

**LOS ANGELES SUPERIOR COURT**  
**DEPARTMENT NC-D UNLIMITED CIVIL INDEPENDENT CALENDAR COURT**  
**JUDGE RALPH C. HOFER, ASSIGNED FOR ALL PURPOSES**

COURT WEBSITE:  
[WWW.LACOURT.ORG](http://WWW.LACOURT.ORG)

LOCAL RULES:

<http://www.lacourt.org/courtrules/ui/index.aspx?ch-Cap2&ct=TR&&tab+2>

**Courtroom Information:** 600 East Broadway, Glendale, CA 91206

**Telephone number:** (818) 265-6414

**Courtroom hours:** 8:30 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

**EX PARTE APPLICATIONS:** Ex parte applications for Department D are heard MONDAY-THURSDAY AT 11:00 A.M.

**ONLINE REMOTE APPEARANCE MORNING CHECK IN TIME:** Please be advised that all attorneys must register and be online for their remote appearances for the morning calendar by 8:15 a.m., or they will be locked out of their hearings. Please note that a video appearance is mandatory. This check in procedure does not apply to attorneys who are making an in-person appearance.

**FSCs AND TRIALS:** The parties must comply with the Court's Final Status Conference and Trial Order.

**LAW AND MOTION:** The Court hears all law and motion matters on Fridays only at **8:30 a.m.**

**CASE MANAGEMENT CALENDAR:** The Court conducts all case management matters such as Case Management Conferences and Status Conferences on Mondays through Thursday at 8:30 a.m.

**ALTERNATIVE DISPUTE RESOLUTION (ADR):** Please note the Court's standing order regarding mandatory ADR compliance.

## **LOS ANGELES SUPERIOR COURT**

### **GLENDALÉ – DEPARTMENT D**

#### **JUDGE RALPH C. HOFER**

**Christine Gyimesi**, Judicial Assistant

**Lilian Espejo**, Courtroom Assistant

### **COURTROOM INFORMATION**

**Court Address:** 600 East Broadway, Glendale, CA 91206

**Telephone Number:** 818-265-6413

**Department Email:** [GlnDeptD@lacourt.org](mailto:GlnDeptD@lacourt.org)

**Court Website:** [www.lacourt.org](http://www.lacourt.org)

**Courtroom Hours:** 8:30 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

**Telephone Hours:** 8:30 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

(Phone calls from 8:30 a.m. to 11:00 a.m. should be limited to matters pertaining to calendared cases for that day. The best time to reach Department D staff is between 11:00 a.m. and 12:00 p.m. and 1:30 p.m. to 4:30 p.m.)

**INDEPENDENT CALENDAR COURT:** Department D is an independent calendar (also known as direct calendar) court. All Los Angeles Superior Court Local Rules referencing a direct calendar, or independent calendar, court apply. Parties and counsel are referred to in Los Angeles Superior Court Local Rules, Chapter 3, Civil Division Rules, with respect to procedures, as well as to the California Rules of Court and the California Code of Civil Procedure. Local Rules 3.26 (litigation conduct) apply to all.

**CHECK-IN:** Please check in with the Courtroom Assistant before the hearing. Be prepared to provide one business card to the Courtroom Assistant. Write on the business card the number of the matter on calendar for that day and the party you represent.

**REMOTE APPEARANCES:** LATeams has replaced LACourtConnect. No telephonic appearances are allowed Final Status Conferences, or for Trial. Video appearances are mandatory for all pre trial court appearances, unless excused by the judge for good cause.

**MOTIONS:** All motion hearing dates must be reserved in advance using the Court Reservation System (CRS). The Court in Department D cannot process the initial reservation on CRS for the

hearing. However, once the party obtains a reservation date, the Court is able to change the hearing date, if needed or requested. Follow the link: Online Services-civil-Court Reservation System (CRS) on the court's website, [www.lacourt.org](http://www.lacourt.org). Motions are heard on Fridays at 8:30 a.m. The Court will issue a written tentative ruling on the afternoon of the day before the hearing. To view tentative rulings, visit the court's website and follow the link: Online Services-Civil Tentative Rulings. The Court only issues written tentative rulings for the Friday law and motion calendar. ***COURTESY COPIES ARE DUE AT THE COURTROOM TWO WEEKS PRIOR TO HEARING DATE AT THE COURTROOM.***

**INFORMAL DISCOVERY CONFERENCES:** The Court normally does not conduct informal discovery conferences. If a party wants an Informal Discovery Conference, the party must use the IDC Statement Form to request an Informal Discovery Conference by emailing the form to the judicial assistant, who will present the form to the judge for his consideration. If the judge grants the request, the court will set a date with an 11:00 a.m. conference time for about a week after the court receives the request. The Court requires that the parties submit "mini" briefs, not to exceed 10 pages, 2 court days before the hearing date with hard copies lodged with the court, but not e-filed. Follow other rules set forth herein about how to lodge courtesy copies with the court.

**EX PARTE APPLICATIONS:** Ex Parte Applications are heard MONDAY through THURSDAY at 11:00 a.m. Courtesy copies to be provided to Chambers by noon. A motion date must be reserved on Court Reservation System (CRS) prior to bringing an Ex Parte Application to Shorten Time. The Court will hear ex parte applications on Friday morning only in extreme cases that cannot wait until the following Monday.

**SIGNED DOCUMENTS:** All court signed documents are available from the court's website using the link: Online Services-Civil-Case Document Images. An online services account is required to access and print documents. Signed documents are available 24-48 hours after they are signed.

**MANDATORY SETTLEMENT CONFERENCES AND MEDIATION:** The Court requires a mandatory settlement conference with Mediation Center of Los Angeles (MCLA) Referral Program. Resolve Law (LA) for car accident cases only, and Mediation Volunteer Panel (MVP) to be completed within the time frame of 30 to 90 days before the trial date. (The Settlement Conference Intake Form is available on the court's website.) Alternatively, the parties may participate in a private mediation with a retired judge or an experienced attorney mediator to satisfy this requirement. The requirement is that the parties must participate in one settlement conference or mediation pre-trial once the case is trial-ready. The parties are always allowed to participate in a voluntary early mediation at the parties' expense, if they so choose. Please note that the Court will conduct settlement conferences for its own cases and requires a written waiver if the Court conducts its own settlement conference.

**CONTINUANCES:** Trial continuances must be heard on a noticed motion or Ex Parte application basis, unless otherwise ordered by the Court. The Court prefers Ex Parte Applications or Joint

Stipulation and Order. In most instances, a noticed motion is not necessary. The Court's policy is to hold all trial dates and not to grant continuances without a showing of good cause.

