

DEPARTMENT 56 INSTRUCTIONS

Parties with a case assigned to this courtroom must reserve a date for law and motion hearings, via the online Court Reservation System (CRS) on the Court's web site, www.lacourt.org under *Online Services, Court Reservation System* and must also use CRS to continue or cancel motions.

STANLEY MOSK COURTHOUSE
DEPARTMENT 56
JUDGE HOLLY J. FUJIE

JUDICIAL ASSISTANT: OSCAR R. CHAVEZ
COURTROOM ASSISTANT: BRENDA CHAVEZ

TELEPHONE: (213) 633-0656

COURTROOM HOURS

General courtroom hours are 8:30 – 12:00 and 1:30 – 4:30, Monday through Friday. The first matters are called promptly at 8:30 each day. There is no second call on the calendar without prior arrangement with the Judicial Assistant.

Case management conferences (CMCs), motions and other calendar matters are heard at 8:30. Ex parte applications and all documents in support thereof must be electronically filed (e-filed) no later than 10:00 am the court day before the ex parte hearing. Any written opposition to the ex parte application shall be e-filed by 8:30 a.m. the day of the ex parte hearing. If written opposition is filed after 4 pm the court day before, a printed courtesy copy is required.

Informal Discovery Conferences (IDCs) must be reserved on the Court Reservation System (CRS).

Trial hours are generally 9:30 – 12:00 and 1:30 – 4:30, Monday through Friday.

FILINGS

All papers filed by counsel must be e-filed. Self-represented litigants may either e-file or submit papers at the general filing window on the first floor room 102.

COURT REPORTERS

The Los Angeles Superior Court no longer provides court reporters for civil proceedings, except for litigants who have received a fee waiver and made a timely request for a court reporter. Parties who want a record of trials, motions and all other proceedings must provide a privately retained certified court reporter. Please note that for all trials, if no court reporter has reported the proceedings, the parties may be ordered to provide a daily Agreed-Upon Statement for each day of the trial before leaving the Court each day.

CASE MANAGEMENT

The Court follows and applies the case management rules specified by CRC 3.700 et seq. The initial CMC (CRC 3.722) and orders regarding failure to serve and prosecute (CRC 3.110) are set by the Court, with notice to be given by plaintiff's counsel. Parties must file a case management statement (jointly or separately) before the scheduled conference, and counsel must comply with the other procedures specified by the rules. At the CMC, the Court will inquire as to whether discovery has been commenced and whether settlement is being discussed. Counsel with knowledge of the case must be present. At the CMC, the Court will generally set a trial and FSC date, unless the parties represent to the Court that settlement is imminent, in which case either the CMC will be continued or, with the consent of the parties, an OSC re Dismissal will be set.

ADR / SETTLEMENT CONFERENCES

The parties are encouraged to pursue private mediation or dispute resolution.

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.

If appropriate and if requested, the Court will set a mandatory settlement conference.

DISCOVERY PROCEDURES

Informal Discovery Conferences No Longer Required

Due to the sunseting of CCP Section 2016.080, the Court will only conduct IDCs upon written and filed stipulation of the parties. If the parties do not so stipulate, a motion to compel further may be filed without the need for an IDC.

If the parties stipulate to participate in an IDC, so long as the IDC is requested before the deadline for filing a motion to compel further, that deadline is automatically extended to a date two weeks after the IDC is completed, unless the parties agree to a longer time.

To request an IDC, use LASC form LACIV 094, lodge it with Dept.56 and, after consulting with the responding party, reserve a mutually agreeable date on CRS, which will reflect “Confirmed” upon approval. Please avoid attachments to the LACIV 094 form.

IDCs will be held in person or remotely and must be attended by counsel WITH FULL AUTHORITY to agree to additional responses to and/or limitations on the subject discovery. If an in camera inspection is needed, counsel are to bring the items to the conference (or send them to the department before the IDC for remote IDCs) with the objectionable and/or redacted portions highlighted on a copy of the documents. A privilege log should also accompany the documents. At the IDC, the Court will indicate its likely ruling on the issue(s) and ask that the parties stipulate to the issuance of an order to that effect. If the issues are not resolved at the IDC, the party seeking additional discovery may file the motion to compel further.

LAW & MOTION

Before motion papers are filed, all hearing dates must be reserved on CRS. A hearing date must be reserved before an ex parte application to advance that hearing date is filed.

The Court makes a copy of all tentative rulings available in the courtroom the day of the hearing, and in addition makes every effort to post tentative rulings on the Court’s website by 2.00 pm of the court day before the hearing.

Ex-parte applications must strictly comply with CRC 3.1200 et seq.

