

FILED
LOS ANGELES SUPERIOR COURT

JAN 26 2015

SHERRI R. CARTER, EXECUTIVE OFFICER/ CLERK

C. Casarez
BY C. CASAREZ, DEPUTY

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

) Case No.:

In re Personal Injury Cases Assigned to the)
Personal Injury Courts (Departments 91, 92,) FOURTH AMENDED GENERAL ORDER
93, and 97) RE PERSONAL INJURY COURT ("PI
) Court") PROCEDURES (Effective as of
) January 26, 2015)

DEPARTMENT: 91 92 93 97

FINAL STATUS CONFERENCE ("FSC"):

- Date: _____ at 10:00 a.m.

TRIAL:

- Date: _____ at 8:30 a.m.

OSC re DISMISSAL (Code Civ. Proc., § 583.210):

- Date: _____ at 8:30 a.m.

TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY:

Pursuant to the California Code of Civil Procedure ("C.C.P."), the California Rules of Court, and the Los Angeles County Court Rules ("Local Rules"), the Los Angeles Superior Court ("LASC" or "Court") HEREBY AMENDS AND SUPERSEDES ITS November 10, 2014 AMENDED GENERAL ORDER AND

1 **GENERALLY ORDERS AS FOLLOWS IN THIS AND ALL OTHER GENERAL**
2 **JURISDICTION PERSONAL INJURY ACTIONS:**

3 Effective March 18, 2013, the Court responded to systemic budget reductions by
4 centralizing the management of more than 18,000 general jurisdiction personal injury cases
5 in the Stanley Mosk Courthouse. LASC opened three Personal Injury Courts ("PI Courts")
6 (Departments 91, 92 and 93), and on January 6, 2014, a fourth (Department 97) to adjudicate
7 all pretrial matters for these cases. It also established a Master Calendar Court (Department
8 One), to manage the assignment of trials to dedicated Trial Courts located countywide. This
9 Amended General Order lays out the basic procedures for the PI Courts' management of
10 pretrial matters. The parties will find additional information about the PI Courts on the
11 court's website, *www.lacourt.org*.
12

13 1. To ensure proper assignment to a PI Court, Plaintiff(s) must carefully fill out the Civil
14 Case Cover Sheet Addendum (form LACIV 109). The Court defines "personal injury" as:

15 "an unlimited civil case described on the Civil Case Cover Sheet Addendum and
16 Statement of Location (LACIV 109) as Motor Vehicle-Personal Injury/Property
17 Damage/Wrongful Death; Personal Injury/Property Damage/Wrongful Death-
18 Uninsured Motorist; Product Liability (other than asbestos or
19 toxic/environmental); Medical Malpractice-Physicians & Surgeons; Other
20 Professional Health Care Malpractice; Premises Liability; Intentional Bodily
21 Injury/Property Damage/Wrongful Death; or Other Personal Injury/Property
22 Damage/Wrongful Death. An action for intentional infliction of emotional
23 distress, defamation, civil rights/discrimination, or malpractice (other than
24 medical malpractice), is not included in this definition. An action for injury to
25 real property is not included in this definition." Local Rule 2.3(a)(1)(A).
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1 The Court will assign a case to the PI Courts if plaintiff(s) check any of the following
2 boxes in the Civil Case Cover Sheet Addendum:

3 A7100 Motor Vehicle – Personal Injury/Property Damage/Wrongful
4 Death

5 A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured
6 Motorist

7 A7260 Product Liability (not asbestos or toxic/environmental)

8 A7210 Medical Malpractice – Physicians & Surgeons

9 A7240 Medical Malpractice – Other Professional Health Care Malpractice

10 A7250 Premises Liability (e.g., slip and fall)

11 A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g.,
12 assault, vandalism etc.)

13 A7220 Other Personal Injury/Property Damage/Wrongful Death

14 The Court will not assign cases to the PI Courts if plaintiff(s) check any boxes
15 elsewhere in the Civil Case Cover Sheet Addendum (any boxes on pages two and
16 three of that form).

17 2. The Court sets the above dates in this action in the PI Court circled above
18 (Department 91, 92, 93, or 97) at the Stanley Mosk Courthouse, 111 North Hill Street, Los
19 Angeles, CA 90012. Cal. Rules of Court, Rules 3.714(b)(3), 3.729.

20 **SERVICE OF SUMMONS AND COMPLAINT**

21 3. Plaintiff(s) shall serve the summons and complaint in this action upon defendant(s) as
22 soon as possible but not later than three years from the date when the complaint is filed. C.
23 C. P. § 583.210, subd. (a). On the OSC re Dismissal date noted above, the PI Court will

1 dismiss **the action and/or** all unserved parties unless the plaintiff(s) show cause why the
2 action or the unserved parties should not be dismissed. C.C.P. §§ 583.250; 581, subd. (b)(4).

