

COURTROOM INFORMATION FOR DEPARTMENT 73

Judge Timothy Patrick Dillon

Judicial Assistant: Maggie Yu Carino (213) 830-0773

Courtroom Assistant: Evelyn Villanueva (213) 830-0773

Welcome to Department 73. The court appreciates attorneys' and self-represented parties' taking the time to read and comply with the policies and procedures set forth below.

1. Civility and Professionalism

The court places a very high value on civility, courtesy, and professionalism in the practice of law and the judicial process. The court expects all attorneys and parties to treat each other, witnesses, jurors, court personnel, the court, and others with the highest level of civility, courtesy, and professionalism, both inside and outside the courtroom. 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.

The Los Angeles County Bar Association has adopted "Guidelines for Civility in Litigation," which the Los Angeles Superior Court has adopted as civility in litigation recommendations to members of the bar. (Los Angeles Superior Court Local Rules, Rule 3.26, Appendix 3.A.) The court expects all attorneys and parties to read and to follow those guidelines.

2. Procedures to Address Concerns About COVID-19

The court takes very seriously the public health concerns about the COVID-19 pandemic and is continuing to implement procedures to address those concerns and to comply with face-covering/mask and social distancing requirements.

Among other things, the court urges all attorneys and self-represented parties to appear for hearings and other court proceedings by telephone or videoconference whenever possible. In addition, when attorneys, parties, witnesses, or other persons are in the courtroom, the court expects them to protect themselves and others by complying with the requirements set forth in Presiding Judge Eric C. Taylor's Amended General Order, filed February 25, 2021, including, but not limited to, wearing a face covering/mask and maintaining at least six feet of distance from other persons.

The court also expects attorneys and self-represented parties to discuss and try to reach agreement on ways to expedite and streamline trials and other proceedings, and to reduce the number of people who are required to come to court (*e.g.*, by stipulating to facts that make calling certain witnesses unnecessary, by stipulating to present witness testimony by deposition or by videoconference, and by recommending ways to comply with social distancing requirements for trials and other court proceedings where attorneys, parties, or other persons are physically present in the courtroom).

Until further notice, the parties and attorneys may comply with any orders set forth in the court's Trial Preparation Order or other orders which require the parties or attorneys to meet and confer by doing so by telephone or videoconference.

3. Settlement

While some cases need to be tried, most cases can and should be resolved without the need for trial. "There is a strong public policy in the State of California to encourage the voluntary settlement of litigation." (*Pearson v. Superior Court* (2012) 202 Cal.App.4th 1333, 1339.) The court believes that it is in the best interests of the parties to settle their cases at an early stage to avoid the time, expense, uncertainty, and risk of trial, to enable them to devote

their time and energy to matters that are more productive, and to be in control of their financial affairs moving forward.

Toward that end, at the Case Management Conference, the court will usually issue an order requiring the parties and their counsel to hold a meeting to discuss and try to settle all disputed issues in the case. Alternatively, if the parties stipulate to hold a mediation with a private mediator, the court will order the parties to hold a mediation instead of a settlement meeting. The court expects the parties' counsel and any self-represented parties to discuss before the Case Management Conference, and to be prepared to address at the Case Management Conference, whether the parties will stipulate to hold a mediation with a private mediator and to share the costs (typically, 50% paid by plaintiffs and 50% paid by defendants) and, if so, what deadline the court should set for completion of the mediation.

4. Motions

All motion hearing dates must be reserved in advance on the Court Reservation System at www.lacourt.org, under "Online Services," "Civil," "Court Reservation System (CRS)."

Motions are set for hearing Monday through Friday.

On most motions, the court issues written tentative rulings which the court will post on the court's Website and in the courtroom on the morning of the hearing.

In certain instances, and pursuant to the operative general Order re Mandatory Electronic Filing for Civil (http://www.lacourt.org/division/efiling/pdf/Civilefiling_FAQ.pdf), printed courtesy copies must be submitted to the Court.

Proof of electronic submission must be submitted with all courtesy copies. Regardless of the time of electronic filing, a printed courtesy copy is required for the following documents:

- Any printed document required pursuant to a Standing or General Order.

- Pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more.
- Pleadings and motions that include points and authorities.
- Demurrers.
- Anti-SLAPP filings, pursuant to Code of Civil procedure section 425.16.
- Motions for Summary Judgment/Adjudication.
- Motions to Compel Further Discovery.
- Opposition to an ex parte application.

