

DEPARTMENT 28
COURTROOM INFORMATION
WWW.LACOURT.ORG

Judge: Rupert A. Byrdsong
Judicial Assistant: Shannon Bousfield
Courtroom Assistant: Sounjia Alexander

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 timely request an official court reporter pursuant to California Rules of Court rule 2.956(b)(3) at least 10 calendar days prior to the hearing or trial on court form LACIV269. Please refer to LASC website; click on "Court Reporter Information."

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. Upon arrival, moving party shall complete the ex parte sheet located outside the courtroom. 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 10:00 a.m. Moving party shall schedule an Informal Discovery Conference by emailing the judicial assistant at SMCDEPT28@LACOURT.ORG. A joint statement of discovery in dispute (no more than five pages) shall be filed and a courtesy copy delivered to the courtroom three court days before the Informal Discovery Conference. Counsel shall bring all discovery related to the dispute to the Informal Discovery Conference.

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 heard on the first day of trial. 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.

EXHIBITS: All document exhibits MUST be placed in binders under tabs, and each page must be numbered within each tab. 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: the court, the clerk, the witness stand, plaintiff and defendant counsel.

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

vs.	Plaintiff(s)
	Case No:
	<input type="checkbox"/> TRIAL SETTING CONFERENCE <input type="checkbox"/> CASE MANAGEMENT
Defendant(s)	

Based upon the representations of the parties at the status conference held on this date, the Court now makes the following orders with respect to the timely completion of the pre-trial matters set out below (only the paragraphs with the box checked are applicable).

- ☐ **1. TRIAL SETTING CONFERENCE DATE:** _____ at 8:30 a.m.
- ☐ **2. TRIAL DATE**
This case is set for trial on _____ at 9:30 a.m.
Trial estimate _____ days.
Notice: Counsel are respectfully requested *not* to become engaged in any matter that would interfere with the above trial date. Trial dates are firm and will not be continued absent a showing of good cause in accordance with C.R.C, Rule 3.1332. The parties will comply with the C.R.C., Rule 3.1332 with respect to continuances. A court order is required to change any dates in the case management order. Any request to change trial dates must be made by ex parte application or by noticed motion.
- ☐ **3. JURY/NON-JURY:** ☐ Jury is waived. ☐ Jury is demanded by _____ who shall be responsible for posting jury fees in accordance with applicable statute (C.C.P. §631).
- ☐ **4. FINAL STATUS CONFERENCE**
A Final/Further Status Conference is set for: _____ at 8:30 a.m. in this department.
- ☐ **5. MOTION FOR SUMMARY JUDGMENT/SUMMARY ADJUDICATION**

All Dispositive motions will be heard on _____ at
8:30 a.m.

☐ **6. ALTERNATE DISPUTE RESOLUTION**

(a) **Mediation**

☐ The parties stipulate that this case shall be referred to mediation which shall be concluded by _____.

(b) **Settlement Conference**

☐ (1) Counsel are encouraged to take advantage of the Los Angeles Superior Court's Mandatory Settlement Conference (MSC) program. In order to access the Judicial MSC Program, the parties must be ordered to a settlement conference by the IC Judge and complete the information requested in the Settlement Conference Intake Form (available at <http://www.lacourt.org> under "Divisions", "Civil", "Settlement Programs") and email that completed form to [SSMSC@lacourt.org](mailto:ssmsc@lacourt.org).

Counsel are also ordered to notify the clerk of this court immediately by telephone (213) 633-0528 upon resolution of this case and to file a Notice of Settlement within 21 days from case resolution.

☐ **7. LAW AND MOTION**

All hearing dates must be reserved using the Court Reservation System "CRS" located at www.LACourt.org.

- (a) Check-in time for all law and motion matters is 8:30 a.m. – Mondays through Fridays.
- (b) All ex parte motions are heard at 8:30 a.m., Mondays through Fridays, or as soon thereafter as the court calendar will allow. Courtesy copies are to be delivered directly to Department 28 according to the general order re mandatory electronic filing.

All law and motion matters shall be filed and noticed for hearing not later than as required by statute. **NOTE: Use of CRS does not alter or extend any statutory deadlines or obligations, including giving notice. It is your sole responsibility to serve and file the corresponding documents pursuant to the statutory requirements.**

☐ **8. DISCOVERY**

- (a) All discovery (except expert witness depositions) is to be completed in accordance with applicable statutes (i.e., 30 days before initial trial date—C.C.P. §2024.010; 2024.020), unless otherwise ordered by the court.