3 4. The Court sets the above trial and FSC dates on condition that plaintiff(s) effectuate
4 service on defendant(s) of the summons and complaint within six months of filing the
5 complaint.

6 5. The PI Court will dismiss the case without prejudice pursuant to C.C.P. § 581 when
7 no party appears for trial.
8

9 **STIPULATIONS TO CONTINUE TRIAL**

10 6. Provided that all parties agree (and there is no violation of the “five-year rule,” C.C.P.
11 § 583.310), the parties may advance or continue any trial date in the PI Courts without
12 showing good cause or articulating any reason or justification for the change. To continue or
13 advance a trial date, the parties (or their counsel of record) should jointly execute and file (in
14 Room 102 of the Stanley Mosk Courthouse; fee required) a Stipulation to Continue Trial,
15 FSC and Related Motion/Discovery Dates (form available on the court’s website, Personal
16 Injury Court link). The PI Courts schedule FSCs for 10:00 a.m., eight court days before the
17 trial date. Parties seeking to continue the trial and FSC dates shall file the Stipulation at least
18 eight court days before the FSC date. Parties seeking to advance the trial and FSC dates
19 shall file the Stipulation at least eight court days before the proposed advanced FSC date.
20 Code Civ. Proc., § 595.2; Govt. Code § 70617, subd. (c)(2). In selecting a new trial date,
21 parties should avoid setting on any Monday, or the Tuesday following a court holiday.
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24 **NO CASE MANAGEMENT CONFERENCES**

25 7. The PI Courts do not conduct Case Management Conferences. The parties need not
26 file a Case Management Statement.
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3 **LAW AND MOTION**

4 **ALL DOCUMENTS WITH DECLARATIONS AND/OR EXHIBITS MUST BE**
5 **TABBED. CRC §3.1110(f)**

6 **ALL DEPOSITION EXCERPTS REFERENCED IN BRIEFS MUST BE MARKED**
7 **ON THE TRANSCRIPTS ATTACHED AS EXHIBITS. CRC §3.1116(c)**

8 *If your filing is not tabbed or depositions are not marked, do not file without the tabs or*
9 *marked depositions unless today is the last day for filing. If so, you must file a*
10 *tabbed/marked copy with the clerk in the department where your motion will be heard*
11 *within 2 court days.*

12 **Chambers Copies Required**

13 8. In addition to filing original motion papers in Room 102 of the Stanley Mosk
14 Courthouse, the parties must deliver, directly to the PI Court courtrooms, an extra copy
15 (marked "Chambers Copy") of reply briefs and all other motion papers filed less than seven
16 court days before a hearing calendared in the PI Courts. The PI Courts also strongly
17 encourage the parties filing and opposing lengthy motions, such as motions for summary
18 judgment/adjudication, to submit one or more three-ring binders organizing the Chambers
19 Copies behind tabs.

20 **Reservation of Hearing Date**

21 9. Parties are directed to reserve hearing dates for motions in the PI Courts using the
22 Court Reservation System (CRS) available online at www.lacourt.org (link on homepage).
23 After reserving a motion hearing date, the reservation requestor must submit the papers for
24 filing with the reservation receipt number printed on the face page of the document under the
25 caption and attach the reservation receipt as the last page. Parties or counsel who are unable
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1 to utilize the online CRS may reserve a motion hearing date by calling the PI Court
2 courtroom, Monday through Friday, between 3:00 p.m. and 4:00 p.m.

3 **Withdrawal of Motion**

4 10. California Rules of Court, Rule 3.1304(b) requires a moving party to notify the court
5 immediately if a matter will not be heard on the scheduled date. In keeping with that rule, the
6 PI Courts urge parties who amend pleadings in response to demurrers to file amended
7 pleadings before the date when opposition to the demurrer is due so that the PI Courts do not
8 needlessly prepare tentative rulings on demurrers.
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10 **Discovery Motions**

11 11. The purpose of an Informal Discovery Conference (“IDC”) is to assist the parties to
12 resolve and/or narrow the scope of discovery disputes. Lead trial counsel on each side, or
13 another attorney with full authority to make binding agreements, must attend in person. The
14 PI judges have found that, in nearly every case, the parties amicably resolve disputes with the
15 assistance of the Court.
16

