
Welcome to
DEPARTMENT 40
STANLEY MOSK
COURTHOUSE

An individual direct calendar, general jurisdiction, civil courtroom

Judge: Hon. Michael Shultz

Judicial Assistant: Chante Warren [Cwarren1@lacourt.org]

Courtroom Attendant: Annfrancis Solis [Asolis1@lacourt.org]

Location: 111 N. Hill St., 4th Floor, Los Angeles, California 90012

Telephone Number: (213) 633-0160

Public Hours: Monday to Friday 8:30-12:00 & 1:30-4:30

Trial Hours: Generally, no dark days. 9:30/10:00-12:00 & 1:30-4:30

GENERAL INFORMATION

Department 40 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, and the Los Angeles Superior Court Local Rules, Chapter 3, Civil Division Rules [“Local Rules”] that apply to unlimited civil actions in independent calendar courts.

Guidelines for Civility in Litigation: Parties and counsel are expected to know and adhere to the guidelines articulated in Appendix 3.A of the Los Angeles County Court Rules.

Remote Appearances: Remote appearances are permitted except Final Status Conferences, Trials or matters calendared for an evidentiary hearing. Parties shall arrange video appearances through LACourtConnect. Counsel appearing remotely, must appear by video. Telephonic appearances are NOT allowed unless counsel has prior approval from the court. Self-represented litigants without access to video technology may appear by telephone and/or with prior approval from the court. A violation of this order could result in the court mandating live, in-person appearances for all proceedings.

Court Reporters: The Court strongly encourages the parties to retain a court reporter for trial. Court reporters retained for trial must utilize real-time/Live Note reporting and possess the ability to transmit real-time reporting via an electronic link, cable and/or hardware such as an I-pad. If no court reporter is used, the parties must jointly prepare a summary of the day’s proceedings, and lodge it in the courtroom the next morning before proceedings resume

Proceedings in unlimited jurisdiction courts are not electronically recorded.

Court-employer certified shorthand reporters (court reporters) are not usually provided absent a fee waiver. If you want a court reporter, you must provide one. A party who has received a fee waiver pursuant to CRC 3.55(7) may request an official court reporter by filing form FW-020 (<https://www.courts.ca.gov/documents/fw020.pdf>) before the hearing or trial. (See CRC 2.956(c).) Given the limited availability of official court reporters, the Court may not know whether a reporter is available until the day of the hearing or trial.

Proceedings in limited jurisdiction residential unlawful detainer and limited civil cases are electronically recorded by the Court unless a party arranges and pays for a court reporter under Local Rule 2.21(e).

Interpreters: Only Court certified or registered interpreters can assist limited English proficiency litigants. (Govt. Code § 68561.) Attorneys and parties must follow the Guidelines for Effective Use of Court Interpreters. A list of Court certified and registered interpreters is available at www.courts.ca.gov/3796.htm or you may call the Court's Interpreter Services Division at (213) 628-7744. Court-certified language interpreters maybe be provided, if arranged in advance, to limited English speaking litigants free of charge, however, resources are limited, and the Court cannot guarantee that one will be available. Please make the request at the court's website at <http://www.lacourt.org/irud/UI/ReqInput.aspx> or inform the Judicial Assistant as soon as possible. An interpreter may be provided if arranged in advance, but presenting your case in court, a court-certified language interpreter must be used.

Accessibility and Accommodation: If you need an accommodation, please inform the courtroom staff in advance, so that we can attempt to facilitate your request. Requests may be made using form MC-410 or in any other written format.