5. Motions for Summary Judgment/Adjudication

Any party who intends to file a motion for summary judgment or summary adjudication must reserve a hearing date immediately because the reservation dates for such motions are limited on the Court Reservation System, they fill up fast, and the present reservation dates available for such motions are very close to the trial dates being set by the court. Do not wait until discovery has been completed to reserve a hearing date for a motion for summary judgment or summary adjudication because, at a later date, hearing dates might not be available at least 30 days before the trial date set in your case.

As stated, courtesy copies of all summary judgment/summary adjudication papers shall be delivered to the Department.

6. Ex Parte Applications

Ex parte applications are heard at 8:30 a.m., Monday through Friday. The court typically considers and rules on ex parte applications in chambers based on the papers, without hearing

oral argument. Attorneys and self-represented parties may appear for ex parte hearings by telephone or videoconference.

Ex parte applications must comply with the requirements of California Rules of Court, rules 3.1200-3.1207.

Please note that section 8 of the First Amended General Order governing Mandatory Electronic Filing for Civil, filed May 3, 2019, provides that, with the exception of self-represented litigants and other persons excused from filing documents electronically:

- a) Ex parte applications and all documents in support thereof must be electronically filed no later than 10:00 a.m. the day before the ex parte hearing.
- b) Any written opposition to an ex parte application must be electronically filed by 8:30 a.m. the day of the ex parte hearing. . . .

(Emphasis in original.)

Because it is usually extremely difficult for the court to advance the hearing on a motion for summary judgment or summary adjudication, if a party files an ex parte application to advance the hearing on such a motion because no hearing dates are available on the Court Reservation System before the trial date, the moving party should also consider including an alternative request that the court continue the trial to a date after the hearing on the motion.

7. Court Reporters

Because Department 73 is dedicated to unlimited jurisdiction civil cases, the services of an official court reporter are not available for hearings or trials in Department 73, except as provided by California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivision (a). A party who has not received a fee waiver may

arrange for the presence of a certified shorthand reporter to serve as official pro tempore reporter pursuant to California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivisions (a) and (e). A party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, rule 2.956, subdivision (c), and Los Angeles Superior Court Local Rules, Rule 2.21, subdivision (a).

8. Discovery Disputes

The court expects and encourages the parties' counsel and any self-represented parties to informally resolve discovery disputes, instead of using expensive and cumbersome discovery motions.

The court first expects the parties' counsel and any self-represented parties to meet and confer to make a reasonable and good faith attempt to informally resolve each discovery issue in dispute. If an informal resolution is not reached after meeting and conferring, then either party may request that the court conduct an informal discovery conference for the purpose of discussing discovery matters in dispute between the parties. (Code Civ. Proc., § 2016.080.)

To save the parties the time and expense of preparing a discovery motion and opposition papers, the court encourages the parties' counsel and any self-represented parties to schedule and conduct an informal discovery conference before a discovery motion is filed. The court expects the responding party to grant the moving party a reasonable extension of time to file a motion concerning the discovery in dispute in order to enable the parties to schedule and conduct an informal discovery conference.

To request an informal discovery conference, please call the Department and obtain a date. The parties shall complete a joint report (not to exceed five pages) and lodge it in Department 73 five (5) calendar days prior to the informal discovery conference.

The court requires the parties' counsel and any self-represented parties, with full authority to enter into a stipulation to resolve the discovery disputes at issue, to participate in the informal discovery conference with the court. Because an informal discovery conference is not a hearing on a motion, the court does not make any orders at the informal discovery conference unless the parties stipulate.

To address concerns about the COVID-19 pandemic and to comply with social distancing requirements, the court intends to conduct informal discovery conferences by telephone or videoconference unless there is good cause to have the parties' counsel and any self-represented parties appear in person.

9. Trial Preparation Order

Department 73 has a Trial Preparation Order which applies to every case set for trial. The court expects the parties' counsel and any self-represented parties to work together to jointly prepare and submit the documents and binders required by that order.

10. Electronically Lodged Documents Which Require Action by the Court

The court requests that, after the parties' counsel or any self-represented parties electronically lodge a document which requires action by the court (*e.g.*, stipulation and proposed order, and proposed judgment), they please refrain from calling the court's staff to ask about the status of the document, and that they instead follow the document's progress on the court's Website (which the court updates as soon and as often as possible).

