

DEPARTMENT W
COURTROOM INFORMATION
www.lacourt.org

Judge: Wendy L. Wilcox
Judicial Assistant: Lilianna Sarkisian
Courtroom Assistant: Rommel Villagonzalo

Court Address: 6320 Sylmar Avenue, Van Nuys, CA 91401
Telephone Number: (818) 901-4609
Courtroom Hours: 8:30 AM to 4:30 PM (Lunch Hour 12:00 PM - 1:30 PM)

CHECK IN: All matters start promptly at 8:30 AM. One (1) business card is required for each attorney/pro per party. Please write the calendar number of your case and designation of party represented. If you don't have a business card, you will be asked to write all your information on a blank attorney card. Cell phones are required to be in silent mode.

IF YOU APPEAR REMOTELY, YOU ARE REQUIRED TO USE YOUR CAMERA.

COURT REPORTERS: In unlimited civil proceedings, parties who have received a fee waiver pursuant to California Rules of Court Rule 3.55(7) may timely request an official court reporter pursuant to California Rules of Court Rule 2.956(b)(3) at least 10 calendar days prior to the hearing or trial on court form LACIV269. Please refer to LASC website, click on "Court Reporter Information."

FILINGS: The Los Angeles County Superior Court has implemented electronic filing of all documents filed in the Limited and Unlimited Non-Complex Civil matters by litigants represented by attorneys pursuant to the operative General Order re Mandatory Electronic Filing for Civil. Pursuant to California Rules of Court, Rule 2.253(b), represented litigants are required to electronically file documents with the Court through an approved Electronic Filing Service Provider. Pursuant to California Rules of Court, Rule 2.253(b)(2), self-represented litigants are exempt from mandatory Electronic Filing requirements and papers should be filed at the filing window. Please deliver courtesy copies directly to the courtroom, Department W pursuant to the General Order re Mandatory Electronic Filing.

EX PARTE APPLICATIONS: Ex parte applications are heard Monday-Friday at 8:30 a.m. All ex parte applications require a proposed order, which shall be submitted separate from the ex parte application. Ex parte applications are reviewed in chambers. Oral oppositions will be considered at the discretion of the Court.

- Represented litigants: 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 ex parte hearing.
- Self-Represented Litigants: ex parte applications must be submitted no later 8:30 a.m. the day of the hearing.

CONTINUANCES: Requests for continuances of hearings or trials may be considered upon written stipulation and order. A stipulation and order shall state the date the complaint was filed, the

proposed continuance date(s), grounds showing good cause for the continuance, and be submitted with payment of the stipulation and order fee and first appearance fee of all parties to the stipulation. If there is no stipulation, the parties may seek a continuance by noticed motion or an ex parte application. **PLEASE NOTE THE COURT DOES NOT CONTINUE HEARING/TRIAL DATES IF THERE IS AN OPPOSITION WITHOUT A SHOWING OF GOOD CAUSE.**

MOTIONS: All motions to be heard in Department W are to be reserved through the Court Reservation System. Follow the links Online Services – Court Reservation System (CRS) on the court’s website. Motions are heard Tuesday through Thursday and are set for hearing at 8:30 AM. The Court does not issue a written tentative ruling.

MOTIONS FOR SUMMARY JUDGMENT AND/OR ADJUDICATION: All motions to be heard in Department W are to be reserved through the Court Reservation System. Follow the links Online Services – Court Reservation System (CRS) on the court’s website. Motions for Summary Judgment and/or Adjudication are heard on Wednesdays and Thursdays. The Court will not continue the Trial date to hear any Motions for Summary Judgment and/or Adjudication. Therefore, any Motions for Summary Judgment and/or Adjudication **MUST BE TIMELY FILED AND SERVED**. All motions are heard at 8:30 AM. The Court does not issue a written tentative ruling.

INFORMAL DISCOVERY CONFERENCES: The Court will hold an Informal Discovery Conference (IDC) on a case-by-case basis. There is no requirement to hold an IDC prior to filing a discovery motion. If the Court orders an IDC a joint statement of discovery in dispute (no more than five pages) shall be filed and a courtesy copy delivered to Department W three (3) court days before the IDC. Counsel shall bring all discovery related to the dispute to the IDC.

TRIALS: The Court sets trial dates at the Case Management Conference. Please review the Court’s CASE MANAGEMENT CONFERENCE ORDER on the Court’s website. Unless the Court is dark/closed, all trials are set on Mondays, and all Final Status Conferences are set on Fridays, ten (10) days before the trial date. Department W follows the local rules and applicable California Rules of Court for trial. Motions in Limine are heard at the Final Status Conference. All trial documents must be filed pursuant to the CASE MANAGEMENT CONFERENCE ORDER (except for exhibits).