Self-represented Litigants: The Court's commitment to fairness and justice extends to all litigants, including those who represent themselves rather than hire a lawyer. Self-represented litigants are expected to comply with the rules of civil procedure, evidence, and decorum. For Clerk's Office assistance, please call the Court Support Services number at (213) 830-0800. For Self-Help services, call the Self-Help Center at (213) 830-0845 or go to the Los Angeles Superior Court website on Self-Help at <https://www.lacourt.org/selfhelp/selfhelp.aspx>

LAW & MOTION

The Court hears law and motion matters on Tuesdays and Thursdays at 9:00 a.m. Parties must reserve a date for all law and motion hearings via the Court Reservation System ("[CRS](#)"). Parties must use CRS to continue or withdraw motions; please also call the courtroom so we are aware of the change.

Pursuant to Code of Civil Procedure §1010.6, local Rule 3.4, and General Order 2019-GEN-014-00 issued May 3, 2019, 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.

The Court prepares tentative rulings in most law and motion matters. Tentative rulings are posted online in the afternoon before the hearing, and outside the courtroom on the day of the hearing. Please be aware that once the Tentative ruling is posted the Court is unlikely to process a request for voluntary dismissal prior to a final ruling (See *Groth Bros. Oldsmobile*,

Inc. v. Gallagher (2002) 97 Cal.App.4th 60, 73.)

Counsel who intends to submit on the tentative may send an email to the court at cwarren1@lacourt.org by 8:00 a.m. the day of the hearing. If counsel submits on the tentative, counsel's email must include the case number and identify the party submitting on the tentative with a copy (cc) to opposing counsel. **IF ALL** counsel submits, the Court will adopt the tentative as the final order. Otherwise, the court will call the matter and since the ruling is only a Tentative Ruling, the court is free to change the ruling. In addition, if the Department does not receive an email indicating all parties are submitting on the tentative and there are no appearances at the hearing, the motion may be placed off calendar.

DISCOVERY MOTIONS

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 requirements of section 2016.090 on its own motion or on the motion of a party. The Court strongly discourages discovery motions and encourages informal resolution of discovery disputes.

Trial counsel must meet and confer *by telephone or videoconference* (or in person, when consistent with public health recommendations) to resolve or narrow the discovery dispute. If the dispute remains unresolved, counsel can request an Informal Discovery Conference by filing an IDC request [LACIV094]. The court will review the request and issue an order granting or denying the request. If granted, the clerk will schedule an IDC. The IDC should eliminate any need for a motion. Absent a showing of good cause, the Court may continue any discovery motion filed before the IDC process is concluded. California Code of Civil Procedure § 2016.080 has been **repealed**, therefore the scheduling of an IDC does not toll the deadline for filing a discovery motion unless the parties stipulate to toll deadlines.

At least five court days before the IDC, the moving party must file and serve a memorandum no longer than three pages setting forth the outstanding issues. The first paragraph shall be formatted as follows: (1) a neutral statement of the dispute; and (2) one to three sentences describing (not arguing) each parties' position. The responding party may file and serve a responsive memorandum of no more than three pages at least two court days prior to the IDC.

The relevant discovery requests and responses *may* be attached. Brevity is encouraged. The responding party may file and serve a responsive memorandum of no more than three pages at least two court days prior to the IDC.

In the event a discovery motion is heard, the Court recommends that trial counsel appear to argue it. Counsel should be fully prepared to negotiate a resolution to the dispute that is the subject of the motion, as well as to discuss a detailed schedule of all further discovery.

EX PARTE APPLICATIONS

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

Ex parte applications are heard each day at the end of the morning calendar. Absent an exemption, you must file the application by 10:00 am on the court day prior to the ex parte hearing. Ex parte applications must comply with CRC 3.1200 *et seq.*

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 hearing. Any written opposition shall be electronically filed by 8:30 a.m. the day of the hearing. Pursuant to California Rules of Court, rule 2.253(b)(2), self-represented litigants are exempt from these mandatory Electronic Filing requirements.

Pursuant General Order 2020-GEN-018-00 and Code of Civil Procedure § 166(a)(l), the court may rule from chambers and may not necessarily hear oral argument for an ex parte application for relief.

