

# **COURTROOM INFORMATION**

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## **Notice of Department 12 Procedures**

**Updated as of August 2024**

### **I. COURTESY COPIES**

**DEPARTMENT 12 REQUESTS AND REQUIRES THAT COUNSEL PROVIDE THE COURT NOT ONLY WITH ALL “COURTESY COPIES” REQUIRED TO BE SUBMITTED BY THE OPERATIVE GENERAL ORDER DEALING WITH E-FILING ISSUES, BUT ALSO WITH COURTESY COPIES OF ALL PLEADINGS WITH THOSE COPIES TO BE PROVIDED WITHIN TWO (2) DAYS OF THE E-FILING AS WELL AS COURTESY COPIES OF ALL EX PARTE MOTIONS, OPPOSITIONS THERETO AND REPLYs.**

### **II. TRANSFERRED CASES**

FOR ALL CASES TRANSFERRED TO DEPARTMENT 12, ALL MATTERS PREVIOUSLY SCHEDULED IN OTHER DEPARTMENTS WILL NOW BE HEARD IN DEPARTMENT 12. HOWEVER, YOU MUST NOTICE ALL SUCH MATTERS FOR NEW HEARING DATES IN DEPARTMENT 12.

### **III. GENERAL PROVISIONS**

#### **Hearing times:**

General court hours are 8:30 a.m. to 4:30 p.m., but dark 12:00 p.m. to 1:30 p.m.

<b>8:30 a.m.</b>	Monday through Friday, Ex Parte motions are to be given to the clerk.
<b>9:00 a.m.</b>	Monday through Friday, Case Management Conferences
<b>9:30 a.m.</b>	Monday through Friday, all noticed motions other than summary judgment and summary adjudication.
<b>10:00 a.m.</b>	Wednesday and Friday, summary judgment and summary adjudication motions.

#### **Motions:**

*Although Department 12 does not limit the number of motion settings, parties must schedule a motion hearing date via the online Court Reservation System (CRS) on the Los Angeles Superior Court website. Go to “LA Court Online, Court Reservation System” at [www.lacourt.org](http://www.lacourt.org) to obtain a date*

prior to filing any motion papers. Motion fee payments are required at the time dates are set online. Please do not call the courtroom to schedule a motion date.

Parties may choose their own hearing dates. Since the court does not limit the number of motion settings, parties may want to consider the number of motions already scheduled for a particular date. The number “reserved” indicates the number of pending matters for that date. Be mindful of the fact that although Department 12 will hear an unlimited number of motions set at 9:30 a.m. Monday through Friday, summary judgment motions can only be scheduled on Wednesdays and Fridays at 10:00 a.m.

### **Arbitration**

When Department 12 sends a case to arbitration, it expects that the arbitration will conclude within one year of the filing of the complaint, or, at the very most, within one year of the referral to arbitration. A status conference will be set at one or more points during the arbitration process. It is the duty of the party that sought the arbitration referral to proceed and to seek the court’s help if necessary. It is not wise to pick such a busy person to arbitrate that they cannot conclude the case within this timeline and do not agree to discovery deadlines and/or hearing dates, etc, which will prevent compliance.

### **Summary Judgment Motions:**

Even though CCP 437(c) requires a “statement of undisputed facts” supported by “references to the evidence,” this is not a substitute for citing to supporting evidence in the parties’ Points and Authorities and Argument. When a factual claim is made in these documents, just as is the case with regard to all other kinds of motions and responsive papers, a citation to the declaration(s) and/or exhibit(s) supporting that claim assertion must be set forth next to the factual statement, **NOT A REFERENCE TO THE “STATEMENT OF UNDISPUTED” FACTS WHICH HAS THE EFFECT OF DIRECTING THE COURT TO SEARCH ONE SOURCE IN ORDER TO GET TO ANOTHER SOURCE FOR EVIDENTIARY SUPPORT FOR THE FACTS IN ISSUE!**

### **Filings:**

All parties are to be governed by the operative General Order Re Mandatory Electronic Filing of Civil and amendments thereto posted on the court website at [www.lacourt.org](http://www.lacourt.org).

### **Orders:**

The Court asks that all moving parties lodge the original order or judgment that they wish the Judge in Department 12 to sign no later than the hearing set on a motion or as requested by the court after trial. It should **not** say “proposed” in the caption and should **not** have a proof of service attached to it. A “proposed order” should continue to be included in the package of moving papers and served upon the parties.

