 **H. JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR**
25 **DEPOSITION AND FORMER TESTIMONY**

26 If any parties intend to use deposition testimony or former trial testimony in
27 lieu of or in addition to a witness's live testimony, the parties' counsel and any self-
28 represented parties shall meet and confer to discuss, and work together to prepare

1 and file, a joint chart in the format set forth below (“Joint Chart of Page and Line
2 Designations for Deposition and Former Testimony”).

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

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

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

25
26 **JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR**
27 **DEPOSITION AND FORMER TESTIMONY**

28 **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	
<u>Defendant's Counter-Designations</u>					
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. <u>Defendant's Designations</u>					
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	
<u>Plaintiff's Counter-Designations</u>					
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.
3 Before a party files a motion *in limine*, the Court expects counsel and self-
4 represented parties to have acquainted themselves with the legal principles
5 governing the appropriate and inappropriate use of motions *in limine* as described,
6 for example, in *Kelley v. New West Federal Savings* (1996) 49 Cal.App.4th 659, 670-
7 671 and Los Angeles County Court Rule 3.57.

8 The parties' counsel and any self-represented parties shall comply with the
9 statutory notice provisions of Code of Civil Procedure section 1005 and file
10 declarations that comply with the requirements of Los Angeles County Court Rule
11 3.57, subdivision (a). The caption of each motion *in limine* shall concisely identify
12 the evidence that the moving party seeks to exclude. Parties filing more than one
13 motion *in limine* shall number them consecutively. Parties filing opposition and
14 reply papers shall identify the corresponding motion number in the caption of their
15 papers.

16 No later than five court days before the Final Status Conference, the parties'
17 counsel and any self-represented parties shall jointly prepare and lodge in
18 Department 3 a Motions *in Limine* Binder. The Motions *in Limine* Binder shall
19 include one-sided, conformed copies of all motions *in limine*, opposition papers,
20 and reply papers, organized in one or more three-ring binders, tabbed in numerical
21 order with the opposition papers and reply papers for each motion placed directly
22 behind the moving papers with a tab separating the moving, opposition, and reply
23 papers. Please make sure that each such binder has a detailed table of contents
24 indicating the tab number and the caption title of each such motion or opposition
25 included in the binder. This index makes it easier for the parties, the Court, and
26 the Court's Judicial Assistant to keep track of the *MILs*.

1 **4. EXHIBIT BINDERS**

2 The parties' counsel and any self-represented parties shall work together to
3 jointly prepare four sets of tabbed, internally paginated by document, and properly
4 marked exhibits, organized numerically in three-ring binders (a set for the court, a
5 set for the Judicial Assistant, and a set for the witnesses) ("Exhibit Binders").
6 Copies of documentary exhibits shall be one-sided copies. The parties' counsel and
7 any self-represented parties shall mark all non-documentary exhibits and insert a
8 simple written description of the exhibit behind the corresponding numerical tab in
9 the Exhibit Binders. The parties' counsel and any self-represented parties shall
10 also place the court's yellow evidence tags (with only the case number and exhibit
11 number filled in) on each exhibit in the Judicial Assistant's copy of the Exhibit
12 Binder. The parties' counsel and any self-represented parties shall bring one set of
13 the Exhibit Binders to the Final Status Conference for the court to review.

14 **5. TRIAL BINDER**

15 No later than five court days before the Final Status Conference, the parties'
16 counsel and any self-represented parties shall jointly prepare and lodge in
17 Department 3 a Trial Binder, consisting of one-sided, conformed copies, tabbed
18 and organized in a three-ring binder with a table of contents that includes the
19 following:

20	Tab A:	Trial Briefs
21	Tab B:	Joint Witness List
22	Tab C:	Joint Exhibit List
23	Tab D:	Joint Statement to Be Read to the Jury
24	Tab E:	Joint List of Jury Instructions
25	Tab F:	Joint and Contested Jury Instructions
26	Tab G:	Joint or Contested Verdict Form(s)
27	Tab H:	Joint Chart of Page and Line Designations for Deposition

28 and Former Testimony

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

4 The parties shall organize proposed jury instructions into groups behind Tab
5 F in the following order (labeled by cover sheets): (1) the agreed-upon instructions;
6 (2) plaintiff's requested instructions to which defendant objects; and (3)
7 defendant's requested instructions to which plaintiff objects.

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

9 The Court has discretion to require any party's counsel and any party who
10 fails to comply with this Trial Preparation Order to show cause why the Court
11 should not impose monetary, evidentiary, and/or issue sanctions. (Code Civ. Proc.,
12 § 177.5.)

13
14 IT IS SO ORDERED.

15
16 Dated: _____

William A. Crowfoot
JUDGE OF THE SUPERIOR COURT

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – NORTHEAST DISTRICT**
10 **DEPARTMENT 3**

11
12 _____, } Case No. _____
13 Plaintiff(s), } COURT TRIAL PREPARATION ORDER
14 v. } [rev12/30/23]
15 _____, }
16 Defendant(s). }
17 _____
18

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

21 **1. MEET AND CONFER**

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

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

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

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

7 No later than five court days before the Final Status Conference, the parties'
8 counsel and any self-represented parties shall file and serve the following
9 documents:

10 **A. TRIAL BRIEFS**

11 Each party shall file a trial brief succinctly identifying:

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

16 **B. JOINT STATEMENT OF CONTROVERTED ISSUES OF LAW AND** 17 **FACT**

18 In order to ensure that the parties properly address, both before and during
19 trial, the legal and factual issues upon which they are seeking a judicial decision,
20 the Court requires the parties to submit a jointly prepared statement of
21 controverted issues of law and fact for consideration at the Final Status
22 Conference. The purpose of this joint statement is to help guide the presentation of
23 facts during trial and the parties' closing and rebuttal arguments to the Court.
24 This document is intended to take the place of a special verdict form that would be
25 used in a jury trial. Among other things, the joint statement is likely to identify
26 legal issues that might determine what facts need to be proven at trial for a party
27 to prevail on a cause of action or a defense. It also will help identify which facts are
28 not disputed and thus streamline and shorten the trial.