**COURT REPORTERS:** The Court does not provide court reporters. Any party desiring the presence of a court reporter must secure the services of a private court reporter. Self-represented litigants may be entitled to a court reporter at the state's expenses, subject to a fee waiver application approved in advance by the Court. The Court strongly recommends the use of court reporters for both bench trials and jury trials.

**INTERPRETERS:** An interpreter may be provided in advance, however, one cannot be guaranteed for an exact date and time.

**COURTESY COPIES:** In compliance with the Court's policy regarding electronic filing, courtesy copies of all motions and related pleadings must be delivered to Department D, even though the documents have been filed electronically. For law and motion matters set for hearing on the Friday calendar, the moving party must deliver the moving pleadings to Department D at least two weeks before the hearing date. Courtesy copies of all oppositions and replies must be delivered to Department D on the day of the electronic filing. For ex parte applications, the parties must deliver courtesy copies to Department D the day before the hearing with any oppositions being delivered to Department D no later than 9:00 a.m. the day of the hearing.

**A failure to timely provide courtesy copies may result in a case not being put on the court's trial calendar, a motion being continued or taken off-calendar, and/or the imposition of sanctions.**

**LOCAL RULES:** The Court does not have special rules for final status conference (other than as required by the Court's Trial Preparation Order), or for trial conduct. The Court does have standard orders and stipulations governing certain aspects of trial procedures, which the Court expects the attorneys to sign. Nevertheless, the Court expects compliance with the local rules of the Los Angeles Superior Court. Please note that certain forms, orders and notifications are available for downloading from the court's website.

**NON-COMPLIANCE:** Please see Los Angeles Superior Court Local Rule 3.10 (sanctions) and Rule 3.25(f)(1). Local Rule 3.10 indicates that the court may impose appropriate sanctions for the failure or refusal of a party or attorney to comply with the Local Rules, and any court order made pursuant to the Local Rules. Local Rule 3.10 also makes reference to the availability of sanctions set forth in the Code of Civil Procedure, California Rules of Court, and Government Code. Further, Local Rule 3.25(f)(1) provides specific notice that the failure to exchange and file the items set forth above in the Court's Trial Preparation Order may result in not being able to call witnesses, present exhibits at trial, or have a jury trial and may result in dismissing a complaint or striking an answer. Parties are also directed to the penalties for failure to comply with the Court's Local Rules that are set forth in Code of Civil Procedure Section 575.2(a).

**CASE MANAGEMENT CONFERENCES:** Case Management Conferences are held Monday through Thursday at 8:30 a.m. The parties are to meet and confer within 30 days of the hearing and file a CMC statement on Judicial Council Form CM-110 within five (5) days of the hearing. (Cal. Rules of Court, rule 3.722, et seq.; LASC Local Rule 3.25.)

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.)

Please note that in Lemon Law cases the plaintiff must file with the Case Management Statement the Joint Addendum. Please note that in Motor Vehicle Personal Injury cases the plaintiff must file with the Case Management Statement the Joint Addendum. Copies of the addendums are on this website. The Joint Addendums are to be filed separately by plaintiff's attorney or attached to the plaintiff's Case Management Statement.

**LAW AND MOTION:** Law and motion hearings are conducted on Fridays beginning at 8:30 a.m. Parties must obtain and schedule a motion hearing date via the online Court Reservation System (CRS) on the Los Angeles Superior Court website: <https://www.lacourt.org> "Online Services" tab. Please be advised that a motion reserved on CRS automatically will be taken off calendar if the pleadings are not filed within 3 days of the date of making the reservation.

The Court usually posts tentative rulings on the court's website prior to the hearing. If **both** parties agree to submit on the tentative, you may let the Court know by calling the Court at (818) 265-6414. However, if you agree to submit, and the other party does not, the Court may proceed with the hearing even if you do not appear and may issue a ruling different from the tentative. Please note that the court reserves the right not to consider any late filings of oppositions and replies.

**FINAL STATUS CONFERENCE:** The Court will set a Final Status Conference (FSC) at least 10 days prior to the trial. The purpose of the FSC is to verify that the parties are completely ready to proceed to trial continuously and efficiently, from day to day, until verdict. Unless the Court orders otherwise, **LEAD TRIAL COUNSEL** must appear in person at the FSC. Also, all parties and/or party representatives must appear in person at the FSC.

Department D has a Trial Preparation Order which applies to every case set for trial. A copy of the Order is attached at the end of this courtroom information sheet. The Court expects counsel and any self-represented parties to work together to jointly prepare and submit the documents and binders required by that order.

As set forth in more detail in the Trial Preparation Order, no later than 7 court days before the Final Status Conference, the parties must electronically file the documents listed below. By no later than 3 calendar days before the Final Status Conference, the parties are to submit to the Court a hard copy binder containing these previously filed documents under the following tabs:

- Tab A – Trial Briefs
- Tab B – Joint Witness List
- Tab C – Joint Exhibit List
- Tab D – Joint Statement to be Read to the Jury
- Tab E – List of Proposed Jury Instructions (Joint and Contested)
- Tab F – Full Text Jury Instructions (Joint and Contested)
- Tab G – Joint Verdict Form
- Tab H – Joint Page and Line Designation for Deposition and Former Testimony
- Tab I – Copies of the Current Operative Pleadings (including the operative complaint, answer, cross-complaint, and answer to any cross-complaint).
  
- Tab J – Motions in Limine (unless they are voluminous enough to merit their own binder).

For non-jury trials, the documents behind Tabs D, E, F and G do not apply and need not be filed. In non-jury trials, those tabs of the trial binder should be left empty.

#### **TRIALS:**

##### **A. Scheduling**

Jury trials are scheduled on Mondays at 9:00 a.m. Court trials are scheduled on Mondays at 1:30 p.m.

##### **B. Court Reporter**

The parties/counsel should arrange for a court reporter for trial, and “real-time” for the bench is greatly appreciated. Parties who do not provide a court reporter for trial are directed to meet at the close of each session and prepare a joint statement of the witness testimony presented that day. The joint statement must be lodged with the Court the next morning before proceedings resume. No exceptions.

##### **C. Jury Fees**

Jury fees must be paid on a daily basis. The judicial assistant will advise of the daily rate.

