

MSC and TRIAL ORDERS FOR DEPARTMENT S-25

MSC :
Trial Readiness:
Trial :

Mandatory Settlement Conference: Pursuant to California Rule of Court 3.1380 and Local Rule of Court 611, all parties and adjusters are ordered to appear. No less than five (5) days prior to the Settlement Conference, MSC Briefs must be filed directly in Department S-25 and served on opposing parties that include all four (4) elements enumerated in CRC 3.1380, including, but not limited to settlement discussions. A violation of this order may result in monetary sanctions, exclusion of evidence, and/or witnesses.

If all counsel or self-represented parties so agree, they may contact the Clerk in Department S-25 prior to MSC date to request the MSC be held remotely by videoconference. Telephone and email information for all counsel and unrepresented parties must be provided to the Clerk for a remote conference to be scheduled.

Motions In Limine: All Motions in Limine shall be in writing and filed with this Department and with service completed at least eight (8) days prior to the conference, and shall comply with Local Rule 415. Parties are expected to read and be familiar with *Amtower v Photon Dynamics Inc.*, (2008) 158 CA4th 1582; *Kelly v New West Financial Services* (1996) 49 CA4th 659; and *R & B Auto Center Inc. v Farmers Group Inc.* (2006) 140 Cal. App. 4th 327, 371-372 (Rylaarsdam, Acting P.J., concurring). Attached is a list of *sua sponte* orders for trial, not requiring *in limine* motions.

Trial Readiness Conference: At the Trial Readiness Conference, all trial counsel and self-represented parties are ordered to appear. No less than three (3) court days prior to the TRC, the parties shall file in this Department: 1) Any oppositions to Motions *in limine*, 2) Jury Instructions, as set forth below, 3) Proposed verdict forms, 4) Witness and Exhibit lists (Exhibits listed in **numerical order only**, in the anticipated order of presentation) 5) Any proposed *voir dire* questions and/or questionnaires, 6) A brief Statement of the Case to be read to the jury, if applicable and 7) A trial brief (for bench trials only, per Local Rule 411). **Documents should be jointly submitted.** A violation of this order may result in monetary sanctions, exclusion of evidence, and/or witnesses.

Jury Instructions: No less than 3 days prior to the TRC, Plaintiff shall submit, in compliance with **CRC Rule 2.1055**, a complete set of jury instructions (with a generic pleading cover sheet) with an itemized list of the CACI Instructions and Special Instructions, if any. Defendant's jury instructions are due filed on the first day of trial and should only include **additional instructions** not previously submitted by Plaintiff and a list of **objections** to Plaintiff's instructions.

Exhibits: The parties shall exchange and inspect all exhibits to be used at trial prior to the TRC. Exhibits shall be placed in a 3-ring binder with 1 set for the Court, 1 set for the witness and 1 set for each party. The Courts Judicial Assistant will email the exhibit list template to Counsel. Please provide the JA with your email addresses. Counsel are to return one completed joint list via email to the JA at sneubauer@sb-court.org

SUA SPONTE RULINGS OF THE COURT FOR TRIAL

1. No witness may be called, except with Court permission in exceptional circumstances, unless notice has been given to all parties of the date when the witness will testify. Notice shall be given no later than at the end of the court day proceeding the court day before the witness is to testify (e.g., Thursday session for next court session on following Monday).
2. All witnesses will be excluded from the courtroom, unless otherwise ordered, excepting those for whom an exception exists at law (e.g., parties and corporate representatives).
3. Evidence of, or reference to, settlement negotiations, mediation, and materials related thereto which are privileged under the Evidence Code or by agreement of the parties shall not be allowed.
4. Evidence of, or reference to, insurance or the fact that an attorney is employed by, or has been compensated by, an insurance company shall not be allowed.
5. Evidence of, or reference to, other claims or actions against any party to the litigation shall not be allowed without permission of the Court.
6. Evidence of, or reference to, the financial position or wealth, or lack thereof, of any party to the litigation shall not be allowed without permission of the Court.
7. General motions *in limine* regarding evidence not produced in discovery will not be granted. Where parties expect a dispute regarding the admission of evidence, they should advise the Court at the earliest opportunity. If an issue arises at trial, each party must be prepared to share with the Court the actual discovery record.
8. **Audio-Visual Equipment:** Please confer with Court Staff regarding audio-visual equipment availability.