

DEPARTMENT 28
COURTROOM INFORMATION
WWW.LACOURT.ORG

Judge: Rupert A. Byrdsong
Judicial Assistant: Adrienne Robledo
Courtroom Assistant: Sandra Brown

Court Address: 111 N. Hill Street, Los Angeles, CA 90012
Telephone Number: (213) 633-0528
Courtroom Hours: 8:30 a.m. to 4:30 p.m. (Lunch Hour 12:00 p.m. - 1:30 p.m.)

CHECK IN: Check in begins at 8:30 a.m. One (1) business card is required for each attorney/pro per party. Write the calendar number of your case and designation of party represented. If you don't have a business card, you will be asked to write all your information on a blank attorney card. Cell phones are required to be in silent mode.

COURT REPORTERS: In unlimited civil proceedings, parties who have received a fee waiver pursuant to California Rules of Court rule 3.55(7) may request an official court reporter pursuant to California Rules of Court rule 2.956(b)(3) prior to the hearing or trial on court form LACIV269. Please refer to LASC website; click on "Court Reporter Information."

For all other civil proceedings, the Court does NOT provide Court Reporters, however the parties are welcome to hire an independent certified Court Reporter on their own.

FILINGS: The Los Angeles County Superior Court has implemented electronic filing of all documents filed in the Limited and Unlimited Non-Complex Civil matters by litigants represented by attorneys pursuant to the operative General Order re Mandatory Electronic Filing for Civil. Pursuant to California Rules of Court, rule 2.253(b), represented litigants are required to electronically file documents with the Court through an approved Electronic Filing Service Provider. Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt from mandatory Electronic Filing requirements and papers should be filed at the filing window on the first floor, Room 102. Please deliver courtesy copies directly to the courtroom pursuant to the General Order re Mandatory Electronic Filing.

LA CourtConnect: Schedule appearances at <https://www.lacourt.org/lacc/>

EX PARTE APPLICATIONS: Ex parte applications are heard Monday-Friday at 8:30 a.m. Counsel on ex parte applications shall check in with the judicial assistant. All ex parte applications require a proposed order, which shall be submitted separate from the ex parte application. Ex parte applications are reviewed in chambers. Oral oppositions will be considered at the discretion of the Court.

- Represented litigants: All ex parte applications and documents in support thereof must be electronically filed no later than 10:00 a.m. the court day before the ex parte hearing.
- Self-Represented Litigants: Ex Parte applications must be submitted no later 8:30 a.m. the day of the hearing.

CONTINUANCES: Any request to change trial dates must be made by ex parte application or by noticed motion. Motions shall be continued using the Court Reservation System at www.lacourt.org and the moving party shall

file of Notice of Continuance no later than the next court day. Requests for continuances of hearing may be considered upon written stipulation and order. Said stipulation and order shall state the date the complaint was filed, the proposed continuance date, grounds showing good cause for the continuance, and be submitted with payment of \$20.00 stipulation and order fee and first appearance fee of all parties to the stipulation. If there is no stipulation, the parties may seek a continuance by noticed motion or an ex parte application.

MOTIONS: All motions to be heard in Department 28 are to be reserved through the Court Reservation System. Follow the links Online Services – Court Reservation System (CRS) on the court’s website. Motions are heard Monday- Friday and are set for hearing at 8:30 a.m. The Court does not issue a written tentative ruling.

INFORMAL DISCOVERY CONFERENCES: An Informal Discovery Conference is required prior to filing **ANY** discovery motion. Informal Discovery Conferences are held Monday-Thursday at 9:00 a.m. Moving party shall schedule an Informal Discovery Conference by making a reservation through the Court Reservation System. Follow the links Online Services – Court Reservation System (CRS) on the court’s website.

A joint statement of discovery in dispute (no more than five pages) may be filed and a courtesy copy delivered to the courtroom three court days before the Informal Discovery Conference. Counsel are encouraged to bring all discovery related to the dispute to the Informal Discovery Conference.

Counsel are directed to contact the courtroom within three (3) days to ensure that the IDC is changed from reserved to scheduled.

TRIALS: The Court sets trial dates at the Case Management Conference or Trial Setting Conference once the case is at issue. Unless the court is dark/closed, all trials are set on Mondays, and all final status conferences are set on the Fridays, ten days before trial date. Department 28 follows the local rules and applicable California Rules of Court for trial. Motions in Limine are generally heard on the first day of trial, but sometimes are resolved at the FSC. All trial documents must be filed pursuant to the Final Status Conference Order (except for exhibits). See Case Management Conference Orders and Trial Orders for further information.