##### **D. Voir Dire**

The Court will begin the jury selection process by questioning the first twenty-four potential jurors (or as many as logistically possible). The Court will inquire using the “questions on the board” (name, area of residence, marital status, occupations, and previous jury experience). The Court, if requested, will also voir dire on any sensitive areas. The parties will be allowed to voir dire for a reasonable period of time.

Each party is entitled to six (6) peremptory challenges. If there are multiple parties to each side, each side generally shares eight (8) so long as each side receives an equal number. (Cal. Civ. Proc. Code §231(c).)

##### **E. Opening Statements**

Neither party is required to give an opening statement, and a defendant may reserve their opening statement until after the presentation of the opposing party's case in chief. Opening statements should not be used to argue your case, pre-instruct, or precondition the jury. Present the jury a roadmap as to what you believe the evidence will show. Use of visual aids in opening statement is generally not allowed unless previewed and agreed upon by all parties/counsel. (LASC Local Rule 3.97.

F. Display of Demonstrative Evidence

Department D is equipped with a large screen monitor visible to the jury with an ELMO overhead projector and computer connections at counsel table. There is also a monitor on the witness stand. The parties must provide their own cables and computer, and a pre-trial test run is encouraged as the Court is not able to provide technical support. If a PowerPoint is to be used, a copy of the slides must be shared with the opposing counsel prior to the presentation leaving sufficient time to object.

G. Witnesses Availability

Out of respect for all the parties and jurors involved, please have witnesses present and ready to testify. The Court will not inconvenience the jury just because a witness does not appear, and a party may be forced to rest.

H. Use of Deposition Transcripts and Discovery Responses

Prior to the commencement of the trial, deposition transcripts and discovery responses shall be lodged with the Court (LASC Local Rule 3.56). Before reading into evidence any portion of a deposition, interrogatory, or request for admission, the party shall advise the Court and opposing party of the page and line number of the deposition, or the numbers of the interrogatories or requests for admission to be read or shown to the witness (LASC Local Rule 3.158).

I. Objections

The parties must refrain from speaking objections. Objections shall be in the form of "objection," and a statement of the grounds for the objection (for example, relevance, hearsay, asked and answered).

J. Use of Exhibits

Counsel may publish exhibits to the jury only after they have been admitted into evidence. If counsel agree that exhibits will be admitted without objection, counsel may publish the agreed-upon exhibits to the jury during opening statement.

K. Multiple Counsel for a Party

If a party has more than one lawyer, only one lawyer per witness may conduct the direct examination or cross-examination or make objections.

L. Closing Arguments and Jury Instruction

Counsel or self-represented parties should be prepared to present closing arguments upon completion of the evidence.

**TO: ATTORNEYS AND ATTORNEY SERVICES: PLEASE TAKE NOTICE:**

**COURT ORDER RE LODGING OF COURTESY COPIES**

**MANDATORY ELECTRONIC FILING STARTED JANUARY 2, 2019.**

**THIS COURT IS ORDERING THAT COURTESY PAPER COPIES BE LODGED WITH DEPARTMENT D OF ALL MOTIONS AND THEIR SUPPORTING DOCUMENTS ELECTRONICALLY FILED, INCLUDING ALL OPPOSITIONS, REPLIES, AND OBJECTIONS, FOR THE MATTERS THE COURT HEARS ON FRIDAYS FOR ITS LAW AND MOTION CALENDAR.**

**COURTESY PAPER COPIES, *PROPERLY TABBED*, MUST BE DELIVERED TO THE COURTROOM BY 4:30 P.M. THE SAME BUSINESS DAY THE DOCUMENT IS EFILED.**

**IF THE EFILING IS SUBMITTED AFTER 4:30 P.M., THE COURTESY PAPER COPIES MUST BE DELIVERED TO THE COURTROOM BY 10:00 A.M. THE FOLLOWING BUSINESS DAY.**

**FAILURE TO COMPLY WITH THIS ORDER CAN CAUSE THE COURT TO IMPOSE APPROPRIATE SANCTIONS.**

**THANK YOU FOR YOUR COOPERATION.**

**HON. RALPH C. HOFER**

**DEPARTMENT D**

See [www.lacourt.org](http://www.lacourt.org) under "Courtroom Information"



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

PLAINTIFF,		Plaintiff,	}	Case No. CASE NO
			}	TRIAL PREPARATION ORDER
vs.			}	
DEFENDANT,		Defendant.	}	Glendale Courthouse Dept. D
			}	
			}	

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

1. **TRIAL COUNSEL AND PARTIES** are required to appear at the Final Status Conference. If the clients are located outside of Los Angeles County, they may appear remotely or be available by telephone, in the case of out-of-state corporate representatives.

2. **MEET AND CONFER**

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

No later than 11 court days before the Final Status Conference, the parties' counsel and any self-represented parties shall meet and confer to do the following: (1) discuss and prepare the documents required in Sections 2.B-H below, and the Motions in Limine Binder, Exhibit Binders, and Trial Binder required in Sections 3-5 below, (2) discuss and make a good faith effort to stipulate to the authenticity and admissibility of each trial exhibit, (3) discuss and make a good faith effort to stipulate to resolve each motion in limine, (4) discuss and make a good faith effort to stipulate to ultimate facts and legal issues, and (5) discuss and make a good faith effort to settle the case.

1     **3.       TRIAL DOCUMENTS TO BE FILED**

2             All trial documents are to be filed pursuant to the General Order re Mandatory  
3     Electronic Filing for Civil dated November 5, 2018. Pursuant to California Rules of Court,  
4     Rule 2.253 (b)(2), self-represented litigants are exempt from the mandatory electronic filing  
5     requirement. No later than seven court days before the Final Status Conference, the parties’  
6     counsel and any self-represented parties shall file and serve the following documents:

7             **A. TRIAL BRIEFS**

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

JOINT LIST OF PROPOSED JURY INSTRUCTIONS					
No.	Title	Requested by (II/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 Los Angeles Superior Court form LASC 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.

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

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a joint proposed general verdict form or a joint proposed special verdict form acceptable to all parties. (Local Rule 3.25, subd. (g)(8).) If the parties cannot agree on a joint verdict form, each party must separately file a proposed verdict form. The court urges the parties to consider a general verdict form. When a special verdict form is requested, if there is an appropriate CACI special verdict form for a cause of action, affirmative defense, or

1 other finding, the court expects the parties to use the CACI special verdict form.

