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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
SANTA MONICA COURTHOUSE, DEPARTMENT M**

Plaintiff(s),
vs.
Defendant(s).

CASE NO.
TRIAL SETTING ORDER FOR COURT TRIAL
DEPARTMENT: M
TRIAL DATE:
TIME: 9:30 A.M.
FINAL STATUS CONFERENCE:
TIME: 8:30 A.M.

Based on the representations of the parties at the status and initial case management conference, and having considered all of the factors in Rule 212(j) of the California Rules of Court and other relevant facts and circumstances, the court makes the following trial setting orders:

1. This case is set for **court trial** at 9:30 a.m. on August 27, 2007, in Department M of this courthouse. After discussions with counsel, the court has allocated _____ days for the trial of this matter.

2. The **final status conference** is set on August 20, 2007 at 8:30 a.m., in Department M. Trial counsel must be present.

3. The matter is referred to mediation. The **mediation completion date** is N/A, including filing the mediator's statement. Please see the Courtroom Assistant for all mediation information. Pursuant to Rule 222 of the California Rules of Court, all parties and counsel appearing in the action must attend the mediation, and be thoroughly familiar with the pertinent available evidence involving both liability and damages. The plaintiff and the defendant

1 must appear. An insurance adjuster is not the defendant. See Gaus v. GAF
 2 Corp., 103 Cal. App. 4th 1110, 1116-23 (2002). The attorney who will try the case
 3 must be present, except for good cause shown prior to the date set for the
 4 mediation. All persons whose consent is required to effect a binding settlement
 5 must be personally present at the mediation, unless expressly excused for good
 6 cause by the court and prior to the date set for the hearing, including but not
 7 limited to the parties, an authorized representative of any insurance company
 8 that has coverage involved in the case, and an authorized representative of a
 9 corporation or other business or government entity that is a party. Such persons
 10 must have full authority to make decisions and negotiate concerning the
 11 settlement of the case.

12 4. At **9:30 a.m.** on the date set for trial, each party must be present and
 13 ready for trial. The parties and counsel are advised not to run out of witnesses
 14 before the trial day concludes. It is the responsibility of the parties and the
 15 attorneys to present evidence efficiently and continuously. In addition, the
 16 parties and counsel are expected to extend to one another the courtesy of
 17 calling witnesses out of order to accommodate the witnesses' schedules and to
 18 utilize the time available if a witness is delayed.

19 5. All pretrial motions, including motions in limine and motions that affect
 20 the order of proof, such as motions pursuant to Code of Civil Procedure Sections
 21 597 (trial of special defenses), 598 (change in the order of proof or bifurcation of
 22 the trial), and 1048 (consolidation or severance), must be filed and served with
 23 sufficient statutory notice under Section 1005 of the Code of Civil Procedure so
 24 that they may be heard at the final status conference. Motions in limine must
 25 comply with Local Rule 8.92, and Kelly v. New West Federal Savings, 49 Cal. App.
 26 4th 59, 670-71 (1996).

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1 6. Any motion to continue must be timely and in accordance with Rule
2 375 of the California Rules of Court and applicable local rules. Counsel are
3 reminded that motions to continue trial are expressly disfavored under Rule 375
4 of the California Rules of Court and Section 9 of the Standards of Judicial
5 Administration. See Lazarus v. Titmus, 64 Cal. App. 4th 1242 (1998).

6 7. The parties are ordered to meet and confer regarding, and file **directly**
7 **in Department M** by 2:00 p.m. on the **fifth court day** prior to the final status
8 conference, the following documents:

- 9 (a) **Joint List of stipulated facts.** The parties are to list all relevant facts
10 not in dispute.
- 11 (b) **Joint Witness List.** The parties are to submit a **joint** list of all witnesses
12 that each party intends to call, except for impeachment or rebuttal
13 witnesses. The Joint Witness List must include the name of each
14 witness **who is actually going to testify**, whether that person is a fact
15 witness or an expert witness, and the expected length of the direct
16 and cross examination of that witness. The witnesses should be
17 listed in the order in which they are expected to be called. Unless
18 good cause is shown at trial, no undisclosed witnesses may be
19 called.
- 20 (c) **Joint Exhibit List.** The parties are to comply with the rules for
21 numbering exhibits set out in Rules 7.9(h) and 8.60- 8.62 of the Local
22 Rules. If there are more than two parties, then the parties are to
23 agree in advance of the final status conference on assignment of
24 such numbers in the manner prescribed by the appropriate rule.
25 In complying with Local Rules 8.60 and 8.62, the parties are to meet
26 and confer in an effort to resolve all objections to each exhibit to be
27 used or offered at trial. The Joint Exhibit List must reflect counsel's
28 agreements and disagreements concerning the admissibility of

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exhibits by including a column in which the parties indicate whether the particular exhibit may be admitted without objection and, if not, the grounds of each objection to each exhibit.

Counsel must bring to trial at least four notebooks or binders of exhibits: one for opposing counsel, one for the witness, one for the courtroom clerk, and one for the court. The exhibits must be tabbed with exhibit numbers that correspond to those on the Joint Exhibit List. Exhibits not exchanged may not be used except by order of the court on a finding of good cause for failure to exchange in a timely matter.

Any exhibit or other visual or auditory aid that counsel wishes to use in opening statement must be shown to each other party at or in advance of the final status conference. See Rule 8.40.

(d) **List of causes of action and defenses.** Plaintiffs and cross-complainants must file and serve as a separate document a list (by number and name) of each cause of action on which the party is proceeding to trial. Similarly, defendants and cross-defendants must specify each affirmative defense, if any, on which the party is proceeding to trial. All non-listed causes of action and affirmative defenses will be deemed dismissed.

(e) **Relief prayed.** A detailed written statement of the relief claimed, including itemization of all elements of damages claimed.

(f) **Identification of discovery to be offered as testimony.** If depositions, responses to interrogatories, responses to requests for admission, or other discovery materials are to be used in lieu of live testimony, the party proposing to do so must identify and state in writing all such excerpts to be used. Opposing parties must state their objections, if any. Prior to the start of trial, any deposition transcripts or other

1 discovery responses that will be used at trial must be lodged with
2 the court.

3 (g) **Trial briefs**, if any.

4 8. The parties are encouraged to discuss resolution of this matter prior to
5 trial. If the matter is resolved prior to the date scheduled for trial, it is the
6 obligation of counsel for the plaintiff or cross-complainant to telephone the
7 courtroom clerk immediately, advise the clerk of the settlement, and promptly
8 file a notice of settlement pursuant to Rule 225 of the California Rules of Court
9 and all other documents necessary to effect the settlement as to all settling
10 parties. If settlement occurs after hours, counsel must file a notification of the
11 settlement the next morning. Any such notification must list the date(s) of all
12 future dates to be vacated, including the final status conference and trial date.
13 Parties that are not terminated from the action by reason of such settlement
14 must be present on the trial date and ready for trial.

15 9. Any violation of this Order may subject the offending party or counsel
16 or both to sanctions under Code of Civil Procedure section 177.5 or other
17 applicable provision of law.

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19 Dated: _____

20 _____
21 JOHN L. SEGAL
22 JUDGE OF THE SUPERIOR COURT
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