FINAL STATUS CONFERENCES

FSCs are usually heard on Mondays (or Tuesday after a Monday holiday) at 8:30, two weeks before trial. The Court expects counsel to follow Local Rules 3.25 & 3.57 regarding the filing of trial materials and motions in limine before the FSC. The parties should submit joint trial documents in all cases, as specified in LR 3.25(g). Motions in limine should be numbered sequentially for easy reference. The Court makes every effort to rule on motions in limine at the FSC. The Court Rules require the parties to file and serve trial readiness documents at least five (5) days before the FSC, and to lodge for inspection all trial documents in binders at the time of the FSC.

PREPARING FOR AN FSC

1. The parties are ordered to meet and confer to reach stipulations of fact as to all relevant matters that are not in controversy in the case. Said stipulations are to be included in the trial binder which is to be submitted to the Court at least five days before the FSC under Tab J.
2. The parties are ordered to meet and confer before the FSC and stipulate to the admission of, or at least as to authenticity and foundation for the admission of any of the exhibits on the Exhibit List. Such stipulations shall be indicated on the Exhibit List. If the parties stipulate to admission of any exhibit(s), said exhibit(s) shall be admitted without further motion at the beginning of the trial.
3. The parties are to meet and confer to: 1) prepare the joint documents; 2) designate, object to and counter-designate deposition testimony to be used as direct (not impeachment) testimony at trial (especially videotaped deposition testimony); and 3) ensure that the trial and exhibit binders are in the proper format.

As to Bench Trials Only

1. The parties are ordered to meet and confer before the FSC as to whether they will stipulate to the submission of sworn declarations in lieu of direct testimony. If the parties so stipulate, they should submit any such declarations by the time of the FSC. The parties then will have one week to file objections to any such declarations and to notify the offering party whether they will require the presence of each witness at trial for cross-examination.
2. Opening statements on Bench Trials shall be conducted by Trial Briefs, which shall be filed and served at least five court days before the first day of trial.
3. Unless the parties stipulate that closing arguments shall be held immediately after both parties have rested and any rebuttal testimony is completed, closing arguments shall be conducted by Closing Briefs, the schedule for the filing of which shall be set by the Court. The Court will take into consideration in the scheduling of said briefs the timing of the preparation of trial transcripts without the necessity of expediting them.

The parties must meet and confer prior to the FSC to: 1) agree to the extent possible on joint jury instructions and verdict forms and have them individually conformed to the facts (inserting names, etc.); and 2) agree on additional voir dire questions to be asked by the Court.

The parties are ordered to review all exhibits prior to the FSC. All documents in the Trial Binder, with the exception of the actual Jury Instructions in Tab F and the verdict form(s) in Tab G **must** be **signed, filed and conformed** before they are put into the Trial Binder.

A. THE TRIAL BINDER

The Trial Binder shall have labels on the front and side in the format attached as Exhibit “1.”

The Trial Binder must have as the first page **an Index to the Trial Binder**, in the format attached as Exhibit “2.” Tabs are required and must be on the **right side**, not the bottom. Do not put stapled documents in any of the binders.

The following are the required Tabs for the Trial Binder:

NOTE: THE COLUMN HEADINGS ON THE CHARTS FOR TABS E, F AND H MUST APPEAR ON EACH PAGE OF EACH CHART

TAB A: Trial Briefs (optional, but recommended for Bench Trials):

If prepared, a Trial Brief must be filed and served on all parties and succinctly identify: 1) the claims and defenses in the litigation; 2) the major legal issues (with supporting points and authorities); 3) the relief claimed and calculation of damages sought; and 4) any other information that may assist the court at trial. A **conformed** copy of each filed Trial Brief must be included in the Trial Binder and tabbed on a separate page as “ π ’s TB” and “ Δ ’s TB.”

Tab B: Properly Captioned and Numbered Motions *In*

***Limine* (MILs):**

The Court prefers that each party file no more than five (5) motions in limine. The parties are to meet and confer prior to filing MILs in an attempt to reach a stipulation as to evidence and other issues. If the parties cannot reach an agreement to so stipulate and the remaining proposed MILs exceed five per party, the Court encourages the parties to schedule an IDC on the CRS to discuss the remaining MILs.

Each party filing more than one MIL shall number them consecutively, "Plaintiff's MIL #1," and each motion and its opposition and reply shall be separately tabbed on separate pages (e.g., "π's MIL 1"; "Opp.," and "Reply").

All of Plaintiff's MILs shall be first in the binder, consecutively, with conformed copies of the opposition and reply, if any, following each MIL, followed by Defendant's MILs, oppositions and replies. **All MILs, Oppositions and Replies MUST be conformed** and in the Trial Binder.