2 **H. JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR**  
3 **DEPOSITION AND FORMER TESTIMONY**

4 If any parties intend to use deposition testimony or former trial testimony in lieu of or  
5 in addition to a witness's live testimony, the parties' counsel and any self-represented parties  
6 shall meet and confer to discuss, and work together to prepare and file, a joint chart in the  
7 format set forth below ("Joint Chart of Page and Line Designations for Deposition and Former  
8 Testimony"). In the joint chart, each designating party's designations of deposition or former  
9 testimony shall include columns which state: (1) the designation number and name of the  
10 witness, (2) the date and type of testimony (e.g., deposition or trial testimony), (3) the page  
11 and line designations of the deposition or former testimony requested to be used, (4) any  
12 objections, (5) whether the other party has counter-designated any additional deposition or  
13 former testimony of the witness that relates to the designation, and, if so, the designation  
14 number of the counter-designation, and (6) the court's ruling. In the joint chart, each counter-  
15 designating party's counter-designations of additional deposition or former testimony of the  
16 witness that relates to the designations shall include columns which state: (1) the designation  
17 number and name of the witness, (2) the date and type of testimony (e.g., deposition or trial  
18 testimony), (3) the page and line counter-designations of the deposition or former testimony  
19 requested to be used, (4) any objections, (5) the designation number of the other party's  
20 designation to which the counter-designation relates, and (6) the court's ruling. The parties  
21 shall attach a copy of the pages of the transcripts of the deposition or former testimony they  
22 are designating or counter-designating to the Joint Chart of Page and Line Designations for  
23 Deposition and Former Testimony, with numbered tabs separating each deposition or trial  
24 transcript. For each transcript, all pages containing the designations and counter-designations  
25 shall be included in a single document in page order behind a single tab. Each designation and  
26 counter-designation shall be highlighted, with each party using a different color highlighter.

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

<b>I. Plaintiff's Designation</b>					
<b>Number/Witness Name</b>	<b>Date/Type of Transcript</b>	<b>Page: Line Designation</b>	<b>Objections</b>	<b>Is there a Counter? (Yes/No/#)</b>	<b>Ruling</b>
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	
<b>Defendant's Counter-Designations</b>					
<b>Number/Witness Name</b>	<b>Date/Type of Transcript</b>	<b>Page: Line Designation</b>	<b>Objections</b>	<b>Is there a Counter? (Yes/No/#)</b>	<b>Ruling</b>
4. John Doe	1/3/20 Depo	1:26-2:20		#1	
<b>II. Defendant's Designations</b>					
<b>Number/Witness Name</b>	<b>Date/Type of Transcript</b>	<b>Page: Line Designation</b>	<b>Objections</b>	<b>Is there a Counter? (Yes/No/#)</b>	<b>Ruling</b>
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	
<b>Plaintiff's Counter-Designations</b>					
<b>Number/Witness Name</b>	<b>Date/Type of Transcript</b>	<b>Page: Line Designation</b>	<b>Objections</b>	<b>Is there a Counter? (Yes/No/#)</b>	<b>Ruling</b>
7. John Doe	3-4-19 Trial Testimony	5:26-6:10		#5	

### 3. MOTIONS IN LIMINE

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

If the motions in limine are too voluminous to fit behind Tab J in the Trial Binder, the parties must submit a separate motion in limine no later than three calendar days before the Final Status Conference. The Motions in Limine Binder shall include one-sided, conformed copies of all motions in limine, opposition papers, and reply papers, organized in one or more

1 three-ring binders, tabbed in numerical order with the opposition papers and reply papers for  
2 each motion placed directly behind the moving papers with a colored sheet of paper separating  
3 the moving, opposition, and reply papers.

#### 4 5 **4. EXHIBIT BINDERS**

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

#### 17 18 **5. TRIAL BINDER**

19 No later than seven court days before the Final Status Conference, the parties' counsel  
20 and any self-represented parties shall jointly prepare and lodge in Department D a Trial  
21 Binder, consisting of one-sided, conformed copies, tabbed and organized in a three-ring binder  
22 with a table of contents that includes the following (for trials by the court without a jury, the  
23 Trial Binder shall include only the documents listed under Tabs A, B, C, H, and I with the  
24 other sections left empty):

25 Tab A: Trial Briefs

26 Tab B: Joint Witness List

27 Tab C: Joint Exhibit List

28 Tab D: Joint Statement to Be Read to the Jury

1 Tab E: Joint List of Jury Instructions

2 Tab F: Joint and Contested Jury Instructions

3 Tab G: Joint or Contested Verdict Form(s)

4 Tab H: Joint Chart of Page and Line Designations for Deposition and Former  
5 Testimony

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

8 Tab J: Motions in Limine, unless they are too voluminous and require their own  
9 binder.

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

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

15 The court has discretion to require any party's counsel and any party who fails to  
16 comply with this Trial Preparation Order to show cause why the court should not impose  
17 monetary, evidentiary or other sanctions.

18  
19 IT IS SO ORDERED.

20 DATED: 11/31/2025

  
21 Hon. Ralph C. Hofer  
22 Judge of the Los Angeles Superior Court  
23  
24  
25  
26  
27  
28



**STANDING ORDER REGARDING**  
**ALTERNATIVE DISPUTE RESOLUTION**

Counsel are ordered to meet and confer within 60 days of the Case Management Conference regarding resolution and some form of alternative dispute resolution. The Court orders parties to meet and confer telephonically or via video conference. Conferencing by e-mail and/or mail alone is insufficient. The Court will set an ADR compliance date for about 90 days before trial.

At the ADR Compliance date hearing, the Court requires the parties to describe in detail all efforts they undertook to settle the case, except the attorneys are not to reveal the numbers or amounts of any settlement offers exchanged. It is the Court's policy to exhaust all settlement efforts before commencing the trial.

Be advised that the OSC Re: ADR Compliance is a **DROP-DEAD DATE**. The mediation or alternative dispute resolution mechanism must be completed by that date.

Attorneys must file a joint status report five (5) court days before the OSC Re ADR Compliance hearing detailing all efforts the attorneys undertook to settle the case, but without revealing any settlement offers exchanged between the parties.

**NON-COMPLIANCE WITH**  
**LOCAL RULES**

Please see Los Angeles Superior Court Local Rule 3.10 (sanctions) and Rule 3.25(f)(1). Local Rule 3.10 indicates that the court may impose appropriate sanctions for the failure or refusal of a party or attorney to comply with the Local Rules, and any court order made pursuant to the Local Rules. Local Rule 3.10 also makes reference to the availability of sanctions forth in the Code of Civil Procedure, California Rules of Court, and Government Code. Further, Local Rule 3.25(f)(1) provides specific notice that the failure to exchange and file the items set forth above in the Court's Trial Preparation Order may result in not being able to call witnesses, present exhibits at trial, or have a jury trial, and may result in dismissing a complaint or striking an answer. Parties are also directed to the penalties for failure to comply with the Court's Local Rules that are set forth in Code of Civil Procedure Section 575.2(a).

