

COURTROOM RULES, TRIAL ORDERS, and SUA SPONTE RULINGS
SAN BERNARDINO SUPERIOR COURT DEPT S26

THE COURT ORDERS AS FOLLOWS:

1. Counsel, witnesses, and parties are to be civil and polite at all times towards opposing counsel, parties, witnesses, and all court personnel. Counsel are to be familiar with the *Civility Code of the San Bernardino County Bar Association* and the *Hon. Joseph B. Campbell American Inn of Court* as well as California Rule of Court 9.7.
2. Counsel will not be argumentative with the Court. When a ruling is made, that is not an invitation for further argument. The Court does not engage in argument or advocacy.
3. There are to be no speaking objections. Objections are to be made in legal form **without argument** (e.g., Objection, hearsay). Do not engage opposing counsel in argument - arguments should be addressed to the Court **only** after first asking to be heard. During jury trials, any argument on the objection will occur outside the jury's presence.
4. Do not approach the Judicial Assistant when Court is in session.
5. Do not enter the well without permission from either the Court or the Court Attendant.
6. The parties are responsible for providing a Court Reporter with costs to be borne by one or all parties. Realtime is required for trial. Requests for read backs are to be directed to the Court.
7. An Informal Discovery Conference ("IDC") is required prior to the Court hearing discovery motions. Scheduling an IDC stays the deadline for filing discovery motions in complex matters. Parties in unlimited civil matters are encouraged to stipulate to a stay. A joint IDC statement no longer than three pages is due seven court days prior to the IDC. **Failure to follow these guidelines will result in the IDC and/or discovery motions being taken off calendar.** Please refer to the "Discovery Conference Order" posted online and/or Contact the Judicial Assistant at 909-521-3519 for more information.
8. Mandatory Settlement Conference Statements are to be submitted directly in S26 three court days prior to the scheduled MSC.
9. **TRIAL DOCUMENTS** – The parties are ordered to meet and confer with respect to all issues arising from this Order and to exchange all necessary documents such that on the date of the Trial Readiness Conference (TRC). The following documents are filed at least 5 Court Days prior to the trial:
 - a. **Joint** witness list
 - b. **Joint** exhibit list

- c. **Joint** Statement of the Case
- d. Plaintiff's Jury Instructions/Special Verdict
- e. Trial briefs
- f. Motions in Limine

10. EXHIBITS

- a. Exhibits shall be pre-marked in numerical order and if multiple pages, bates stamped at the bottom of each page.
- b. Exhibits must be marked and reviewed by all counsel before testimony starts.
- c. Exhibits shall be placed in 3-ring binders with one copy for the Court and one for the witnesses.

11. JURY INSTRUCTIONS

- a. Plaintiff shall submit, in compliance with **CRC Rule 2.1055**, a complete set of jury instructions with an itemized list of the CACI Instructions and Special Instructions.
- b. Defendant's jury instructions are due on the first day of trial. They should include any additional instructions not previously submitted by Plaintiff and a list of objections to Plaintiff's instructions.

12. MOTIONS IN LIMINE

- a. Motions in limine shall comply with **Local Rule 415**.
- b. Counsel are required to advise the witnesses of any rules pertaining to them and of the Court's rulings on motions in limine.
- c. The parties are expected to read and be familiar with *Amtower v. Photon Dynamics Inc.*, (2008) 158 Cal.App.4th 1582; *Kelly v. New West Financial Services* (1996) 49 Cal.App.4th 659; and *R & B Auto Center Inc. v. Farmers Group Inc.* (2006) 140 Cal.App.4th 327.

13. The parties are to be familiar with all applicable local rules for trial (**Local Rules 411 et seq.**).

14. For jury trials, counsel should be prepared to start every day at 9:30 a.m. as we will be going over jury instructions each day before trial until completed.

15. All PowerPoint slides used in opening or closing must be shared with the opposing side. Any objections to the slides will be handled outside the presence of the jury.

16. No witness may be called unless notice has been given to all parties on the date when the witness will testify absent court approval in exceptional circumstances. Such notice shall be given no later than at the end of the court day preceding the court day before the witness is to testify. (e.g. Thursday session for next court session on following Monday).

17. All non-party witnesses will be excluded from the courtroom, unless otherwise ordered.

18. Upon the swearing-in of the witness, wait for permission from the court to begin inquiry.
19. All witnesses and parties are to be referred to by their surnames and preferred pronouns only and counsel must stand when questioning witnesses unless otherwise directed by the Court.
20. Witnesses may be approached after requesting permission. Once given permission to approach that witness, counsel need not ask again.
21. Do not publish any documents without first seeking court permission. Asking the Court "permission to publish exhibit X" allows an opportunity to object and the Court to make a ruling before the documents are seen by the jury.
22. All timely propounded discovery not timely responded to before the discovery cut-off will be excluded at trial.
23. 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. Each party must be prepared to share with the court the actual discovery record.
24. 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.
25. 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.
26. Evidence of, or reference to, other claims or actions against any party to the litigation shall not be allowed without permission of the court.
27. 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 from the court.

If you have any questions, please call the Judicial Assistant at (909)521-3519.

*** THESE ARE NOW THE COURT'S ORDERS. PLEASE BE FAMILIAR WITH THEM AS THIS CONSTITUTES YOUR NOTICE PURSUANT TO CCP 177.5. FAILURE TO OBEY THESE LAWFULLY ISSUED ORDERS WILL SUBJECT YOU TO ALL AVAILABLE SANCTIONS.**

DATED: January 20, 2026



HON. KEVIN LEE