EXHIBITS: All document exhibits **MUST** be placed in binders under tabs, and each page must be numbered within each tab. The exhibit list must be included in the binders. Exhibits must be brought to court at the Final Status Conference. Three exhibit books must be provided: for the Court, the clerk and the witness stand. Please review the Court’s CASE MANAGEMENT CONFERENCE ORDER.

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**
9 **NORTHWEST DISTRICT - VAN NUYS EAST**
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11 **PLAINTIFF(S),**

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13 **vs.**

14 **DEFENDANT(S).**
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} **Case No.:** _____

} **CASE MANAGEMENT CONFERENCE**
} **ORDER**

} **DEPT: W**

} **STATUS CONFERENCE (POST MSC OR**
} **MEDIATION)** _____ **8:30AM**

} **FINAL STATUS**
} **CONFERENCE** _____ **9:30AM**

} **TRIAL DATE** _____ **9:30AM**

20 **ALL COUNSEL MUST STRICTLY ADHERE TO THE TIME DEADLINES AND MEET**
21 **AND CONFER REQUIREMENTS SET FORTH IN THIS ORDER OR SANCTIONS**
22 **MAY BE IMPOSED.**

23 **Lead trial counsel shall attend the Final Status Conference (FSC) IN PERSON and is**
24 **responsible for compliance with all orders.** All documents referred to in this order must be filed
25 and courtesy copies shall be lodged in Department W.

26 Counsel shall **meet and confer and exchange information as required by this order**
27 **and LACCR, Rules 3.25(h), 3.170, 3.171, 3.172 and 3.57.** Any failure to timely comply with
28 any item required by this order shall subject any non-complying party to the imposition of
appropriate sanctions, including but not limited to monetary, exclusion of evidence, issue
preclusion, denial of a claim or defense, dismissal or contempt. (CCP §§ 128, 128.7, 177.5, 575.2,
583.150, 583.410, GC §68608 and CRC Rule 2.30)

1 If the action is settled or otherwise resolved before the FSC, no appearance is necessary as
2 long as a Request for Dismissal of the entire action or Notice of Settlement under CRC, Rule
3 3.1385 has been filed with a courtesy copy provided to Department W at least two court days
4 before the FSC.

5 **FSC ORDERS PURSUANT TO THE CALIFORNIA CODE OF CIVIL**
6 **PROCEDURE, CALIFORNIA RULES OF COURT AND LOCAL RULES OF THE**
7 **LOS ANGELES SUPERIOR COURT**

- 8 1. **TRIAL BRIEFS: File and lodge five (5) court days before the FSC and shall not**
9 **exceed fifteen (15) pages.**

10 **Trial briefs are mandatory in all cases and shall include:**

- 11 1. A brief description of the claims and defenses presented and the issues to be
12 decided.
13 2. Statement of ultimate facts or issues to which you will stipulate.
14 3. Those facts established by admissions in pleadings, by discovery and/or stipulation
15 by counsel.
16 4. All contested issues of fact.
17 5. All contested issues of law, together with points and authorities supporting the
18 party's position.
19 6. A list of major evidentiary issues anticipated and points and authorities in support
20 of the party's position.
21 7. A detailed statement of the relief claimed including a breakdown of the elements
22 of damages claimed.
23 8. Any other information that will assist the Court.
24 9. Time estimate of opening statement.
25 10. Confirm whether the party and/or counsel intends to make a mini opening
26 statement (applies only to jury trials).

- 27 2. **STATEMENT OF THE CASE: File and lodge five (5) court days before the FSC.**

28 **Counsel shall meet and confer** to prepare a JOINT short, non-argumentative written
statement of the case suitable to be read to the jury and shall lodge the Statement of
the Case five (5) court days prior to the FSC. (See LASC Rules 3.25(g)(4); 3.73)

3. **VOIR DIRE File and lodge five (5) court days before the FSC.**

The Court conducts the initial Voir Dire of prospective jurors. Five (5) court days
prior to the FSC the parties shall serve and file proposed Voir Dire questions for the
Court. The Court will also permit counsel to conduct reasonable Voir Dire not
designed to precondition or indoctrinate the jury, nor may the jurors be questioned
about the pleadings or the applicable law. (CCP §222.5; CRC 3.1540; LASC Rule
3.50)

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1 4. **WITNESS LIST: File and lodge five (5) court days before the FSC.**