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

<b>vs.</b>	<b>Plaintiff(s)</b>	<b>File Stamp</b>
		<b>Case No:</b>
	<b>Defendant(s)</b>	<b>FINAL STATUS CONFERENCE ORDER</b>

Based upon the representations of the parties at the STATUS CONFERENCE, held on \_\_\_\_\_, the Court now orders a FINAL STATUS CONFERENCE to be held on \_\_\_\_\_ commencing at 9:000 am. in Department D of the above-entitled court, located at 600 E. Broadway, Glendale, CA 91206, and issues orders pertaining thereto as follows:

1. **TRIAL COUNSEL** are required to appear at the Final Status Conference. The parties and/or party representatives must appear at the Final Status Conference in person including corporate representatives with settlement authority if located in Los Angeles County. Corporate representatives located outside Los Angeles County must be available by telephone during the Final Status Conference.
2. Counsel shall meet and confer and/or exchange information as required by this order and LACCR, Rules 3.25(h) 3.170, 3.172, and 3.57. Any failure to timely comply with any item required by this order shall subject any such non-complying party to the imposition of appropriate sanctions, including but not limited to, monetary sanctions, exclusion of evidence, issue preclusion, denial of a claim or defense, dismissal, or contempt (C.C.P. §§ 128; 128.7; 177.5; 575.2; 583.150; 583.410; GC § 68608; CRC 2.30).
3. If the action is settled or otherwise resolved before the Final Status Conference, no appearance will be necessary as long as a Request for Dismissal of the entire action or Notice of Settlement under California Rules of Court, § 3.1385 is filed directly with this court at least two (2) court days before

the scheduled Final Status Conference. Counsel is also requested to notify the clerk of this court immediately by phone (818) 265-6414 upon settlement or resolution of the action.

4. Counsel shall meet and confer in person at least ten (10) days before the Final Status Conference to exchange, discuss, and prepare for submission to this court all edited jury instructions and jointly submitted drafts of: final special verdict form(s); a statement of the case; exhibits, as well as a separately prepared list pertaining to all exhibits and witnesses (see below).
5. The following documents shall be prepared and exchanged between (and in the possession of) all counsel and filed directly in this department at least five (5) court days before the Final Status Conference.

#### **A. MOTIONS IN LIMINE**

1) Boilerplate of form motions *in limine* are disfavored. Counsel shall meet and confer on all motions *in limine*. All motions *in limine* must be in writing and shall be served (in the possession of) opposing party or counsel at least ten (10) court days before the Final Status Conference. Any failure by any party or counsel to exchange or discuss any motion *in limine* may result in the refusal of the Court to hear any such motion *in limine* pursuant to applicable court rules. Each motion *in limine*, for the purpose of precluding the mention, or display of, inadmissible and prejudicial matter in the presence of the jury, shall be accompanied by a declaration in compliance with the requirements of Rule 3.57 of the LACCR. Each motion must be numbered sequentially (Plaintiff's Motion in *Limine* No., 1, Defendant's Motion in *Limine* No. 1).

If there are more than 6 motions in *limine* total by all parties, the motion in *limine* packets need to be placed in a three-ring binder.

2) In *Limine* motions shall be submitted in discrete packets (i.e., a separate packet for each motion) including the moving, opposition, and reply papers. A motion in *limine* log is required separately for plaintiffs' and defendants' motions in *limine* with a description of each motion and with three columns labelled "Granted", "Denied" and "Deferred".

#### **B. TRIAL BRIEFS**

Trial briefs are mandatory in all cases and must include:

- 1) A brief description of the claims and defenses presented and the issues to be decided.
- 2) Statement of ultimate facts or issues to which you will stipulate, if any.
- 3) Those facts established by admissions in pleadings; admissions by discovery and/or stipulation of counsel.

- 4) All contested issues of fact.
- 5) All contested issues of law, together with points and authorities supporting the position of counsel.
- 6) A list of major evidentiary issues anticipated and any relevant points and authorities in support of a position of counsel, if not addressed in the motions in *limine*.
- 7) A detailed statement of the relief claimed including a breakdown of the elements of damages claimed.
- 8) Any other information that will assist the court. Except in extraordinary cases, trial briefs should not exceed twenty (20) pages in length.
- 9) The trial briefs will be similar to appellate briefs in organization and content.

**C. STATEMENT OF THE CASE**

Jointly prepare a short, non-argumentative written statement of the case to be read to the jury.

**D. WITNESS LIST**

The jointly prepared witness list must include each witness' name, a brief description of the testimony, a time estimate on direct, cross examination and redirect, any potential scheduling problems, and whether he/she will be assisted by an interpreter. The witness list will contain a total trial time estimate for all witnesses calculated in hours.

**E. EXHIBIT LIST**

- 1) Counsel must jointly prepare and exchange a complete Exhibit List including each document and item of physical evidence. Do not attach the exhibits to the list. Do not include depositions, declarations, motions, interrogatories, responses, or pleadings as exhibits. All items so referred to on the Exhibit List must be exchanged and/or reviewed by counsel prior to the Final Status Conference. A copy of the exhibit list shall be provided to each counsel, the Court, and the clerk of the court. Counsel shall comply with LACCR, Rules 3.52, 3.53, 3.149, 3.150, 3.151, and 3.152.
- 2) Any party objecting to any listed exhibit, either as to foundation or authentication only, must file the objection in writing together with a brief statement of the ground for objection. Any objections not so stated as per the foregoing shall be deemed waived except upon a showing of good cause. All other evidentiary objections are reserved for trial.
- 3) Exhibit binders need not be lodged prior to the first day of trial, except as necessary for any *in limine* determinations. Except, however, the parties must bring to the FSC

one sample exhibit binder or binders for each party for the Court to examine for form, labelling and content. On the first day of trial, each counsel will bring the proper number of exhibit binders, with one binder each for the clerk, each counsel, the witness, and the Court.

- 4) The exhibit list must have a brief description of each exhibit with columns labelled “Stipulation”, “Date Identified” and “Date Admitted.”

## **F. JURY INSTRUCTIONS**

Jury instructions shall be submitted as follows: (Note: Jury instructions not submitted in this format will be returned.)