If there are voluminous MILs (e.g., more than two motions each), then they must be placed in separate **Binders**, labeled, e.g., "Trial Binder I of II – Tabs A and C through J" and "Trial Binder II of II – Tab B – Motions in Limine."

Tab C: (Jury Trials Only) Joint Statement to Read to Jury:

The parties must provide a Joint Statement of the Case to be read to the jury by the judge, setting forth the basic facts of the case (e.g., date, time and location of the incident, type of occurrence, names of parties). Separate Statements will not be accepted. The Joint Statement in the Trial Binder **must be conformed**.

Tab D: Joint Witness List:

The Joint Witness List shall be in the form attached hereto as Exhibit "3." There shall be only one list on the grid – i.e., there should not be separate grids for plaintiff and defendant. The witness names should be alphabetized by last name and there should be no duplicates. All time estimates must be filled in and sub-totals and a grand total completed. The alphabetical list should be followed by a tentative list of the order in which the witnesses are proposed to be presented. The Joint Witness List in the Trial Binder **must be conformed**.

At the FSC, the Court will inquire about the testimony which each witness is expected to present, and will question the parties as to whether any of said testimony is duplicative and the length of time estimated. Only those witnesses actually expected to testify should be listed on the Witness List. **The Court discourages the parties from requiring the testimony of Custodians of Records at trial without a showing a good cause in the absence of a genuine issue regarding authenticity or foundation of specific exhibits. The Court will discuss this issue at the FSC and may also inquire as to the time estimates in the Witness List.**

Tab E: (Jury Trials Only) Proposed Jury Instruction List (Joint/Agreed and Contested):

The parties/counsel shall jointly prepare and file a list of Proposed Jury Instructions, in the form attached hereto as Exhibit “4.” The Joint List of Jury Instructions must be jointly signed, filed, **and conformed**. The parties must have met and conferred in an attempt to agree on as many of the jury instructions as possible. With the exception of situational jury instructions (e.g., instructions on Requests for Admissions, where they ultimately were not used in trial), the Court expects that the Jury Instructions will be finalized before the jury room is called.

Tab F: (Jury Trials Only) JURY INSTRUCTIONS:

The parties/counsel shall prepare a complete set of printed, full-text **and edited** proposed jury instructions and include them in the Trial Binder. Joint/Agreed Jury Instructions shall be first in the Trial Binder, then there shall be a tab marked “ π ’s,” followed by those Jury Instructions proposed by Plaintiff and objected to by Defendant, then a tab marked “ Δ ’s,” followed by those jury instructions proposed by Defendant and objected to by Plaintiff. All proposed Jury Instructions shall be submitted to the Court electronically at or before the FSC. Before the Jury retires for deliberation, the Court will require one party to make multiple copies of the final jury instructions for the Jury to use in its deliberations.

Tab G: JOINT VERDICT FORM:

The parties/counsel shall prepare and jointly file Joint Verdict Form(s). The Form(s) shall not have any party’s or counsel’s name thereon. If the parties cannot agree on a Joint Verdict Form, or if the verdict form will depend upon circumstances at trial, separate proposed forms are permitted. In that case, each party’s proposed form shall be preceded by a page marked, e.g., “Plaintiff’s Proposed Verdict Form” or “Defendant’s Proposed Verdict

Form.” Before the Jury retires for its deliberations, the Court will require one party to make 12 copies of the verdict form on white paper (so each juror may keep track of his/her own votes on each question) and one copy of the verdict form on blue paper for the Presiding Juror to record the final answers of the entire Jury and to sign.

Tab H: JOINT EXHIBIT LIST:

The parties shall prepare and file a joint exhibit list in the form attached hereto as Exhibit “5.” The parties are to meet and confer before the FSC to resolve objections and to attempt to stipulate to authenticity, foundation and/or admission of exhibits. The Court expects that most if not all exhibits will be stipulated to for admission, or at least as to authenticity and foundation. To the extent possible, the Court expects to resolve any final objections at the time of the FSC, so as to avoid protracted arguments before the jury at trial. The copy in the Trial Binder shall be signed by all parties, filed **and conformed**.

Tab I: DEPOSITION TRANSCRIPT DESIGNATIONS

When deposition transcript(s) and videotape(s) are to be used in lieu of live testimony (not just for impeachment), a pleading **must** be prepared setting out all designated testimony, objections and cross-designated testimony, using the format attached as Exhibit “6.” Copies of all pages of each transcript so designated shall be attached to the form, annotated with different color markings for Plaintiff’s designation, Defendant’s objection and Defendant’s designation and Plaintiff’s objection.