MOTIONS IN LIMINE: For lemon law cases, the Court strongly discourages counsel from filing any of the following unnecessary motions in limine:

- To Exclude Settlement Discussions
- To Exclude Evidence or Argument relating to Attorneys Fees and Litigation Costs
- To Exclude Evidence or Argument relating to Attorney Advertising
- To Exclude Offers to Compromise
- To Exclude Evidence relating to Plaintiff’s Application for Financing and Financial Condition
- To Exclude Reference to Absence of a Corporate Representative at Trial
- To Exclude General Negative Press Coverage of the Automotive Industry
- To Exclude Evidence of Defects Outside of the Applicable Warranty Period
- To Exclude Evidence of Nonconformities Not Presented
- To Exclude Improper Reptile Tactics
- To Exclude Reference to other Lawsuits filed against Defendant
- To Exclude Argument that an Authorized Dealership is not Defendant’s Agent

Furthermore, Counsel are to meet and confer before filing any motions in limine and attempt to come to a stipulated agreement. Once an agreement is reached, the parties are directed to file a Stipulation and Order with the court.

EXHIBITS: All document exhibits MUST be placed in three ring binders, under number tabs, and each page of the Exhibit must be numbered within each tab. (i.e. Exhibit 1 page 1, Exhibit 1/3, or 1.1, etc.)

The exhibit list must be included in the binders. Exhibits must be brought to court on the first day of trial.

Five exhibit books must be provided for: the court, the clerk, the witness stand, plaintiff's and defendant's counsel.

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

<div style="text-align: right; padding-right: 20px;">Plaintiff(s)</div> <div style="text-align: center; padding-top: 100px;">vs.</div> <div style="text-align: left; padding-left: 20px;">Defendant(s)</div>	
	Case No:
	FINAL STATUS CONFERENCE ORDER

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 8:30 a.m. in Department 28 of the above-entitled court, located at 111 N. Hill Street, Los Angeles, CA 90012, and issues orders pertaining thereto as follows:

1. **TRIAL COUNSEL** are required to appear at 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, 3.171, 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, 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 and CRC, rule 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 CRC, rule 3.1385 has been filed directly with this court at least two court days before the scheduled Final Status Conference.
4. Counsel shall **meet and confer in person** at least **ten days** before the Final Status Conference to exchange, discuss, and prepare for submission to this court all **edited jury instructions; a jointly submitted draft 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, served, and filed electronically at least five days before the Final Status Conference.

A. MOTIONS IN LIMINE

1. Boilerplate or 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 on opposing party or counsel at least **ten court days** before the Final Status Conference date. Any opposition to any motion in limine must be in writing and served on opposing party or counsel at least five 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(a) of the LACCR. Each motion must be numbered sequentially (Plaintiff's Motion in Limine No., 1, Defendant's Motion in Limine No.1).
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. The Court requires motion in limine binders submitted on the date of the Final Status Conference.

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.
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.
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 fifteen pages in length.

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 and cross, any potential scheduling problems, and whether he/she will be assisted by an interpreter.

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 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, 3.151, 3.53, 3.149, 3.150, and 3.152.
2. Any party objecting to any listed exhibit, either as to foundation or admissibility, 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.
3. Exhibits need not be lodged prior to the first day of trial, except as necessary for any in limine determinations.

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 of all requested and **properly and fully edited** CACI jury instructions to which there is no objection. (LACCR, Rule 8.25)
(Note: Counsel are advised to make all edits necessary to eliminate duplicate instructions and inconsistencies.)
2. Each counsel may submit specifically requested and **properly edited** instructions not requested by any opposing counsel. These instructions shall be inserted into the aforementioned packet of the jointly submitted jury instructions, all to be considered and discussed by the court at an appropriate time during the pendency of the trial.
3. All requested instructions 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 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, to be submitted to the jury for reference during deliberation.

G. VERDICT FORMS

A general verdict form and, if requested, a special verdict form shall be **jointly prepared** in draft or final form. The verdict form shall be adapted to CACI with proper spacing. (LACCR 3.172, 3.25(i)(8).)

PROCEDURES FOR MAKING AND ARGUING OBJECTIONS AT TRIAL

- (1) All objections, statements and argument 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 request by counsel.
- (2) At all times counsel's conduct before the court and with regard to each other shall be professional, polite, courteous, and respectful.

OTHER ORDERS:

Dated: _____

RUPERT A. BYRDSOONG
Judge of the Los Angeles Superior Court