- 1) A jointly submitted packet with a caption page of all requested and properly and fully edited joint CACI jury instructions to which there is no objection. (LACCR Rule 3.171) (Note: Counsel are advised to make all edits necessary to eliminate duplicate instructions and inconsistencies.) The packet shall have as a first page the case caption with the statement “Joint Jury Instructions.”
- 2) Each counsel may submit specifically requested and properly edited instructions not requested by any opposing counsel. These instructions shall be inserted into a separate packet with the first page the case caption with the statement which identifies the party offering these instructions with the caption identified as that party’s “Contested Instructions,” or may also be labelled as that party’s Proposed Instructions, e.g., “Plaintiff’s Proposed Jury Instructions.” See CRC Rule 2.1055. All the instructions will be considered and discussed by the Court at an appropriate time during the trial and before submission of the case to the jury.
- 3) All requested instructions, per the foregoing, must be submitted in the proper form, which includes:
  - a. At the top of each requested jury instruction, identification of the party/parties requesting instruction;
  - b. Whether the instruction is to be given as requested or as modified;
  - c. Whether the instruction is withdrawn; and
  - d. A signature line for the Court.

All requested instructions shall be submitted on perforated paper so as to allow for separation of the identification of the instruction from the text of the instruction, which text only will be submitted to the jury for reference during deliberations.

#### **G. VERDICT FORMS**

A general verdict form is mandatory and shall be jointly prepared in draft or final form. The special verdict form shall be adapted to CACI with proper spacing, particularly noted to allow for both clarity and direction.

#### **PROCEDURES FOR MAKING AND ARGUING OBJECTIONS AT TRIAL**

- 1) All objections, statements and arguments shall be made to the Court rather than to opposing counsel. Speaking objections are prohibited. Only the legal basis for an objection shall be stated by counsel. Further argument may be allowed by the Court outside the presence of the jury and only upon the appropriate and timely requested by counsel. However, the Court disfavors side bar conferences when the trial is in progress with the jury present.
- 2) The Court requests that the conduct of all counsel before the court and with regard to each other as attorneys and officers of the Court, shall be professional, civil, courteous, and respectful.

#### **TIME ESTIMATES**

The total estimates given by counsel in the Case Management Statement will be reviewed to by the Court. Unless otherwise noted in the initial status conference order, the total time estimated for trial will be divided equally among the parties. At the final status conference, each counsel must be prepared to specify the amount of time allotted to each of the party's witnesses, which the Court will compare to the parties' original trial estimate in the Case Management Statement. The Court at the final status conference may adjust the time estimates for trial and impose a time limit on the trial.

#### **OTHER ORDERS:**

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Dated: 11/3/2025

  
\_\_\_\_\_  
Ralph C. Hofer  
Judge of the Los Angeles Superior Court

Case No. \_\_\_\_\_ Case Name: \_\_\_\_\_

**Song-Beverly Act  
Joint Case Management Conference Statement Addendum**

**TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:**

You are ordered to serve this Song-Beverly Act Addendum to Case Management Conference Statement on all parties/attorneys of record concurrently with the Notice of Case Management Conference.

**TO ALL PARTIES/ATTORNEYS OF RECORD:**

You are ordered to meet and confer in person or by telephone and to respond to the following questions, stating your respective positions. Plaintiff is responsible for filing the completed Joint Case Management Conference Statement Addendum no later than five (5) court days before the date set for the Initial Case Management Conference. (See California Rules of Court, Rules 3.724, 3.725.)

1. Motions

- a. Will there be a motion to change venue? Will the parties stipulate to a change of venue?

\_\_\_\_\_  
\_\_\_\_\_

- b. Will there be a motion to compel arbitration? Has Defendant provided the purported arbitration agreement to Plaintiff Will there be a stipulation to arbitration?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Discovery

- a. Has an inspection of the vehicle been scheduled? \_\_\_\_Yes Date: \_\_\_\_\_ \_\_\_\_No

If no vehicle inspection has been scheduled, by what date will the vehicle inspection take place?

\_\_\_\_\_



- b. What documents have the parties agreed to exchange and what is the time frame agreed for the exchange?

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---

- c. Have the parties agreed to identify persons who have information about the subject matter of the litigation and what is the time frame agreed for the identification?

---

### 3. Mediation

What needs to be done before a meaningful mediation can take place and what is a reasonable time frame for accomplishing those tasks?

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---

### 4. Preliminary Settlement Discussions

Have the parties tendered an offer/demand?

☐ Yes

☐ No

Has there been a CCP 998 offer of judgment?

☐ Yes

☐ No

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this addendum, and will possess the authority to enter into stipulations on these issues at the time of the initial case management conference, including the written authority of the party where required.

---

(TYPE OR PRINT NAME)

---

(SIGNATURE OF PARTY OR ATTORNEY)

---

(TYPE OR PRINT NAME)

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(SIGNATURE OF PARTY OR ATTORNEY)

# **Notice to All Counsel Re: Lemon Law Cases**

**Judge Ralph C. Hofer – Department D**

## **Standing Order Re Discovery** **(Song-Beverly Litigation)**

### *Discovery*

#### **1. General Orders:**

- a. Absent written agreement of the parties to the contrary, any formal discovery propounded and currently pending or outstanding by a party in this matter prior to the date of this CMC Order is stayed pending further order of the Court.
- b. The Court finds under CCP § 2019.020(b) that the sequence and timing of discovery in this matter should be the subject of management by the Court in the interests of justice pending a future status conference, given the nature of the allegations in the Complaint and the defense raised in the Answer.
- c. The parties are free to stipulate, in writing, to modify and/or delete any of these general orders, as they deem appropriate. A party may also seek to modify and/or delete any of these orders, via noticed motion, upon showing of good cause.

#### **2. Production of Documents:** Within 60 days of service of this Order both plaintiff and defendant shall provide copies of the following documents, which are in their respective possession, custody and/or control, to the opposing side(s):

- a. 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.
- b. Work orders, repair orders, and invoices (including accounting and warranty versions) for any maintenance, service and repair activity concerning the subject vehicles.
- c. Rental car or loaner agreements regarding alternative transportation provided during service or repair visits concerning the subject vehicle.
- d. Records of communications with dealer personnel, and/or factory representatives and defendant's call center or customer assistance personnel concerning the subject vehicle.
- e. Warranty claims submitted to and/or approved by defendant concerning the subject vehicle.
- f. Warranty Policy and Procedure Manual or similar policies or claim-handling procedures published by Defendant from the date the subject vehicle was purchased or leased to the date the lawsuit was filed.
- g. 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.

