

SMC DEPARTMENT 3 | COURTROOM INFORMATION

(February 20, 2024)

JUDGE: Lia Martin
JUDICIAL ASSISTANT: Ana Cisneros
COURTROOM ASSISTANT: Veronica Ponce

LOCATION: 2nd Floor, Room 224, Stanley Mosk Courthouse
Los Angeles, CA 90012

TELEPHONE NUMBER: (213) 633-0253

COURTROOM HOURS: Monday through Friday
8:30 A.M. – 12:00 P.M.
1:30 P.M. – 4:30 P.M.
(Closed for Lunch: 12:00 P.M. – 1:30 P.M.)

The Court encourages remote appearances via LACourtConnect:

<https://my.lacourt.org/laccwelcome>

Department 3 is an independent/direct calendar court. Parties and counsel should review the provisions of the California Code of Civil Procedure, the California Rules of Court, the Los Angeles Superior Court Local Rules (“LACCR”), particularly Chapter 3, Civil Division Rules, and Appendix 3.A. to the LACCR, “Guidelines for Civility in Litigation.”

Case Management Conferences

Case Management Conferences are held at 9:00 a.m. The parties must comply with California Rules of Court, rule 3.722, et seq., and Local Rule 3.25 in connection with such conferences.

Counsel attending a CMC should be sufficiently knowledgeable about the case to address and agree upon matters listed in the CMC statement, including a discussion about the factual details of the pleadings. If the case is at issue, the Court will generally issue a written Case Management Order at the time of the Case Management Conference.

Discovery

All civil actions filed after January 1, 2024 are subject to the initial discovery disclosures requirements of CCP § 2016.090.¹ The Court may enforce the

¹This section does not apply to any party who is self-represented.

requirements of section 2016.090 on its own motion or on the motion of a party. In addition, motions to compel or compel further under the traditional discovery statutes are also available. The Court encourages counsel to first exhaust *legitimate* meet and confer efforts. Accordingly, the parties are encouraged to schedule an IDC before going to the expense and trouble of filing a discovery motion. Scheduling an IDC tolls the deadline for filing a discovery motion until further order of the Court.

Counsel are to utilize form LACIV-094 to request an IDC and to respond to an opposing party's request for an IDC. Please provide a BRIEF description of the dispute.

Law and Motion

Law and motion hearings are conducted beginning at 9:00 a.m. *Hearing dates must be reserved through the Court's Reservation System (CRS)*. Counsel shall include the reservation number of the motion on the CAPTION page.

Except for a Motion for New Trial, please do not call the courtroom to reserve a motion date.

Pursuant to CCP § 1010.6 and local Rule 3.4 which references General Order 2020-GEN-018-00 issued June 11, 2020, the Court orders all parties who use e-filing to accept electronic service, except in those circumstances when personal service is required by law or where any of the parties are self-represented.

Generally, the Court will not post tentative rulings prior to the hearing date. The Court may announce a written or oral tentative ruling on the day of the hearing.

Ex Parte Applications

Ex parte applications will be considered Monday through Friday at 8:30am. A failure by the moving party to appear by 8:40 a.m. for an ex parte application that requires an appearance may result in the hearing being moved off calendar. **Pursuant to Code of Civil Procedure § 166(a)(I), the court may rule from chambers and may not necessarily hear oral argument for an ex parte application for relief.**

PLEASE CAREFULLY REVIEW WHETHER YOU HAVE A PROPER BASIS TO SEEK EX PARTE RELIEF. There must be an affirmative showing of "irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte." (See Cal.Rules of Court, rule 3.1202 (c).) You will need to demonstrate to the court the reason(s) why you cannot seek the requested relief by other means, such as a noticed motion.

The court encourages reserving motion dates as soon as possible, particularly Motions for Summary Judgment or Summary Adjudication. Failing to timely schedule a motion date does not constitute irreparable harm.

Settlement Conferences

The Los Angeles Superior Court has a variety of settlement programs.

•EMPLOYMENT LAW CASES (RESOLVE LA (RLLA))

RLLA leverages the talents of volunteer settlement officers to conduct virtual MSCs to facilitate case resolution for employment cases.

For more information, access the RLLA web portal at resolvelawla.com

•CIVIL MEDIATION VENDOR LIST

ADR Services, Inc. and the Mediation Center of Los Angeles have agreed to provide a **limited** number of services at reduced or no cost. Information can be found at the following link: <https://www.lacourt.org/division/civil/CI0109.aspx>

•JUDICIAL MANDATORY SETTLEMENT CONFERENCE

The Judicial Mandatory Settlement Conference (MSC) Program is free of charge and staffed by experienced sitting civil judges who devote their time exclusively to presiding over MSCs. Interested parties should contact the court to obtain **an order**. Further information can be found at the following link:

<https://www.lacourt.org/division/civil/CI0047.aspx>

Trial Preparation Order

Final Status Conference

Final Status Conferences will be scheduled for hearing at 9:30 a.m. Pursuant to Local Rule 3.25(f), parties must meet and confer and submit the following **JOINT** documents for each operative pleading, at least 5 court days before the FSC:

