

TRIAL SETTING ORDERS
SAN BERNARDINO SUPERIOR COURT – DEPT S27
JUDGE THOMAS GARZA

THE COURT ORDERS AS FOLLOWS:

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 TRC, the following documents are filed **directly** in DEPARTMENT S27:

1. **Joint** witness list
2. **Joint** exhibit list (Exhibits shall be pre-marked in numerical order and if multiple pages, bates stamped at the bottom of each page)
3. **Joint** Statement of the Case.
4. **Plaintiff's** Jury Instructions/Special Verdict
5. Trial briefs

EXHIBITS – The parties shall exchange and inspect all exhibits not furnished during discovery. Exhibits shall be placed in 3-ring binders with 1 copy for the Court, 1 for the witness and 1 for opposing party.

JURY INSTRUCTIONS – 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.

MOTIONS IN LIMINE – Motions in limine shall comply with **Local Rule 415** and the 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 CA4th 327.

SUA SPONTE RULINGS FOR TRIAL – Attached are Orders applicable to all trials.

LOCAL RULES - The parties are expected to be familiar with all the applicable local rules for trial (**Local Rules 411 et seq.**)

IF YOU HAVE ANY QUESTIONS, PLEASE CALL MY JUDICIAL ASSISTANT, DEBRA PEDROSA at 909 708-8849

DATED: _____

THOMAS GARZA
HONORABLE THOMAS GARZA

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. 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).
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 from 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**: The Courtroom is equipped with a computer projector, DVD player, document projector ("Elmo") and screens. Connections for the use of computers which tie into the projector are available at counsel tables. Additionally, there is a standard DVD / VCR combination player available in the courtroom and deliberation room. It will NOT play Blu-ray disks.
Please be careful when creating DVDs on computers with the intention of playing them in regular DVD players.
When creating your DVD be sure that you are setting the correct software options to ensure proper playback in a DVD player.

9. The parties are responsible for providing a Court Reporter. Costs to be borne by one or all parties.
Realtime is required for trial.
10. All timely propounded Discovery not timely responded to before the Discovery cut-off will be excluded at trial.