- h. 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.
- i. Technical Service Bulletins and Recall Notices for vehicle purchased or leased in California for the same year, make and model of the subject vehicle.
- j. Copies of any repair instruction, bulletin, or other diagnostic/repair procedure identified in any of the repair order/invoice records for the subject vehicle.
- k. Receipts or other written evidence supporting any incidental or consequential damages claimed by plaintiff.

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 this Order 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).

- 3. 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).
- 4. 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

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.

5. **Vehicle Inspection:** Within the time limits allowed by law, the subject vehicle may be inspected by the parties at a mutual agreeable time and place. Unless otherwise agreed by the parties, the vehicle inspection (VI) process shall be as follows:
- Defendant shall show plaintiff's representative proof of insurance for the person/company who will be road testing the subject vehicle;
  - 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;
  - 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.
  - 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.;
  - 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;
  - 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
  - Plaintiff's representative is permitted to conduct video and audio recording of the VI.

Plaintiff's attorney is ordered to provide service of this Order and the attached Joint Case Management Conference Statement Addendum to all defense attorneys upon service of the Summons and the Complaint.

IT IS ORDERED:

Dated: \_\_\_\_\_

1/31/2025

  
RALPH C. HOFER  
Judge of the Superior Court

# **Notice to All Counsel Re: Lemon Law Cases**

**Judge Ralph C. Hofer – Department D**

## **Customary Rulings Re Document Requests** **(Song-Beverly Litigation)**

When the court is faced with a discovery dispute in a Song-Beverly case, the court will usually order that the plaintiff and defendant provide copies of the following documents, which are in their respective possession, custody and/or control, to the opposing side:

1. Defendant shall produce the “Warranty Policy and Procedure Manual” published by Defendant and provided to its authorized repair facilities, within the State of California, for the period of [date of purchase] to present.
2. Defendant shall produce any internal analysis or investigation regarding defects alleged in plaintiff's complaint in vehicles for the same year, make and model of the subject vehicle. This includes Recall Notices and Technical Service Bulletins. Defendant is not required to do a search of emails.
3. Defendant shall produce any customer complaints relating to defects alleged in plaintiff's complaint in vehicles purchased in California for the same year, make and model of the subject vehicle.
4. Defendant shall produce all documents evidencing policies and procedures used to evaluate customer requests for repurchase pursuant to the Song-Beverly Consumer Warranty Act, for the period of [date of purchase] to present.
5. Repair orders and invoices concerning the subject vehicle.
6. Communications with dealer, factory representative and/or call center concerning the subject vehicle.
7. Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.
8. Purchase and/or lease contract concerning the subject vehicle.
9. Repair orders and invoices concerning the subject vehicle.
10. Any documents supporting plaintiff's claim for incidental and/or consequential damages.

Case No. \_\_\_\_\_ Case Name: \_\_\_\_\_

**Motor Vehicle Personal Injury Cases  
Joint Case Management Conference Statement Addendum**

**TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:**

You are ordered to serve this Motor Vehicle Personal Injury Case Addendum to Case Management Conference Statement on all parties/attorneys of record concurrently with the Notice of Case Management Conference.

**TO ALL PARTIES/ATTORNEYS OF RECORD:**

You are ordered to meet and confer in person or by telephone and to respond to the following questions, stating your respective positions. Plaintiff is responsible for filing the completed Joint Case Management Conference Statement Addendum no later than five (5) court days before the date set for the Initial Case Management Conference. (See California Rules of Court, Rules 3.724, 3.725.)

1. Motions

- a. Will there be a motion to change venue? Will the parties stipulate to a change of venue?

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---

- b. Will there be a motion to compel arbitration?

---

- c. Will there be any discovery motions?

---

- d. Will there be a summary judgment motion?

---

- e. Will there be a Walker motion to send the case to limited civil?

---

f. Will there be any other pretrial motions excluding motions in limine?

---

2. Discovery

a. Has an inspection of the vehicle been scheduled? \_\_\_\_ Yes Date: \_\_\_\_\_ \_\_\_\_ No

If no vehicle inspection has been scheduled, by what date will the vehicle inspection take place?

---

Have the parties decided that no vehicle inspection will take place?

---

b. What documents have the parties agreed to exchange, and what is the time frame agreed for the exchange?

---

---

c. Have the parties agreed to identify persons who have information about the subject matter of the litigation, and what is the time frame agreed for the identification?

---

d. Have the parties agreed to make insurance claims adjusters' files available for exchange?

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3. Mediation

What needs to be done before a meaningful mediation can take place, and what is a reasonable time frame for accomplishing those tasks?

---

---

a. Will the insurance companies agree to mediate or arbitrate the claim?

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4. Preliminary Settlement Discussions

Have the parties tendered an offer/demand?

\_\_\_\_ Yes

\_\_\_\_ No

Has there been a CCP 998 offer of judgment?

\_\_\_\_ Yes

\_\_\_\_ No

5. Crash Information

a. Did the police come to the accident scene?

---

b. Is there a police report?

---

c. Has the police report been produced in discovery?

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d. Did an ambulance come to the accident scene?

---

e. Was the plaintiff transported to the hospital from the accident scene?

---

f. Did the plaintiff seek medical treatment on the day of the accident?

---

g. What is the estimated speed of the vehicles at the time of collision?

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6. Damages

a. What is the amount of plaintiff's current medical expenses?

---

b. What is the estimated amount of plaintiff's future medical expenses?

---

c. What is the nature of plaintiff's injuries?

---

d. Is plaintiff making a claim for property damages?

---

e. What is the amount of property damages?

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f. Is there any other claim for property damages beyond the vehicle?

---

g. Is the plaintiff making a claim for loss of income?

---



h. What is the amount of plaintiff's claim for loss of income?

---

i. What is the nature of the lost income? Wages? Salary? Commissions? Lost profits?

---

j. Is the plaintiff making a claim for general damages?

---

k. What is the amount of general damages?

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l. What is the type of general damages?

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7. Insurance

a. Does the plaintiff have auto insurance?

---

b. If so, what are the policy limits?

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c. Does the defendant have auto insurance?

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d. If so, what are the policy limits?

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e. Is the insurance company providing a defense?

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f. Is there an uninsured motorist issue?

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8. Liability

a. Is there a claim for motor vehicle negligence?

---

b. Is there a claim for general negligence?

---

c. Is there a claim for negligent entrustment?

---

d. If so, what is the basis for the claim?