### Proof of Service:

When an order or judgment is submitted for the judge's signature in Department 12 (as should be the case in all departments), the correct process is to submit the original directly to the courtroom (or in the courtroom at the time of hearing when the signature is sought right after a ruling) where it will be lodged pending the affixing of the judge's signature. Do not put "Proposed" on that original order or judgment, and most importantly, **DO NOT ATTACH A PROOF OF SERVICE TO THE ORIGINAL!** Obviously, the order not yet signed could not have been served on anyone. If it is the case that an order is going to be subsequently lodged with the court in connection with a law and motion matter, the "proposed order" should be attached to the moving papers, and it will then be covered by the proof of service attached to that whole package, or, if separately done, then to a proof of service attached to the proposed order which is being served with the moving papers.

### Continuances:

If all parties have agreed upon a continuance as to a law and motion matter and an attorney comes to court on the hearing date to request same, priority should be requested to enable the Court to accommodate counsel quickly.

Continuances can be sought only by written ex parte applications, noticed motions, or sometimes oral requests to the Court. No continuance request or stipulation is effective until approved (granted) by the court. Parties are asked not to call the clerk to ask the clerk for a continuance. Unless it is something that comes up as an emergency or during a hearing, continuance requests are expected to be made before the original date set and in writing.

Department 12 does not favor continuances of trial dates so very, very good cause must support such a continuance request. Department 12 will seek to bring cases to trial within one year unless good cause is established for an exception.

### Appearances:

If a moving party fails to appear, his or her motion or application is simply deemed withdrawn. No notice of this is thereafter given. Accordingly, no motion to withdraw a matter is necessary although it is appreciated if a notice by phone or otherwise can be given to the Court beforehand if a matter is not going to be pursued.

### Court Reporter Information:

Court reporters will no longer be provided for civil trials or law and motion matters other than for those with fee waivers upon a timely request under court rules. Parties who want a record of testimony and other trial or motion proceedings must, with that single exception, hire a privately retained certified court reporter.

**FOR FURTHER INFORMATION, PLEASE GO TO THE LOS ANGELES SUPERIOR COURT'S WEBSITE, WHICH DISCUSSES COURT REPORTER AVAILABILITY AND HAS FORMS AND STIPULATIONS FOR THE APPOINTMENT OF PRIVATE REPORTERS:**

### **Case Management:**

The Court generally follows and applies the case management rules specified by CRC 3.700 et seq., but the initial case management conference notice is given to plaintiff's counsel, with notice to all other parties to thereafter be given by plaintiff's counsel. **NO CASE MANAGEMENT STATEMENT IS REQUIRED.**

**AN ATTORNEY WHO IS LEAD COUNSEL OF RECORD (I.E., COUNSEL WHO WILL BE TRYING THE CASE) WHO IS ASSIGNED TO AND KNOWLEDGEABLE ABOUT THE CASE MUST APPEAR AT THE CASE MANAGEMENT CONFERENCE.**

The court appreciates trial briefs at or before the time for appearance at the case management conference, but such briefs are not required. If provided, the brief is to include a statement of the facts with a summary of what it is expected the evidence will show along with all pertinent law in support of and/or against all cause of action contentions as well as with respect to affirmative defense matters.

### **Discovery:**

All counsel and parties must act in accordance with the "one-year-to-trial rule" set forth in the California Rules of Court. This means, for example, that when opposing counsel says that a deposition date set in a notice is not convenient or a continuance is asked to comply with a date noticed to comply with a discovery request, generally only one brief time extension should be granted and no more. Should compliance not then be forthcoming, a motion to compel should be made.

### **Settlement Conferences:**

At the initial case management conference, each case is assigned to some form of alternative dispute resolution, and a deadline for completion is set. In some cases a mandatory settlement conference will also be set shortly before trial to take place in a MSC court on Spring Street. All parties and counsel (meaning the counsel who is most familiar with the case and can represent the client for settlement purposes as well as concur in a settlement) must attend the settlement conference, and be thoroughly familiar with the relevant available evidence involving both liability and damages. All persons whose consent is required to effect a binding settlement, must be personally present at the settlement conference, unless expressly excused for good cause by the Court or MSC judge prior to the date set for the hearing. This includes the parties, an authorized representative of any insurance company that has coverage involved in the case, and an authorized representative of a corporation or other business or government entity that is a party.