11. Lemon Law Cases

When the court is faced with a discovery dispute in a Song-Beverly case, the court will usually order that the plaintiff and defendant provide copies of the following documents, which are in their respective possession, custody and/or control:

- Defendant shall produce the “Warranty Policy and Procedure Manual” published by Defendant and provided to its authorized repair facilities, within the State of California, for the period of date of purchase to present.
- Defendant shall produce any internal analysis or investigation regarding defects alleged in plaintiff’s complaint in vehicles for the same year, make, and model of the subject vehicle. This includes Recall Notices and Technical Service Bulletins.
defendant is not required to do a search of emails.
- Defendant shall produce any customer complaints relating to defects alleged in plaintiff’s complaint in vehicles purchased in California for the same year, make and model of the subject vehicle.
- Defendant shall produce all documents evidencing policies and procedures used to evaluate customer requests for repurchase pursuant to the Song-Beverly Consumer Warranty Act, for the period of date of purchase to present.
- Repair orders and invoices concerning the subject vehicle.
- Communications with dealer, factory representative and/or call center concerning the subject vehicle.
- Warranty claims submitted to and/or approved by defendant concerning the subject vehicle.
- Purchase and/or lease contract concerning the subject vehicle.
- Repair orders and invoices concerning the subject vehicle.
- Any documents supporting plaintiff’s claim for incidental and/or consequential damages.

10/27/21

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DEPARTMENT 73
TRIAL PREPARATION ORDER

The dates for trial and the Final Status Conference having been set in this case, the court orders as follows:

1. MEET AND CONFER

No later than 21 calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall exchange all exhibits they intend to introduce at trial.

No later than 14 calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall meet and confer to do the following: (1) discuss and prepare the documents required in Sections 2.B-H, below, and the Motions in Limine Binder, Exhibit Binders, and Trial Binder required in Sections 3-5, below, (2) discuss and make a good faith effort to stipulate to the authenticity and admissibility of each trial exhibit, (3) discuss and make a good faith effort to stipulate to resolve each motion in limine, (4) discuss and make a good faith effort to stipulate to ultimate facts and legal issues, and (5) discuss and make a good faith effort to settle the case.

2. TRIAL DOCUMENTS TO BE FILED

No later than five calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall file and serve the following documents:

A. TRIAL BRIEFS (BENCH TRIAL)

In nonjury trials, each party shall file a trial brief succinctly (limited to 10 pages) identifying:

- (1) the claims and defenses that remain in dispute for trial;
- (2) the major legal issues (with supporting points and authorities);
- (3) the relief and calculation of damages sought; and
- (4) any other information that may assist the court at trial.

B. JOINT WITNESS LIST

The parties' counsel and any self-represented parties shall work together to prepare and file a joint list of all witnesses whom any party intends to call at trial, excluding impeachment and rebuttal witnesses. (Los Angeles County Court Rule ("Local Rule") 3.25, subd. (g)(5).) The joint witness list shall be organized with columns (in the format set forth below) which state (1) the name of each witness (in alphabetical order), if the witness is being called to testify as an expert, and any special requirements or accommodations needed for the witness (*e.g.*, interpreter), (2) the party calling the witness, (3) whether the witness is actually expected to testify, (4) a brief description of the witness's expected testimony, (5) an estimate of the length of direct examination (in hours), (6) an estimate of the length of cross-examination (in hours), and (7) the total estimated length of examination (in hours). At the end of the joint witness list, the parties and any self-represented parties shall add up the estimated times for all witnesses' testimony and state the grand total in the last column. Any witness who is not included on the joint witness list is subject to being excluded from testifying at trial other than for purposes of giving actual impeachment or rebuttal testimony. Any party who seeks to elicit testimony from a witness not identified on the witness list must first make a showing of good cause to the court.

JOINT WITNESS LIST						
Name (State if Expert)	Party Calling (II/Δ)	Actually Expected To Testify? (Yes/No)	Brief Description of Testimony	Length of Direct (in hours)	Length of Cross (in hours)	Total Length (in hours)

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JOINT EXHIBIT LIST							
No.	Description	Offered By (Π/Δ)	Stipulate to Authen.? (Yes/No)	Stipulate to Admiss.? (Yes/No)	Evidentiary Objections	Date marked for ID	Date Admitted

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a brief, joint written statement of the case for the court to read to the jury. (Local Rule 3.25, subd. (g)(4).)

For jury trials, the parties' counsel and any self-represented parties shall work together to prepare and file a joint list of proposed jury instructions (in the format set forth below) which states, as to each proposed jury instruction: (1) the jury instruction number (listed in numerical order), (2) the title of the jury instruction, (3) the party requesting the jury instruction, (4) whether the jury

instruction is agreed upon or contested, (5) a concise statement of any objection, and (6) whether the jury instruction was given by the court (“Joint List of Proposed Jury Instructions”).

