

## DEPARTMENT 57 STANLEY MOSK COURTHOUSE COURTROOM INFORMATION

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### CIVILITY AND PROFESSIONALISM

The Court places a very high value on civility and professionalism in the practice of law and the judicial process. Attorneys and parties are expected to treat each other, witnesses, jurors, and Court personnel, with the highest level of civility and professionalism, both inside and outside the courtroom. In that vein, the Court expects all attorneys and parties to grant reasonable requests for professional courtesies, such as requests for reasonable extensions of time for deadlines to respond to pleadings, discovery, or other matters.

### GENERAL INFORMATION REGARDING HEARINGS

**Remote Appearances:** Remote appearances are permitted and encouraged in all matters, except jury trials. LACourtConnect is the video and audio services for remote appearances in the Los Angeles Superior Court. LACourtConnect is also where you schedule your remote appearances. For further information, please go to <https://my.lacourt.org/laccwelcome>

**Court Reporters:** Official court reporters are not normally provided by the Los Angeles County Superior Court in cases heard in Department 57. If parties wish to have a court reporter transcribe a hearing, they must take steps to procure a court report themselves. However, a party who has received a fee waiver pursuant to California Rule of Court ( " C R C " ) 3.55 may request an official court reporter by filing local form LACIV 2699 as soon as practicable before the hearing or trial. Given the limited availability of official court reporters, however, the Court may not know whether a reporter is available until the day of the hearing or trial.

**Interpreters:** An interpreter may be provided if arranged in advance. The Court will attempt to locate an interpreter for the date and time of your hearing, but it cannot guarantee that one will be available at that date and time.

**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.

## **LAW AND MOTION**

Parties must reserve a date for all law and motion hearings, except for hearings on Motions in Limine, through the Court Reservation System ("[CRS](#)"). Parties must use CRS to continue or withdraw motions; please inform the courtroom via email of any continuance or withdrawal of a motion.

The Department 57 motion hearing reservation guidelines on CRS are based on the following categorization of types of motions.

Category 1. Motions for Summary Judgment/Summary Adjudication are heard, 1 per day, on Tuesdays and Thursdays at 8:30 a.m.

Category 2. Anti-SLAPP Motions and Motions for a Temporary Restraining Order and/or a Preliminary Injunction, are heard, one per day in this category, on Mondays and Wednesdays, at 8:30 a.m.

Category 3. Demurrers, Motions to Strike; Motions for Judgment on the Pleadings; Discovery Motions (including motions to compel responses, further responses, for protective orders and to quash subpoenas); Motions to Compel Arbitration; Motions for Reconsideration; and Motions to Vacate Orders/Judgments are heard, 1 per day in this category, on Monday through Friday, at 8:30 a.m.

Category 4. Motions to Quash Service of a Summons; Motions, to Continue a Trial; Petitions to Approve Structured Settlements; Motions to Tax Costs; and Motions to Approve Compromises of Minors/Disabled Persons are heard, two per day in this category, on Tuesday through Friday at 8:30.

Category 5. Motions to be Relieved as Counsel and Motions for Admission Pro Hac Vice are heard, two per day in this category, on Monday through Friday at 8:30 a.m.

Courtesy copies of motion papers are not required.

The Court prepares written tentative rulings in connection with most law and motion matters and posts the tentative rulings online the day/night before the hearing or early in the morning of the hearing. If a tentative ruling is posted, the Court expects counsel and self-represented litigants to review the tentative ruling prior to the hearing and decide whether they intend to submit on the tentative ruling.

## **DISCOVERY MOTIONS AND INFORMAL DISCOVERY CONFERENCES**

The Court discourages discovery motions and encourages informal resolution of discovery disputes. Counsel with authority to compromise the discovery dispute preferably should meet and confer by telephone, videoconference or in person to resolve or narrow the dispute, rather

than exchanging letters or emails.