C. JOINT WITNESS LIST

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

JOINT 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)

D. 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, subd. (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

E. JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR DEPOSITION AND FORMER TESTIMONY

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

In the joint chart, each designating party's designations of deposition or former testimony shall include columns which state: (1) the designation number

and name of the witness; (2) the date and type of testimony (*e.g.*, deposition or trial testimony); (3) the page and line designations of the deposition or former testimony requested to be used; (4) any objections; (5) whether the other party has counter-designated any additional deposition or former testimony of the witness that relates to the designation, and, if so, the designation number of the counter-designation; and, (6) the Court's ruling.

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

The parties shall attach copies of the pages of the transcripts of the deposition or former testimony they are designating or counter-designating to the Joint Chart of Page and Line 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* are more appropriate for jury trials than non-jury trials. In
3 many non-jury trials, motions *in limine* are unnecessary. But if the parties
4 anticipate disputes about important evidentiary issues, it may be helpful to the
5 Court to file briefs regarding those issues in advance. Before a party files a motion
6 *in limine*, the Court expects counsel and self-represented parties to have
7 acquainted themselves with the legal principles governing the appropriate and
8 inappropriate use of motions *in limine* as described, for example, in *Kelley v. New*
9 *West Federal Savings* (1996) 49 Cal.App.4th 659, 670-671 and Los Angeles County
10 Court Rule 3.57. Even if the Court does not grant a party's motion *in limine* before
11 the commencement of testimony, bringing the issue to the Court's attention in a
12 timely manner may help expedite the trial.

13 Motions *in limine* shall be noticed for hearing at the Final Status Conference.
14 The parties' counsel and any self-represented parties shall comply with the
15 statutory notice provisions of Code of Civil Procedure section 1005 and file
16 declarations that comply with the requirements of Los Angeles County Court Rule
17 3.57, subdivision (a). The caption of each motion *in limine* shall concisely identify
18 the evidence that the moving party seeks to exclude. Parties filing more than one
19 motion *in limine* shall number them consecutively. Parties filing opposition and
20 reply papers shall identify the corresponding motion number in the caption of their
21 papers.

22 No later than five court days before the Final Status Conference, the parties'
23 counsel and any self-represented parties shall jointly prepare and lodge in
24 Department 3 a Motions *in Limine* Binder. The Motions *in Limine* Binder shall
25 include one-sided, conformed copies of all motions *in limine*, opposition papers,
26 and reply papers, organized in one or more three-ring binders, tabbed in numerical
27 order with the opposition papers and reply papers for each motion placed directly
28 behind the moving papers with tabs separating the moving, opposition, and reply

1 papers. Please make sure that each such binder has a detailed table of contents
2 indicating the tab number and the caption title of each such motion or opposition
3 included in the binder. This index makes it easier for the parties, the Court, and
4 the Court's Judicial Assistant to keep track of the *MILs*.

5 **4. EXHIBIT BINDERS**

6 The parties' counsel and any self-represented parties shall work together to
7 jointly prepare four sets of tabbed, internally paginated by document, and
8 properly-marked exhibits, organized numerically in three-ring binders (a set for the
9 court, a set for the Judicial Assistant, and a set for the witnesses) ("Exhibit
10 Binders"). Copies of documentary exhibits shall be one-sided copies. The parties'
11 counsel and any self-represented parties shall mark all non-documentary exhibits
12 and insert a simple written description of the exhibit behind the corresponding
13 numerical tab in the Exhibit Binders. The parties' counsel and any self-
14 represented parties shall also place the court's yellow evidence tags (with only the
15 case number and exhibit number filled in) on each exhibit in the Judicial
16 Assistant's copy of the Exhibit Binder. The parties' counsel and any self-
17 represented parties shall bring one set of the Exhibit Binders to the Final Status
18 Conference for the Court to review.

19 **5. TRIAL BINDER**

20 No later than five court days before the Final Status Conference, the parties'
21 counsel and any self-represented parties shall jointly prepare and lodge in
22 Department 3 a Trial Binder, consisting of one-sided, conformed copies, tabbed
23 and organized in a three-ring binder with a table of contents that includes the
24 following:

25	Tab A:	Trial Briefs
26	Tab B:	Joint Statement of Controverted Issues of Law and Fact
27	Tab B:	Joint Witness List
28	Tab C:	Joint Exhibit List

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

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

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

7 The court has discretion to require any party's counsel and any party who
8 fails to comply with this Trial Preparation Order to show cause why the court
9 should not impose monetary, evidentiary, and/or issue sanctions. (Code Civ. Proc.,
10 § 177.5.)

11
12 IT IS SO ORDERED.

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15 Dated: _____

William A. Crowfoot
JUDGE OF THE SUPERIOR COURT