JOINT LIST OF PROPOSED JURY INSTRUCTIONS					
No.	Title	Requested By (Π/Δ)	Agreed or Contested	Objection	Given (Yes/No)

F. JURY INSTRUCTIONS
(JOINT AND CONTESTED)

For jury trials, the parties’ counsel and any self-represented parties shall work together to prepare a complete set of full-text proposed jury instructions, editing all proposed Judicial Council of California Civil Jury Instructions (“CACI”) instructions, inserting party names, and eliminating blanks and other irrelevant or inapplicable material. The proposed jury instructions shall be prepared on Los Angeles Superior Court form LASC LACIV 129 or in a Word document that is in the same format. If there is an appropriate CACI jury instruction on a point of law, the court expects the parties to request the CACI instruction instead of a specially prepared jury instruction.

G. VERDICT FORM(S)

For jury trials, the parties’ counsel and any self-represented parties shall work together to prepare and file a joint proposed general verdict form or a joint proposed special verdict form acceptable to all parties. (Local Rule 3.25, subd. (g)(8).) If the parties cannot agree on a joint verdict form, each party must separately file a proposed verdict form. When a special verdict form is requested, if there is an appropriate CACI special verdict form for a cause of action, affirmative defense, or other finding, the court expects the parties to use the CACI special verdict form.

1 **H. JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR**
2 **DEPOSITION AND FORMER TESTIMONY**

3 If any parties intend to use deposition testimony or former trial testimony in lieu of or in
4 addition to a witness's live testimony, the parties' counsel and any self-represented parties shall meet
5 and confer to discuss, and work together to prepare and file, a joint chart in the format set forth below
6 ("Joint Chart of Page and Line Designations for Deposition and Former Testimony").

7 In the joint chart, each designating party's designations of deposition or former testimony
8 shall include columns which state: (1) the designation number and name of the witness, (2) the date
9 and type of testimony (*e.g.*, deposition or trial testimony), (3) the page and line designations of the
10 deposition or former testimony requested to be used, (4) any objections, (5) whether the other party
11 has counter-designated any additional deposition or former testimony of the witness that relates to the
12 designation, and, if so, the designation number of the counter-designation, and (6) the court's ruling.

13 In the joint chart, each counter-designating party's counter-designations of additional
14 deposition or former testimony of the witness that relates to the designations shall include columns
15 which state: (1) the designation number and name of the witness, (2) the date and type of testimony
16 (*e.g.*, deposition or trial testimony), (3) the page and line counter-designations of the deposition or
17 former testimony requested to be used, (4) any objections, (5) the designation number of the other
18 party's designation to which the counter-designation relates, and (6) the court's ruling.

19 The parties shall attach copies of the pages of the transcripts of the deposition or former
20 testimony they are designating or counter-designating to the Joint Chart of Page and Line
21 Designations for Deposition and Former Testimony, with numbered tabs separating each deposition
22 or trial transcript. Each designation or counter-designation shall be highlighted, with each party
23 using a different color highlighter.

**JOINT CHART OF PAGE AND LINE DESIGNATIONS FOR
DEPOSITION AND FORMER TESTIMONY**

I. Plaintiff's Designations

Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	Is There a Counter? (Yes/No/#)	Ruling
1. John Doe	1/3/20 Depo.	1:2-25	Hearsay	Yes #4	
2. John Doe	3/4/19 Trial Testimony	5:20-25		No	
3. Jane Doe	1/15/20 Depo.	2:5-10		No	

Defendant's Counter-Designations

Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	What # Does This Counter?	Ruling
4. John Doe	1/3/20 Depo.	1:26-2:20		#1	

II. Defendant's Designations

Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	Is There a Counter? (Yes/No/#)	Ruling
5. John Doe	3/4/19 Trial Testimony	5:20-25	No foundation	Yes #7	
6. Jane Doe	1/15/20 Depo.	2:5-10		No	

Plaintiff's Counter-Designations

Number/ Witness Name	Date/Type of Transcript	Page:Line Designation	Objections	What # Does This Counter?	Ruling
7. John Doe	3/4/19 Trial Testimony	5:26-6:10		#5	

3. MOTIONS IN LIMINE

Motions in limine shall be noticed for hearing at the Final Status Conference. The parties' counsel and any self-represented parties shall comply with the statutory notice provisions of Code of Civil Procedure section 1005 and the requirements of Local Rule 3.57, subdivision (a). The caption of each motion in limine shall concisely identify the evidence that the moving party seeks to exclude.