CASE MANAGEMENT CONFERENCES

Trial counsel are required to meet and confer by videoconference or telephone (or in person, when consistent with public health recommendations) no later than 15 calendar days before the date set for the initial and any succeeding Case Management Conference to consider each of the issues identified in CRC Rules 3.724 and 3.727. Case Management Statements must be filed at least 7 calendar days before the date scheduled for the conference.

The Court's goal is to help the parties obtain a fair, timely, and efficient resolution of their cases. Effective case management, in turn, requires counsel to communicate with each other and the Court, and to work together cooperatively to advance the case. The Court applies the case management rules set forth in CRC Rules 3.700 *et seq.* and LASC Rules 3.24 – 3.25. Counsel attending the Case Management Conference must be knowledgeable about the case and prepared to discuss all the issues set forth in CRC Rule 3.727.

NOTICE OF SETTLEMENT / REQUEST FOR DISMISSAL

Notice of Settlement must be eFiled by plaintiff using Judicial Council Form CM-200, even if the case settled at a Judicial MSC. Once notice of settlement of the entire case is eFiled, all future appearances will be taken off calendar and an OSC re dismissal will be scheduled approximately forty-five (45) days from the filing date. If trial binders were lodged prior to settlement, they must be picked up within two weeks of filing the Notice of Settlement or they will be discarded. Refer to CRC 3.1385 for duties upon settlement.

SETTLEMENT CONFERENCES / SETTLEMENT PROGRAMS

The Los Angeles Superior Court has a variety of settlement programs. Litigants should closely review the requirements for each program and the types of cases served.

CIVIL MEDIATION VENDOR RESOURCE LIST

Litigants may use the Civil Mediation Vendor Resource List to arrange voluntary mediations without Court referral or involvement. The Resource List includes organizations that have been selected through a formal process that have agreed to provide a limited number of low-cost or no-cost mediation sessions with attorney mediators or retired judges. Organizations may accept or decline cases at their discretion. Mediations are scheduled directly with these organizations and are most often conducted through videoconferencing. The organizations on the Resource List target active civil cases valued between \$50,000-\$250,000, though cases

outside this range may be considered. For more information and to view the list of vendors, download the Resource List Flyer and FAQ Sheet at www.lacourt.org/ADR/programs.html.

MEDIATION VOLUNTEER PANEL (MVP)

Cases referred to the Court's Mediation Volunteer Panel (MVP) are eligible for three hours of virtual mediation at no cost with a qualified mediator from the MVP. Through this program, mediators volunteer preparation time and three hours of mediation at no charge. If the parties agree to continue the mediation after three hours, the mediator may charge their market hourly rate. When a case is referred to the MVP, the Court's ADR Office will provide information and instructions to the parties. The Notice directs parties to meet and confer to select a mediator from the MVP or they may request that the ADR Office assign them a mediator. The assigned MVP mediator will coordinate the mediation with the parties. For more information or to view MVP mediator profiles, visit the Court's ADR webpage at www.lacourt.org/ADR or email ADRCivil@lacourt.org.

MEDIATION CENTER OF LOS ANGELES (MCLA) REFERRAL PROGRAM

The Court may refer cases to low-cost mediation through a formal contract with the Mediation Center of Los Angeles (MCLA), a nonprofit organization that manages a panel of highly qualified mediators. The Court's ADR Office will provide the parties with information for submitting the case intake form for this program. MCLA will assign a mediator based on the type of case presented and the availability of the mediator to complete the mediation in an appropriate time frame. MCLA has a designated fee schedule for this program. For more information, contact the Court's ADR Office at ADRCivil@lacourt.org.

RESOLVE LAW LA (RLLA) VIRTUAL MANDATORY SETTLEMENT CONFERENCES

Resolve Law LA provides three-hour virtual Mandatory Settlement Conferences at no cost for personal injury and non-complex employment cases. Cases must be ordered into the program by a judge pursuant to applicable Standing Orders issued by the Court and must complete the program's online registration process. The program leverages the talent of attorney mediators with at least 10 years of litigation experience who volunteer as settlement officers. Each MSC includes two settlement officers, one each from the plaintiff and defense bars. For more information, visit <https://resolvelawla.com>.