Joint Exhibit List

Pursuant to California Rule of Court 3.1110(f) and Los Angeles County Superior Court Rules 3.52 and 3.53, all exhibits must be exchanged and pre-numbered, except for those anticipated in good faith to be used for impeachment or during rebuttal. For exhibits a party intends to admit into evidence, please indicate the moving party, stipulations on authentication in one column and stipulations on admissibility in the next column. The description of each exhibit should include the number of pages for that exhibit. **If the Court rules an Exhibit is admissible, once the evidence is authenticated by a witness, it may be published to the jury.**

Documentary exhibits consisting of more than one page must be internally paginated in sequential numerical order. Exhibits written in a foreign language must be accompanied by a certified English translation. Cal. Rule of Court 3.1110(g). Pursuant to Los Angeles County Superior Court Rules 3.97 and 3.180, the parties shall not publish to the jury any exhibits or graphics at any time during trial except after being marked and received into evidence, or with the court's permission. All demonstrative exhibits, not admitted into evidence, must be shown to the opposing party before use at trial. Any objections to the use of demonstrative exhibits must be brought to the court's attention in a timely manner and before publication to the jury.

Joint Witness List

All witnesses must be listed on one list. Do not repeat the name of a witness. Indicate the total time expected for that testimony, including direct, cross, and re-direct. At the end of the list, state the total time estimated for each witness's testimony. Include also the expected substance of the witness's testimony.

Joint Jury Instructions

Submit a joint set of CACI instructions with all information (e.g., party names, appropriate pronouns, etc.) filled in – no remaining brackets or blanks. If instructions are disputed, submit a separate set or sets indicating the party proposing and opposing the instruction. Submit a disposition table which lists all jury instructions by number, the identity of the party or parties proposing the instruction, and columns for the court to indicate whether the instruction is given, modified, withdrawn, or refused.

Concise Joint Statement

This should be a brief, neutral description of the case to be read to the jury. In most instances, it should not exceed two paragraphs.

Upon request, each party will be allowed a brief opening statement prior to the commencement of the oral questioning phase of the jury selection process. (*Code of Civil Procedure* §

Joint Proposed Verdict Form

If the parties cannot agree on the verdict form, each party must submit their own proposed verdict form. Any proposed special verdict should be in a form that is easily used and understood by the jury, and which does not require the jury to answer unnecessary questions. To ensure we use the jurors' time wisely, to the extent practicable, we will finalize the verdict form(s) prior to commencing jury selection.

Motions in Limine

Los Angeles County Superior Court Rule 3.57 requires the parties to meet and confer before filing any motion in limine. All motions in limine must be accompanied by a sworn declaration attesting that the subject of the motion has been discussed with the opposing party and setting forth the opposing party's position regarding the motion(s) and must be submitted with timely statutory notice so as to be heard at during the first day of trial, or, if time permits, during the final status conference. The Court, however, will generally rule on late submissions. If late submissions prejudice a party or were filed late in order to gain a tactical advantage, the Court may impose sanctions. Trials are fluid so the Court will entertain motions in limine throughout the trial. If counsel would like to be heard on evidentiary issues, counsel should notify opposing counsel and the Court to arrange for an opportunity to be heard, outside of the presence of the jury before the issue arises. The Court strongly discourages side bars and will likely decline counsel's request for a sidebar. Accordingly, the Court urges counsel to alert opposing

counsel and the Court of evidentiary issues that they want to be heard on before an objection is made. Otherwise, the Court will rule on objections based on the information known to the Court at the time the objection is made. Counsel will have a fair opportunity to be heard to make a further record, if necessary, at the next break, at the end of the day or before the jury returns the following day.

Experts

As to all experts counsel intends to call at trial, no later than the FSC, Counsel shall present to the Court and opposing counsel a copy of the Code of Civil Procedure section 2034.260 declaration that states the substance of the proffered opinion. Any party responding to a *Kennemur v. State of California* (1982) 133 Cal.App.3d 907 objection at trial must be prepared to have the page and line marked in any deposition testimony and any attorney communication demonstrating that the objecting party had reasonable advance notice of any opinion that departs from the prior notice.

Bench Trials

The parties must submit a joint exhibit list and joint witness list as described above.

Compliance

Failure to submit any item required in this order in a timely manner without good cause may result in the imposition of sanctions.

Exhibit Binders

Department 3 does not require the parties to provide the Court and/or the Judicial Assistant with exhibit binders. The exhibits that are used by the finder of fact will be the exhibits that were used with the witnesses. Because the parties rarely admit all of the exhibits that were placed in the exhibit binders for use with the witnesses, the parties must bring empty binders in which admitted exhibits and the corresponding tabs can be placed. The outer cover of the empty binder should have the appropriate title and case number inserted into or affixed upon it. The caption page should not include a reference to any law firm. Department 3 does not store trial materials. No binders should be brought to the courtroom before the first day of trial.

CLERK'S OFFICE AND COURT SUPPORT SERVICES

•Interpreters:

Court-certified language interpreters will be provided to limited English-speaking litigants free of charge. Please make the request at the court's website at <http://www.lacourt.org/irud/UI/RegInput.aspx> as soon as possible. When presenting your case in court, a court-certified language interpreter must be used.

•Court Reporters:

Please LACCR rule 2.21, paragraphs (b), (f), and (g)

- For Clerk's Office assistance, call the Court Support Service numbers:
213-830-0800 Stanley Mosk.
- For Self-Help services, call the Self-Help Center at 213-830-0845.