2 **Counsel shall meet and confer** to prepare and lodge a JOINT witness list listing each
3 witness, a brief description of the anticipated testimony and estimated length of direct
4 and cross examination, any potential scheduling problems and whether he/she will be
5 assisted by an interpreter. (LASC Rule 3.25(g)(5))

6 5. **EXHIBIT LIST: File and lodge five (5) court days before the FSC.**

7 **Counsel shall meet and confer** and prepare and lodge a complete exhibit list listing
8 each exhibit and item of physical evidence. Do not attach exhibits to the exhibit list.
9 Note any stipulations regarding the admissibility of exhibits and regarding waivers of
10 foundation and/or authentication of exhibits. (LASC Rules 3.25(g)(6), 3.149, 3.150,
11 3.151, 3.52, 3.53) All items on the exhibit list shall be exchanged and reviewed by
12 counsel prior to the FSC. Place exhibits in binders, three-hole punched, tabbed and
13 paginated. Three complete sets of exhibits shall be lodged: one for the Court, one for
14 the clerk and one for the witnesses.

15 Any party objecting to any listed exhibit, either as to foundation or admissibility, shall
16 file the objection in writing together with a brief statement of the ground(s) for
17 objection at least two (2) court days before the FSC. Any objections not so stated as
18 per the foregoing shall be deemed waived except upon a showing of good cause.

19 Exhibits do not need to be lodged prior to the first day of trial except as necessary for
20 any in limine determinations.

21 6. **DEPOSITIONS, INTERROGATORIES, REQUESTS FOR ADMISSIONS**

22 Portions of the depositions, interrogatories and/or requests for admissions sought to be
23 introduced at trial shall be extracted and marked as exhibits. (CCP §2025.620; LASC
24 Rule 3.158)

25 7. **JURY INSTRUCTIONS: File and lodge five (5) court days before the FSC.**

26 **Counsel shall meet and confer** to prepare: (a) the jointly requested jury instructions;
27 and (b) all other requested jury instructions, and all objections thereto. All jointly
28 requested jury instructions and other jury instructions, with objections thereto, shall be
29 lodged five (5) court days prior to the FSC in the format set forth below (see LASC
30 Rules 3.25(g)(7), 3.170, 3.171):

- 31 a. A JOINTLY submitted packet of all requested and properly and fully edited CACI
32 instructions to which there is no objection. (LACCR, Rule 8.25) (Note: Counsel
33 are advised to make all edits necessary to eliminate duplicate instructions and
34 inconsistencies.)
- 35 b. Each counsel may submit specifically requested and properly edited instructions
36 not requested by the opposing party. These instructions shall be inserted into the
37 aforementioned packet of the jointly submitted jury instructions, all to be
38 considered and discussed by the Court at an appropriate time during the trial.
- 39 c. All requested instructions shall be submitted in the proper form which includes:

1. At the top of each requested jury instruction, identification of the party/parties requesting the instruction;
 2. Whether the instruction to be given as requested or as modified;
 3. Whether the instruction is withdrawn; and
 4. A signature line for the Court.
- d. All requested instructions shall be submitted on perforated paper so as to allow for separation of the identification of the instruction from the text of the instruction to be submitted to the jury for reference during deliberation. All titles must be above the perforation.
8. **VERDICT FORM: File and lodge five (5) court days before the FSC.**
- Counsel shall meet and confer** to prepare a JOINT General Verdict Form or Special Verdict Form to be presented to the jury. The verdict form shall be adapted to CACI with proper spacing. (LACCR 3.172, 3.25(i)(8.))
9. **PRE-TRIAL MOTIONS, INCLUDING BUT NOT LIMITED TO MOTIONS IN LIMINE**
- Counsel shall comply with LASC Rule 3.25(f)(2) and must refer to LASC Rule 3.57 regarding motion in limine requirements.**
- a. **Boilerplate or form motions in limine are disfavored.**
 - b. **Counsel shall meet and confer on all motions in limine.** All motions in limine must be in writing and shall be served on the opposing party or counsel at least ten (10) court days prior to the FSC. Any opposition to any motion in limine must be in writing and served on opposing party or counsel at least five (5) court days prior to the FSC. Any failure by any party or counsel to exchange or discuss any motion in limine may result in the refusal of the court to hear any such motion in limine pursuant to applicable court rules. Each motion in limine for the purpose of precluding the mention or display of inadmissible and prejudicial matter in the presence of the jury shall be accompanied by a declaration in compliance with the requirements of Rule 3.57(a) of the LACCR.
 - c. Each motion must be numbered sequentially (i.e., Plaintiff's Motion in Limine No. 1, Defendant's Motion in Limine No. 1, etc.)
 - d. At least two (2) court days prior to the FSC, the moving party shall provide a binder of all motions in limine documents including the moving, opposition and reply papers directly to Department W. For example, for Plaintiff's Motion in Limine No. 1, plaintiff provides to Department W at least two (2) court days prior to the FSC a binder containing Plaintiff's Motion in Limine No. 1, opposition and reply papers. Another example, for Defendant's Motion in Limine No. 1, defendant provides to Department W at least two (2) court days prior to the FSC a binder containing Defendant's Motion in Limine No. 1, opposition and reply papers.