Prior to hearing any Motion to Compel Further Responses or Motion for a Protective Order, the parties shall participate in an Informal Discovery Conference (IDC) with the Court. A maximum five-page summary of the dispute should be delivered to the Court three court days prior to the scheduled IDC. These conferences shall be scheduled by contacting the Court staff at (213) 633-0528. They are set at 10:00 a.m., and usually set within ten days of a request. Trial counsel are ordered to personally appear at the IDC.

- (b) The Court expects all counsel and their clients to comply with the discovery provisions of the Code of Civil Procedure as well as all local and state rules concerning discovery. Court intervention should be reserved for matters that meaningful meet and confer efforts cannot resolve, such as issues arising from differences as to the application of legal principles to a particular discovery request but not issues as to breadth, ambiguity, etc. The Court strongly encourages counsel to resolve discovery motions informally. If discovery issues and motions cannot be resolved informally, the Court will typically continue the original hearing date and ask counsel to renew meet and confer efforts. If the motion(s) is/are fully resolved, upon notification, the Court will take the pending motion(s) off calendar. If a hearing is necessary, trial counsel (not associate attorneys or appearance counsel) will appear on the hearing date with whatever materials are necessary to meaningfully participate in a court-supervised meet and confer and will be prepared to spend whatever time is necessary to resolve the discovery motion(s). Counsel are not required to appear if the motion(s) has/have been taken off calendar.

☐ **9. EXPERT WITNESSES**

Please refer to CCP 2034.220, 2034.230(a)(b), 2024.010, 2024.030.

☐ **10. FICTITIOUS PARTIES**

See CCP 583.420.

☐ Plaintiff represents that this action is at issue as to all defendants against whom plaintiff intends to proceed. The Court sets an Order to Show Cause re: Dismissal of unserved defendants/Does on _____.

☐ Cross-complainant represents that this action is at issue as to all cross-defendants against whom cross-complainant intends to proceed. The Court sets an Order to Show Cause re: Dismissal of unserved cross-defendants/Roes on on _____.

☐ **11. DESIGNATION OF TRIAL COUNSEL**

The parties identify the following as trial counsel (Judicial Administration Standard 9(3)(i)):

☐ Plaintiff _____ Attorney _____
Tel. No. _____

☐ Plaintiff _____ Attorney _____
Tel. No. _____

☐ Defendant _____ Attorney _____
Tel. No. _____

☐ Defendant _____ Attorney _____
Tel. No. _____

☐ Cross-Complainant _____ Attorney _____
Tel. No. _____

☐ Cross-Defendant _____ Attorney _____
Tel. No. _____

☐ See attached list (for multi-party cases) to be supplied by counsel no later than the Final Status Conference date: _____.

☐ **12. OTHER ORDERS**

(1) _____

(2) _____

(3) _____

Dated: _____

RUPERT A. BYRDSOY
Judge of the Los Angeles Superior Court

**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 directly in this department 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

EX PARTE APPLICATION – DEPT 28

**Moving Party: Please Fill-In ALL the Appropriate Boxed Information Below
FOR EACH EX PARTE APPLICATION**

CASE # _____ Case Name: _____
Date: _____ Ex Parte Notice given (per CRC.1204): _____
Who is Moving Party P _____ D _____ Date Case Filed: _____ Trial Date: _____

1. () Continue Trial: Opposed? No Yes Previous Continuance? _____ Date Trial was set: _____
GRANTED _____ **DENIED** _____

Current FSC Date: _____ - _____ - _____, *is continued to:* _____ - _____ - _____ *at 8:30 a.m.*
 Current Trial Date: _____ - _____ - _____, *is continued to:* _____ - _____ - _____ *at 9:30 a.m.*

Reason: _____ ALL DISCOVERY CUT-OFF PERIOD FOLLOWS NEW DATE _____

2. () Continue or Advance Motion (s) _____ Opposed? NO YES

GRANTED _____ **DENIED** _____

Motion Currently set for: _____	<i>is continued to:</i> _____ - _____ - _____ <i>at 8:30 a.m.</i>
Motion Currently set for: _____	<i>is advanced to:</i> _____ - _____ - _____ <i>at 8:30 a.m.</i>

Reason: _____

3. () OTHER
Request: _____
Reason: _____
Opposed? NO YES

GRANTED_____ **DENIED**_____

COURT'S OTHER RULINGS/ORDERS:

Notice: Waived By Plaintiff By Defendant By Moving Party

Plaintiff's Card

Defendant's Card