The court is also willing to personally conduct settlement conferences for cases assigned to this Department. Please contact the courtroom assistant to arrange a conference. Contact Ms. Warren to obtain and execute a Stipulation for settlement conferences conducted by the trial judge.

TRIAL PROCEDURES

FINAL STATUS CONFERENCE: Final Status Conferences generally are held on Mondays and Wednesdays at 9:30 AM, one week before trial. Lead trial counsel must *personally* appear, unless previously excused by the Court. (LASC Rule 3.25 (f)(2).) The Court requires trial counsel to meet by videoconference or telephone (or in person, when consistent with public health recommendations) well before the final status conference concerning the submission of joint trial readiness documents. (LASC Rule 3.25 (g).) The parties must provide *both* a paper "trial notebook" for the Court and must also submit FSC/trial documents electronically.

The following FSC documents must be provided to the Court prior to the FSC:

1. MOTIONS *IN LIMINE* AND BIFURCATION MOTIONS must have been filed and served with proper statutory notice and set for hearing on the FSC date. LASC Rule 3.25 (f)(2). Compliance with LASC 3.57, including the declaration and meet and confer requirements, is mandatory.
2. TRIAL BRIEFS for each party are highly recommended in all cases, whether bench or jury trial.
3. JOINT STATEMENT OF THE CASE (which will be read by the Court to the prospective jurors). Counsel also should be prepared to discuss whether they are agreeable to mini-opening statements to be given by counsel to the prospective jurors.
4. JOINT EXHIBIT LIST AND EXHIBITS. *The parties shall work together to provide exhibits electronically, if feasible.* Each exhibit must be separately numbered, with the numbers corresponding to the number of the exhibit on the joint exhibit list. If an exhibit contains more than one page, the pages must be internally numbered, *i.e.*, 3.1, 3.2, 3.3 etc.
5. JOINT WITNESS LIST AND TRIAL SCHEDULE. The parties must submit a joint list of all witnesses each party *actually* intends to call. Next to each witness, indicate the total time estimated for that witness's testimony (including direct, cross, redirect). Make realistic time estimates. At the end of the list, total the time estimated for testimony. Absent good cause, the total number of hours listed for testimony shall not exceed the trial estimate given at the case management conference, including the allocation of one day of the trial estimate for jury selection and sufficient time for opening statements and closing arguments. The parties shall discuss with the Court at the final status conference which witnesses will appear in person, and which will appear by video.

The Court will consider imposing time limits in appropriate cases.

6. PROPOSED JURY INSTRUCTIONS. The parties are to submit a joint set of instructions, plus a set of instructions from each side to which there are objections. The parties shall provide the full text of all requested instructions (not just a list). Before submitting the instructions, counsel must fill in the blanks, make any appropriate modifications, and comply with LASC 3.170 – 3.171. Use CACI for form instructions. Leave at least four inches of blank space at the top of every page of any proposed special jury instructions, or any addenda to form instructions. Citation of authority and identity of the party requesting the instruction will be removed after the jury instruction conference and before submission to the jury for deliberation.

The Court generally instructs the jury before closing argument. The Court will consider requests by counsel to instruct the jury prior to opening statements on the elements of the causes of action.

7. PROPOSED VERDICT AND SPECIAL INTERROGATORY FORMS. The parties are to meet and confer in advance, and then file proposed general or special verdict forms.
8. EXPERTS. As to 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.

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 the motion in limine can be heard at the final status conference.

USE OF EXHIBITS: Counsel may publish exhibits to the jury only after they have been admitted in evidence. If counsel agree that an exhibit or exhibits will be admitted without objection, counsel may publish the agreed-upon exhibit(s) to the jury during opening statement.

Effective January 2, 2025.