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e. Is there a claim for per se negligence?

---

f. Is there a claim for violations of the vehicle code?

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g. If so, what section of the vehicle code?

---

h. Will the defendant admit liability?

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i. Are there any criminal charges pending or contemplated?

---

j. Is there a criminal investigation on-going?

---

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this addendum, and will possess the authority to enter into stipulations on these issues at the time of the initial case management conference, including the written authority of the party where required.

---

(TYPE OR PRINT NAME)

---

(SIGNATURE OF PARTY OR ATTORNEY)

---

(TYPE OR PRINT NAME)

---

(SIGNATURE OF PARTY OR ATTORNEY)

**Notice to All Counsel**  
**Re: Petitions for Approval of Transfer of Structured**  
**Settlement Payment Rights**

**Judge Ralph C. Hofer – Department D**

**1. General Order:**

A Petition for Approval of a Transfer of Structured Settlement Payment Rights filed in Department D must be complete before consideration by the Court. Although the petition may be superseded by a First Amended Petition and/or supported by subsequent filings which are filed and served after the filing of the Petition commencing the petition process, any documents not included in the original petition must be filed and served no less than 20 days prior to the date scheduled for hearing, pursuant to Insurance Code § 10139.5 (f)(2).

**2. Required Documents:** No less than 20 days prior to the hearing date on the petition, the petitioner shall file and serve the following required documents:

- a. Documents required pursuant to Insurance Code § 10139.5 (f)(2):
  1. Notice of the proposed transfer and the petition for its authorization.
  2. Proof of service on all interested parties.
- b. Documents required to be included in the notice and petition pursuant to Insurance Code § 10139.5 (f)(2) subdivisions (A) through (L) are the following:
  1. A copy of the transferee's current petition and any other prior petition, whether approved or withdrawn, that was filed with the court in accordance with Insurance Code § 10139.5 (c)(6).
  2. A copy of the proposed transfer agreement and disclosure form required by Insurance Code § 10139.5 (a)(3).
  3. A declaration of payee listing each of payee's dependents, together with each dependent's age.
  4. A copy of the disclosure required in Insurance Code § 10136 (b).
  5. A copy of the annuity contract, if available.
  6. A copy of any qualified assignment agreement, if available.
  7. A copy of the underlying structured settlement agreement, if available.
  8. If copies of items (5), (6) or (7) are not available, a declaration setting forth that reasonable efforts to locate and secure a copy of the documents have been made, including making inquiry to the payee, and describing those effort, and including, if appropriate, a declaration of the payee in lieu of production of the underlying structured settlement agreement. If the subject documents are available, but contain a confidentiality of nondisclosure provision, a declaration summarizing the payments due and owing to the payee.
  9. Proof of service showing compliance with the notification requirements of Insurance Code § 10139.5.

10. Notification that any interested party is entitled to support, oppose, or otherwise respond to the transferee's petition, either in person or by counsel, by submitting written comments to the Court or by participating in the hearing.
  11. Notification of the time and place of the hearing and notification of the manner in which and time by which written responses to the petition must be filed, which may not be less than 15 days after service of the transferee's notice, in order to be considered by the Court.
  12. If the payee entered into the structured settlement at issue within five years prior to the date of the transfer agreement, proof of notice to the payee's attorney at the time the structured settlement was created, at the address specified and containing the language specified in Insurance Code § 10139.5 (f)(L).
- c. Information required pursuant to Insurance Code § 10139.5 (c), to the extent known after the transferee has made reasonable inquiry with the payee, and by this Court to be included in a declaration under penalty of perjury of the payee of the following information:
1. The payee's name, address, and age.
  2. The payee's marital status, and, if married or separated, the name of the payee's spouse.
  3. The name, ages, and place or places of residence of the payee's minor children or other dependents, if any.
  4. The amounts and sources of the payee's monthly income and financial resources and, if presently married, the amounts and sources of the monthly income and financial resources of the payee's spouse.
  5. Whether the payee is currently obligated under any child support or spousal support order, and, if so, the names, addresses, and telephone numbers of any individual, entity, or agency that is receiving child or spousal support from the payee under that order or that has jurisdiction over the order or the payments in question.
  6. Information regarding previous transfers or attempted transfers, as described in Insurance Code § 10139.5 (b) paragraphs (11), (12), or (13). The transferee or payee may choose to provide this information by providing copies of pleadings, transaction documents, or orders involving any previous attempted or completed transfer or by providing the court a summary of available information regarding any previous transfer or attempted transfer, such as the date of the transfer or attempted transfer, the payments transferred or attempted to be transferred by the payee in the earlier transaction, the amount of money received by the payee in connection with the previous transaction, and generally the payee's reasons for pursuing or completing a previous transaction. The Court requires the payee's declaration to specify the reasons for pursuing and completing any of the previous transactions.
- d. Information needed by the Court to determine whether the proposed transfer should be approved, considering the totality of the circumstances, and the factors

enumerated in Insurance Code § 10139.5 (b). The statutory factors the Court requires to be addressed in a declaration of the payee include:

1. The stated purpose of the transfer and the payee's stated objectives. Insurance Code § 10139.5 (b) subdivisions (2) and (9).
2. Whether, when the settlement was completed, the future periodic payments were intended to pay for future medical care and treatment, and whether the payee is likely to require such future medical care and treatment, and whether the payee lacks other resources, including insurance, sufficient to cover those future medical expenses. Insurance Code § 10139.5 (b) subdivisions (5) and (7).
3. Whether, when the settlement was completed, the future periodic payments were intended to provide for the necessary living expenses of the payee and whether the payee still needs the future structured settlement payments to pay for future necessary living expenses. Insurance Code § 10139.5 (b) subdivision (6).
4. Whether, if the payee has completed previous transactions involving the payee's structured settlement payments, payee was satisfied with the previous transaction. Insurance Code § 10139.5 (b) subdivision (10).
5. Whether the payee, or his or her family or dependents, are in or facing a hardship situation. Insurance Code section § 10139.5 (b) subdivision (13).
6. Whether the payee received independent legal or financial advice regarding the transaction. Insurance Code § 10139.5 (b) subdivision (15).

3. **Dismissal/Continuance:** If the required documents specified above are not filed and served no less than 20 days prior to the hearing on the petition, including especially the declaration of the payee containing the required information, the petition will be dismissed without prejudice.

IT IS ORDERED:

Dated: \_\_\_\_\_

1/31/2025

Ralph C. Hofer  
RALPH C. HOFER

Judge of the Superior Court