Parties filing more than one motion in limine shall number them consecutively. Parties filing opposition and reply papers shall identify the corresponding motion number in the caption of their papers.

No later than five calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall jointly prepare and lodge in Department 73 a Motions in Limine Binder. The Motions in Limine Binder shall include one-sided, conformed copies of all motions in limine, opposition papers, and reply papers, organized in one or more three-ring binders, tabbed in numerical order with the opposition papers and reply papers for each motion placed directly behind the moving papers with a colored sheet of paper separating the moving, opposition, and reply papers.

4. EXHIBIT BINDERS

The parties' counsel and any self-represented parties shall work together to jointly prepare three sets of tabbed, internally paginated by document, and properly-marked exhibits, organized numerically in three-ring binders (a set for the court, a set for the Judicial Assistant, and a set for the witnesses) ("Exhibit Binders"). Copies of documentary exhibits shall be one-sided copies. The parties' counsel and any self-represented parties shall mark all non-documentary exhibits and insert a simple written description of the exhibit behind the corresponding numerical tab in the Exhibit Binders. The parties' counsel and any self-represented parties shall also place the court's yellow evidence tags (with only the case number and exhibit number filled in) on each exhibit in the Judicial Assistant's copy of the Exhibit Binder. The parties' counsel and any self-represented parties shall bring one set of the Exhibit Binders to the Final Status Conference for the court to review.

5. TRIAL BINDER

No later than five calendar days before the Final Status Conference, the parties' counsel and any self-represented parties shall jointly prepare and lodge in Department 73 a Trial Binder, consisting of one-sided, conformed copies, tabbed and organized in a three-ring binder with a table of contents that includes the following (for trials by the court without a jury, the Trial Binder shall only include the documents listed under Tabs A, B, C, H, and I):

Tab A: Trial Briefs (Optional. If no trial briefs are filed, leave Tab A empty.)

Tab B: Joint Witness List

1 Tab C: Joint Exhibit List
2 Tab D: Joint Statement to Be Read to the Jury
3 Tab E: Joint List of Jury Instructions
4 Tab F: Joint and Contested Jury Instructions
5 Tab G: Joint or Contested Verdict Form(s)
6 Tab H: Joint Chart of Page and Line Designations for Deposition and Former
7 Testimony
8 Tab I: Copies of the Current Operative Pleadings (including the operative complaint,
9 answer, cross-complaint, if any, and answer to any cross-complaint).

10 The parties shall organize proposed jury instructions into groups behind Tab F in the
11 following order (labeled by cover sheets): (1) the agreed-upon instructions, (2) plaintiff's requested
12 instructions to which defendant objects, and (3) defendant's requested instructions to which plaintiff
13 objects.

14 **6. WITNESSES**

15 Counsel shall be prepared with a sufficient number of witnesses to use the entire court day
16 until the party rests. Absent unusual circumstances, breaks or early recesses will not be permitted
17 due to witness unavailability. When the testimony of a witness is finished, the witness will be
18 excused unless a party desiring to place a witness "on call" shows good cause. (Local Rule 3.113.)

19 If a party has more than one lawyer, only one lawyer may conduct the direct or cross-
20 examination of a particular witness, or make objections to that witness.

21 If witnesses are not under subpoena and do not timely appear, trial will proceed without them.
22 Continuances will not be granted due to witnesses who do not appear in a timely manner. If possible,
23 the court will make an effort to accommodate the scheduling needs of expert witnesses, professionals,
24 out-of-state witnesses, or others if the circumstances warrant.

25 Counsel, their clients and any witnesses are expected to be prompt. Failure to report to court
26 on time without satisfactory explanation may result in sanctions.

27 At the conclusion of each court day, counsel must advise opposing counsel and the court of
28 the witnesses to be called the next day and the order in which they will testify. (Local Rule 3.81.)

1 Each morning counsel must provide the Court Attendant with a written list of witnesses to be called
2 that day including their full names with correct spellings and the order in which they will be called.

3 **7. FAILURE TO COMPLY WITH TRIAL PREPARATION ORDER**

4 The court has discretion to require any party's counsel and any party who fails to comply with
5 this Trial Preparation Order to show cause why the court should not impose monetary, evidentiary,
6 and/or issue sanctions.

7 IT IS SO ORDERED.

8
9 Dated: _____

Timothy Patrick Dillon
Superior Court Judge