If the dispute remains unresolved after the meet and confer efforts and one or more of the parties would like to request an informal discovery conference ("IDC"), file and serve form LACIV094. It is not necessary to reserve a date for the IDC on CRS. If the Court grants the request for an IDC, the Court will set a date for the IDC. It is not necessary to request an IDC before filing a discovery motion. If an IDC is requested, the party requesting it must describe in appropriate detail the nature of the dispute on form LACIV094. Vague and amorphous descriptions of the dispute (for example, "the other side is not complying with my discovery requests") will result in the denial of the IDC request.

At least four 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 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 using the same protocol set forth above.

## **EX PARTE APPLICATIONS**

Absent an exception, ex parte applications must be filed by 10:00 am on the court day prior to the ex parte hearing. Please consult Local Rules ("LR") 2.8 and 2.9 to determine whether the ex parte application is properly calendared in Department 57. Ex parte applications must comply with CRC 3.1200 *et seq.* The Court generally holds hearings on ex parte applications. The hearings if a hearing is typically are held at the end of the 8:30 calendar.

## **CASE MANAGEMENT**

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 LR 3.24 – 3.25.

**CASE MANAGEMENT CONFERENCES:** Initial Case Management Conferences are scheduled upon case filing, consistent with CRC Rule 3.722. Trial counsel are required to meet and confer by videoconference, telephone or in person 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. Counsel appearing at the Case Management Conference must be knowledgeable about the case and prepared to discuss all the issues set forth in CRC Rule 3.727.

## **SETTING OF THE TRIAL AND STATUS CONFERENCES**

Trials generally will not be set at Case Management Conferences unless and until all defendants

have been served and Case Management Conference statements have been filed. If a jury trial has been requested, jury trial fees must be posed prior to the Case Management Conference.

Trials are set to start on Mondays at 10:30 a.m. Final status conferences (“FSCs”) are set at 9:00 a.m. on the Friday that is ten days before the start date of the trial. When the trial is set, the Court also will typically set a status conference approximately four months before the trial date. The purpose of that status conference is to assess the progress of the case, find out if the parties already have attended a mediation or settlement conference, and determine whether to order the parties to participate in a mandatory settlement conference with a settlement judge.

At present, trials are scheduled to start about 18 months from the conference/hearing at which the trial is set.

## TRIAL PROCEDURE

**FINAL STATUS CONFERENCE:** Lead trial counsel must appear at the FSC, unless previously excused by the Court pursuant to LR 3.25 (f)(2). The Court requires trial counsel to meet by videoconference, telephone or in person well before the final status conference concerning the submission of joint trial readiness documents. LR 3.25 (g). The FSC is a very important event. Counsel should treat it that way. A productive FSC tends to result in a smoother, more efficient trial.

## TRIAL READINESS DOCUMENTS

The following joint trial readiness documents to be used at trial must be served and filed at least five court days prior to the FSC: joint statement of the case; joint exhibit list and exhibits; joint witness lists; joint proposed jury instructions; and joint proposed verdict forms. Failure by a party to participate in the exchange and filing of these joint trial readiness documents may result in the party being precluded from calling witnesses, presenting exhibits, or (if the other party wants a bench trial) having a jury trial. In addition to the filing and service of the documents, hard copies of the documents must be assembled in three-hole binders and delivered to the Court the day before the FSC. At the FSC, the Court will discuss in detail with counsel the trial readiness documents. The Court will give special attention to the disputed issues identified in the trial readiness documents.

Trial briefs are not required. But if a party wishes to submit a trial brief, it must be served and filed at least five days prior to the FSC.