Tab J: THE OPERATIVE PLEADINGS AND STIPULATIONS

Place behind individual tabs the operative Complaint; Answer(s); Cross-Complaint(s) and Answer(s); and Stipulation of Facts. The parties are to meet and confer before the FSC to agree on any stipulations of fact that may be read to the Jury.

Tab K: PROPOSED ADDITIONAL VOIR DIRE QUESTIONS FOR THE COURT TO ASK The Court will ask the prospective jury members the questions attached as Exhibits “7” and “8.” The parties must meet and confer prior to the FSC regarding additional proposed questions for the Court to ask that are tailored to the type of case, without attempting to precondition prospective jury members to favor one side or the other. The list of proposed additional questions should be in the same format as the

standard voir dire questions in Exhibit “8” (i.e., Yes or No answers with Yes answers leading to additional inquiry) and shall be included in the FSC Binder at Tab K.

B. THE EXHIBIT BINDER(S)

THE PARTIES SHALL REFRAIN FROM THE INCLUSION OF HUGE EXHIBITS SUCH AS MEDICAL FILES AS A SINGLE EXHIBIT IF ONLY A FEW PAGES ARE LIKELY TO BE USED AT TRIAL. IN THAT CASE, ONLY THOSE PAGES SHOULD BE INCLUDED IN THE EXHIBITS. THE COURT WILL NOT PERMIT THE ADMISSION OF PARTIAL EXHIBITS (E.G., PAGES 5-1057-1068) WITHOUT GOOD CAUSE. The Parties shall jointly prepare three sets of evidentiary exhibit binders (a set for Judge, Judicial Assistant and Witness). The Exhibit Binders shall have labels on the front and side in the format attached as Exhibit “1.” EACH Binder shall have a **conformed** copy of the Joint Exhibit List in front, followed by all exhibits numbered and tabbed. Each page of each exhibit must be internally paginated, e.g., 1-1; 1-2; 2-1, etc. Exhibits should have only ONE page number showing, and all others (e.g., deposition exhibit numbers or document production Bates numbers) should be covered up or otherwise removed. All non-document exhibits shall be identified with a page inserted after the tab with either a disc, a photograph or a description of the exhibit.

C. FINAL INSTRUCTIONS

No speaking objections – merely say “Objection” and state the legal ground without explanation. When a party has a “Batson/Wheeler” objection to the exercise of a peremptory challenge, it must be raised before the prospective juror has left the Courtroom so that s/he can be instructed to remain in the Courtroom until the objection is resolved.

EXHIBIT 1

LABELS ON FRONT AND SPINE OF EACH BINDER

Plaintiff v. Defendant

Case No. B_____

Trial Binder (or Exhibit Binder)

Or

Trial Binder I – Tabs A and C-H;

And

Trial Binder II – Tab B – Motions in Limine **or, if MILs are voluminous**

Trial Binder II – Tab B, Plaintiff’s Motions in Limine; Trial Binder III – Tab B, Defendant’s Motions in Limine

Exhibit Binder(s) – If more than one Exhibit Binder, then label on front and side, e.g., “Exhibit Binder I of IV - Exhibits 1 - 25.”

Do NOT label them by party, e.g., “Plaintiff’s Exhibit Book I of III” and then “Defendant’s Exhibit Book I of II” instead of “Exhibit Book I of V,” etc. **ALL exhibits are to be in one set of binders.**

EXHIBIT 2

INDEX

PLAINTIFF V. DEFENDANT, Case No. B_____

<u>TAB</u>	<u>DOCUMENT</u>
A	Trial Briefs – Plaintiff’s Trial Brief; Defendant’s Trial Brief If no trial briefs, state “No Trial Briefs”– if only one brief filed, state, e.g., Plaintiff’s Trial Brief; No Defendant’s Trial Brief
B	No Motions in Limine or, Plaintiff’s, then Defendant’s MILs with each MIL described, e.g.: Plaintiff’s MIL # 1 to exclude evidence of X; then either Defendant’s Written Opposition; Oral Opposition or No Opposition
C	Joint Statement of the Case
D	Joint Witness List
E	Joint Jury Instruction List
F	Jury Instructions
G	Verdict Forms
H	Joint Exhibit List
I	Deposition Transcript Designations
J	Operative Pleadings and Stipulations
K	Proposed Additional Voir Dire Questions for the Court

EXHIBIT 3

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

Plaintiff,
vs.