17 12. Parties must participate in an IDC before a Motion to Compel Further Responses to
18 Discovery will be heard, unless, the moving party submits evidence, by way of declaration,
19 that the opposing party has failed or refused to participate in an IDC. Scheduling or
20 participating in an IDC does not extend any deadlines imposed by the Code of Civil
21 Procedure for noticing and filing discovery motions. Ideally, the parties should participate in
22 an IDC before a motion is filed because the IDC may avoid the necessity of a motion or
23 reduce its scope. Because of that possibility, attorneys are encouraged to stipulate to extend
24 the 45 (or 60) day deadline for filing a motion to compel further discovery responses in order
25 to allow time to participate in an IDC. If parties do not stipulate to extend the deadlines, the
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1 moving party may file the motion to avoid it being deemed untimely. However, the IDC
2 must take place before the motion is heard so it is suggested that the moving party reserve a
3 date for the motion hearing that is at least 60 days after the date when the IDC reservation is
4 made. Motions to Compel Further Discovery Responses are heard at 10:00 a.m. If the IDC
5 is not productive, the moving party may advance the hearing on a Motion to Compel Further
6 Discovery Responses on any available hearing date that complies with the notice
7 requirements of the Code of Civil Procedure.
8

9 13. Parties are directed to reserve IDC dates in the PI Courts using CRS available online
10 at www.lacourt.org (link on homepage). Parties are to meet and confer regarding the
11 available dates in CRS prior to accessing the system. After reserving the IDC date, the
12 reservation requestor must file in the appropriate department and serve an Informal
13 Discovery Conference Form for Personal Injury Courts, form LACIV 239 (revised 12/14 or
14 later), at least 15 court days prior to the conference and attach the CRS reservation receipt as
15 the last page. The opposing party may file and serve a responsive IDC Form, briefly setting
16 forth that party's response, at least 10 court days prior to the IDC.
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18 14. Time permitting; the PI Hub judges may be available to participate in IDCs to try to
19 resolve other types of discovery disputes.

20 **Ex Parte Applications**

21 15. Under the California Rules of Court, courts may only grant *ex parte* relief upon a
22 showing, by admissible evidence, that the moving party will suffer "irreparable harm,"
23 "immediate danger," or where the moving party identifies "a statutory basis for granting
24 relief *ex parte*." Cal. Rules of Court, Rule 3.1202(c). The PI Courts have no capacity to hear
25 multiple *ex parte* applications or to shorten time to add hearings to their fully booked motion
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1 calendars. The PI Courts do not regard the Court's unavailability for timely motion hearings
2 as an "immediate danger" or threat of "irreparable harm" justifying *ex parte* relief. Instead of
3 seeking *ex parte* relief, counsel should reserve the earliest available motion hearing date, and
4 stipulate with all parties to continue the trial to a date thereafter using the Stipulation to
5 Continue Trial, FSC and Related Motion/Discovery Dates (form available on the court's
6 website, PI Court Tab). Counsel should also check the CRS from time to time because
7 earlier hearing dates may become available as cases settle or counsel otherwise take hearings
8 off calendar.
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10 **REQUEST FOR TRANSFER TO INDEPENDENT CALENDAR DEPARTMENT**

11 16. Parties seeking to transfer a case from a PI Court to an Independent Calendar ("I/C")
12 Court shall file (in Room 102 of the Stanley Mosk Courthouse) and serve the Court's
13 "Motion to Transfer Complicated Personal Injury Case to Independent Calendar Court"
14 (form available on the Court's website, PI Courts link). The PI Courts will transfer a matter
15 to an I/C Court if the case is not a "Personal Injury" case as defined in the General Order re
16 General Jurisdiction PI Cases, or if it is "complicated." In determining whether a personal
17 injury case is "complicated", the PI Courts will consider, among other things, the number of
18 pretrial hearings or the complexity of issues presented.
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20 17. Parties opposing a motion to transfer have five court days to file (in Room 102) an
21 Opposition (using the same Motion to Transfer form).
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23 18. The PI Courts will not conduct a hearing on any Motion to Transfer to I/C Court.
24 Although the parties may stipulate to transfer a case to an Independent Calendar Department,
25 the PI Courts will make an independent determination whether to transfer the case or not.
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3 **GENERAL ORDER – FINAL STATUS CONFERENCE**

4 19. Parties shall comply with the requirements of the PI Courts’ “Amended General
5 Order – Final Status Conference,” which shall be served with the summons and complaint.
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7 **JURY FEES**

8 20. Parties must pay jury fees no later than 365 calendar days after the filing of the initial
9 complaint. (Code Civ. Proc., § 631, subds. (b) and (c).)


10 **JURY TRIALS**

11 21. The PI Courts do not conduct jury trials. On the trial date, a PI Court will transfer the
12 case to the Master Calendar Court in Department One in the Stanley Mosk Courthouse.
13 Department One assigns cases out for trial to dedicated Trial Courts.
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15 **SANCTIONS**

16 22. The Court has discretion to impose sanctions for any violation of this general order.
17 (C.C.P. §§ 128.7, 187 and Gov. Code, § 68608, subd. (b).)

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19 Dated: JANUARY 26, 2015

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Kevin C. Brazile
Supervising Judge, Civil
Los Angeles Superior Court
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