If the matter is resolved by settlement, please advise the courtroom assistant in Department 12 of the settlement forthwith, and promptly file a notice of settlement pursuant to CRC Rule 3.1385. Upon receiving a notice of settlement, the court prefers to dismiss the case and retain jurisdiction to enforce the settlement, but it can do so while protecting the parties right to return to court for enforcement only if the parties have agreed to this in their settlement papers. Please advise the court when your notice of settlement is filed if this is not acceptable in your case. **BUT DO NOT FILE A NOTICE OF SETTLEMENT UNTIL ALL PARTIES ON BOTH SIDES HAVE SIGNED THE SETTLEMENT AGREEMENT.**

**Final Status Conference:**

**a) Waiver:** If the parties are willing to waive a FSC, none will be set, and the parties will be ordered to make all exchanges etc. as if a FSC had been set 10 days before trial. If the parties waive, any party can later call the clerk and ask that a FSC be set. Motions in Limine will then be heard day of trial.

**b) FSC Settings:** Final Status Conferences will usually be set for 10 days or more before trial. The Court expects counsel to follow Local Rule 3.25(f) regarding the filing of trial materials and motions in limine before the final status conferences. The parties are welcome to submit joint trial documents in all cases (see LR 3.25(g), but they are not required unless specifically ordered. Motions in limine should be numbered sequentially by each side for easy reference. Many motions in limine will not be ruled upon prior to trial due to the issues posed, but if a ruling on a motion in limine would be helpful to counsel in planning his or her case or even in resolving the case, a motion in limine ruling alleged to be of such importance can be made and a decision requested even before any final status conferences.

**c) Filing and Service of Final Status Conference Documents:** Please serve and file all documents at least five (5) days prior to the Final Status Conference. (LASC Local Rule 3.25(f)(1) or otherwise ordered by the court.

**In Limine Motions**

No motion in limine is to be filed asking the court to order that opposing counsel not do “x,” “y,” or “z,” unless that opposition attorney has first been contacted and stated that they intend to do what the moving party wants to prevent. Also, motions in limine should not be misused or frivolous such as general requests to direct an opponent “not to use documents not produced in discovery” or “not to ask leading questions,” etc.

**Jury Instructions**

The court has a strong preference for BAJI Instructions, not CACI.

**Trial Procedures:**

Once a trial date has been set, the parties should be prepared to trail for up to one week. In general, the Court follows Local Rules 3.37 – 3.193 regarding trial procedures. Any questions may be discussed at the final status conference or before trial begins.

**Phone Conferences:**

The Court will actively work with counsel in any and all efforts to resolve any disputes. The Court is amenable to informally mediating demurrers, discovery disputes and other law and motion matters. Please feel free to set up a conference call or a chambers visit with all counsel and the Court if such a call or visit might be helpful. A letter or e-mail with all parties on notice thereof is helpful a day before the call to allow the court to consider the issues before the joint call.

Please call the Court to schedule a date and time for such informal mediation assistance. All counsel of record must be on the phone unless a waiver of participation is earlier filed.

**Exhibits:**

Counsel are to agree on a block of numbers to be allocated to each party for exhibits. (See LASC Local Rule 3.53) The exhibit list shall include the exhibit number and a brief description of the exhibit.

Counsel are ordered to meet and confer and, if at all possible, to stipulate to the authenticity and foundation of all exhibits; and stipulate to the admission of as many exhibits as possible. Make sure if you are stipulating that all parties are in accord. For example, if hospital records are in issue, even if it is stipulated that these are hospital records of “X” hospital, that stipulation would not necessarily exclude objections to admissibility based on hearsay objections to the contents of the records being admitted. Substantial problems are caused when one counsel believes the stipulation means the document gets admitted in its entirety for all purposes and as to all that is contained therein, and another contends that the stipulation is not that broad.

Even if the exhibits are being displayed on screen, a binder with the exhibits should be provided for the court, the witness and each counsel.

**Verdict Forms:**

The parties are ordered to meet and confer and file any special verdict forms. They are to be submitted to the court at the time of the final status conference or five days before trial if no FSC is held. If no agreement is reached, each party is to submit their own proposed special verdict (or special fact finding) forms along with points and authorities supporting what is requested.