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Addendum to Case Management Conference Order (Song-Beverly Litigation)

Discovery

1. **Production of Documents:** Within 30 days of this order both plaintiff and defendant shall provide copies of the following documents, which are in their respective possession, custody and/or control, to the opposing side(s):
 - a. Purchase or lease contracts concerning the subject vehicle, including any associated documents reflecting OEM or aftermarket equipment installed at the dealership, ELWs or service contracts, and any other writings signed by the plaintiff at the point of sale.
 - b. Work orders, repair orders, and invoices (including accounting and warranty versions) for any maintenance, service and repair activity concerning the subject vehicle.
 - c. Rental car or loaner agreements regarding alternate transportation provided during service or repair visits concerning the subject vehicle.
 - d. Records of communications with dealer personnel, and/or factory representatives and Defendant's call center or customer assistance personnel concerning the subject vehicle.
 - e. Warranty claims submitted to and/or approved by Defendant concerning the subject vehicle.
 - f. Warranty Policy and Procedure Manual or similar policies or claim-handling procedures published by Defendant from the date the subject vehicle was purchased or leased to the date the lawsuit was filed.
 - g. Defendant's written statements of policy and/or procedures used to evaluate customer requests for repurchase or replacement pursuant to "Lemon Law" claims, including ones brought under the Song-Beverly Consumer Warranty Act, from the date the subject vehicle was purchased or leased to the date the lawsuit was filed.
 - h. A list or compilation of customer complaints that are substantially similar to the defects claimed by plaintiff, in vehicles purchased of the same year, make and model of the subject vehicle. A substantially similar customer complaint would be the same nature of reported symptom, malfunction, dashboard indicator light, or other manifestation of a repair problem as the description listed in any work order or repair order for vehicles of the same year, make, and model as the subject vehicle, other than routine or scheduled maintenance items. The list provided by Defendant may be in the chart or spreadsheet format, and shall include the VIN, date of repair visit, dealership or other reporting location, and text of the other customers' reported complaint, but shall not include the

other customers' names, addresses, phone numbers, e-mail addresses, or other personal identifying information.

- i. Technical Service Bulletins and Recall Notices for vehicles of the same year, make, and model as the subject vehicle whether mentioned in the repair history of the subject vehicle or not.
- j. Copies of any repair instruction, bulletin, or other diagnostic/repair procedure identified in any of the repair order/invoice records for the subject vehicle.
- k. Any documents supporting Plaintiff's claim for incidental and/or consequential damages.

If a party believes any of this information should be subject to a protective order, that party shall first meet and confer as to agreeable language for the order. Absent a stipulation, the requesting party shall file a motion for a protective order.

The information may be provided to the opposing party in electronic form as a PDF at the option of the producing party.

Plaintiff and defendant shall serve verifications with the documents they produce. Any additional requests for documents may only be propounded by stipulation and/or court order (via motion upon showing of good cause).

- 2. **Interrogatories:** Within the time limits allowed by law, both plaintiff and defendant may propound one set of Judicial Council Form Interrogatories and one set of a maximum of 35 special interrogatories. Any additional special interrogatories may only be propounded by stipulation and/or court order (via motion upon showing of good cause).
- 3. **Depositions:** Within the time limits allowed by law, Defendant may depose Plaintiff, and Plaintiff may depose the person most qualified (PMQ) as to up to 10 categories of information, plus a deposition of the PMK as to why the subject vehicle was not repurchased, in addition to depositions of any experts identified by the parties, after a formal demand and exchange of expert witness information, per CCP § 2034. Parties shall meet and confer as to whether there is a need to take any additional depositions. Any additional depositions may only be noticed and taken by stipulation and/or court order (via motion upon showing of good cause).

Notice of this Addendum has or shall be provided to the parties' respective attorneys at the Case Management Conference.

IT IS SO ORDERED.