1. **JOINT STATEMENT OF THE CASE.** This statement will be read by the Court to the prospective jurors. Counsel must meet and confer to prepare the statement, which shall be a brief and neutral document that informs the jury about the parties and their claims/defenses without favoring one side. Counsel also should be prepared to discuss at the FSC whether they wish to give a mini-opening statement to prospective jurors as part of voir dire that would be in addition to the Court’s recitation of the joint statement of the case.
2. **JOINT EXHIBIT LIST AND EXHIBITS.** Counsel are to agree on a block of numbers to be

allocated to each party for exhibits. The exhibit list shall include the exhibit number and a brief description of the exhibit. There shall be three columns to the right of the description. The first of these should be a column headed "Stipulation: Authenticity/Admission." The second of these should be a column headed "Date Identified." The third should be a column headed "Date Admitted." The Court requests that counsel attempt to stipulate to the admissibility or foundation of exhibits contained on the list. 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. Documents with original page numbers or that were attached to deposition transcripts shall be renumbered for use at trial. Counsel must prepare a separate set of exhibits for the Court, the opposing party(parties), the witness stand, and the Judicial Assistant.

3. **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, and recross). 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. At the FSC, the Court will let counsel know if the Court believes that the time estimates are too high or too low. The parties shall discuss with the Court at the FSC which witnesses will appear in person and which will appear remotely or by video. The Court will consider imposing time limits in appropriate cases.
4. **PAGE AND LINE DESIGNATION FOR DEPOSITION AND FORMER TESTIMONY.** If the parties/counsel intend to use deposition testimony or former trial testimony in lieu of any witness's live testimony, the parties/counsel shall meet and confer and jointly prepare and file a chart with columns for: 1) the line and page designations of the deposition or former testimony requested, 2) objections, 3) counter- designations, 4) any responses to the objections, and 5) the Court's ruling.
5. **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 in the form instructions, make any appropriate modifications, and comply with LR 3.170 – 3.171. Leave at least four inches of blank space of 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 will instruct the jury before closing argument. CRC Rule 2.1055 contains specific requirements regarding the filing and submission of proposed jury instructions, including form and format. Strict compliance with CRC 2.1055 will be enforced. The Court strongly encourages counsel to adhere to the proposed CACI instructions and not deviate from them.
6. **PROPOSED VERDICT FORMS.** The parties are to meet and confer in advance, and then submit proposed general or special verdict forms. If counsel cannot agree advance on a

single verdict form, alternative verdict forms should be submitted. Counsel shall identify for the Court the areas of disagreement with respect to the verdict form. Counsel are strongly encouraged to use the suggest verdict forms in the CACI instructions and not deviate from them.

**MOTIONS IN LIMINE AND BIFURCATION MOTIONS.** These motions must be filed and served with proper statutory notice and set for hearing on the FSC date. LR 3.25 (f)(2). Compliance with LR Rule 3.57, including the declaration and meet and confer requirements, is mandatory. Boilerplate or form motions in limine are disfavored. No later than one day before the FSC, the moving party for each motion in limine must lodge directly in Dept. 57 an indexed and tabbed three-ring binder containing conformed copies of all moving, opposition, and reply papers. Motions in Limine typically will be heard on the first day of trial, although some may be heard at the FSC.

**COURT REPORTERS AND SETTLED STATEMENTS.** The Court strongly encourages the parties to bring a court reporter for trial. If no court reporter is used, the parties must jointly prepare a settled statement summarizing the day's proceedings, and lodge it in the courtroom the next morning before proceedings resume.

#### **FIRST DAY OF TRIAL AND ORDERING A PANEL OF JURORS**

The Court generally will devote the first day of trial to disposition of motions in limine, follow-up from the FSC on the exhibit and witness lists, jury instructions, and the verdict form, and other housekeeping matters. The Court typically will order a panel of jurors to report to the courtroom the following day around 10:15.

#### **EVIDENTIARY OBJECTIONS AT TRIAL**

Speaking objections in the presence of the jury are prohibited. Only the legal basis for an objection shall be stated by counsel. If the stated objection is hearsay, opposing counsel shall state applicable hearsay exceptions by name and/or with reference to a section of the Evidence Code. The Court may allow argument on an evidentiary objection outside the presence of the jury.

#### **PUBLISHING EXHIBITS AT TRIAL**

As a general rule, counsel may publish an exhibit to the jury only after the exhibit has been admitted into 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. However, no exhibits may be published during any mini-opening statements allowed as part of voir dire.