Defendant,

Case No.:

JOINT WITNESS LIST

FSC:
TRIAL:

[illegible]

Name of Witness (Alpha by last name)	Party, Expert or Percipient	Issues (Interpreter, Scheduling)	Direct + Redirect (In Hours)	Cross (In Hours)	Subtotal (In Hours)
TOTAL HOURS					

Proposed Order of Witnesses:

Plaintiff Case in Chief:

John Doe

Jane Doe

Defendant Case in Chief:

John Roe

Jane Roe

Etc.

DATED: _____

P. LAWYER

By: _____

Attorneys for Plaintiff:

DATED: _____

D. ATTORNEY

By: _____

Attorneys for Defendant:

EXHIBIT 4

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

)	Case No.:
Plaintiff,)	
vs.)	
)	JOINT AND OBJECTED TO JURY
)	INSTRUCTIONS
)	
Defendant,)	<i>FSC:</i>
)	<i>TRIAL:</i>
)	
)	
)	
)	
)	
)	
)	
)	

JOINT INSTRUCTIONS

No.	Title	Given as Proposed	Given as Modified	Refused	Withdrawn

PLAINTIFF'S REQUESTED INSTRUCTIONS; DEFENDANT OBJECTS

No.	Title	Given as Proposed	Given as Modified	Refused	Withdrawn

DEFENDANT'S REQUESTED INSTRUCTIONS; PLAINTIFF OBJECTS

No.	Title	Given as Proposed	Given as Modified	Refused	Withdrawn

DATED: _____

P. LAWYER

By: _____

Attorneys for Plaintiff:

DATED: _____

D. ATTORNEY

By: _____

—

Attorneys for Defendant:

EXHIBIT 5

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

)	Case No.:
Plaintiff,)	
vs.)	
)	
)	JOINT EXHIBIT LIST
)	
Defendant,)	<i>FSC:</i>
)	<i>TRIAL:</i>
)	
)	
)	
)	

Exh. No.	Description	Objections (Auth./Found./ Admis./Hearsay	Date Identified	Date Admitted

Exh. No.	Description	Objections (Auth./Found./ Admis./Hearsay)	Date Identified	Date Admitted

DATED: _____

P. LAWYER

By: _____

Attorneys for Plaintiff:

DATED: _____

D. ATTORNEY

By: _____

—

Attorneys for Defendant:

EXHIBIT 6

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

Plaintiff,
vs.

Defendant,

Case No.:

DEPOSITION TESTIMONY
DESIGNATION AND OBJECTIONS

FSC:
TRIAL:

DEPOSITION OF _____:

VOLUME ONE:

PAGE __, LINE __ - PAGE __, LINE __

OBJECTION: _____

COUNTER-DESIGNATION:

PAGE __, LINE __ - PAGE __, LINE __

OBJECTION: _____

DATED: _____

P. LAWYER

By: _____

Attorneys for Plaintiff:

DATED:

D. ATTORNEY

By: _____

Attorneys for Defendant:

EXHIBIT 7

Voir Dire Questions Asked by the Court of Each Juror:

1. Your name
2. Your general area of residence in the county
3. Your marital status and whether you have children
4. Your current occupation and any other type of work you have done in the past. The occupation of your spouse, former spouse, or other person with a similar close relationship to you; the occupation of any adult children you have
5. Whether you have served on a jury before
6. If you have, whether the case was civil or criminal
7. If you have, whether your jury arrived at a verdict. I do not want to know what the verdict was.

EXHIBIT 8

Voir Dire Presented by the Court to the Panel in writing:

Please tell the court if your answer to any question is “Yes.”

1. Will you have any difficulty following the law and instructions given to you by the judge even if you may disagree with it?
2. Do you know anything about this case other than what you have heard today?
3. Have you or any of your relatives or any of your close friends even been involved in any court matter as a plaintiff, a defendant or a witness?
4. If your answer to no. 3 is “yes” do you feel that you or that person were treated unfairly by the court, the attorneys or the legal system?
5. Will you have any difficulty applying the same standards to all witnesses’ testimony regardless of who the witnesses are?
6. Do you have any feelings about this particular case that would make it difficult for you to be a fair and impartial juror?
7. Will you have any difficulty not discussing the case with anyone until it is submitted to you for your decision and then only discussing the case with all other jurors in the jury room?
8. Will you have any difficulty keeping an open mind until you have heard all the evidence and you have heard all the arguments of both counsel and the court has given you all the instructions?
9. A party, attorney or witness may come from a national, racial or religious background or lifestyle that may be different from your own. Would that affect your ability to be fair and impartial or affect the weight and credibility you give the witness’s testimony?
10. Is there any reason why you would not be a completely fair and impartial juror in this case?