

TRIAL SETTING ORDERS
SAN BERNARDINO SUPERIOR COURT – DEPT S33
JUDGE STEPHANIE TAÑADA

These Orders are constantly evolving based on the Court's needs. Counsel is encouraged to re-check these rules within a month of the Trial Setting Conference to ensure they have not changed.

THE COURT FURTHER 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 DEPT S33:

1. **Joint** witness list with time estimates for direct examination, cross-examination, re-direct, and re-cross;
2. **Joint** exhibit list (Exhibits shall be pre-marked in numerical order and if multiple pages, bates stamped at the bottom of each page; former bates stamps must be removed) with a description of the exhibit and the name of the witness who will testify regarding the exhibit;
3. **Joint** Statement of the Case (only if the parties do not anticipate giving mini-openings);
4. **Joint** Jury Instructions; and
5. **Joint** General or Special Verdict in a jury trial.

"Joint" means combined and integrated. It does not mean that Defendant's list is copy-and-pasted after Plaintiff's list on the same pleading. For example, the joint witness list should list each witness's name once—not once on Plaintiff's portion and once on Defendant's portion. Similarly, the joint exhibit list should not repeat exhibits. Each exhibit should only appear once. For example, the Court will not refer to Plaintiff's Exhibit 11 during Plaintiff's direct and then refer to Defendant's Exhibit 103 during Defendant's cross. Exceptions may be made for documents with subsequent additions, e.g. handwritten notes.

A working copy for the judge's convenience should be provided in a tabbed binder. If the parties appear without joint documents, the Court will order the parties to meet and confer in the courthouse and return to S33 with the required joint documents. Failure to comply with the joint document requirement is cause for sanctions. The Court will not continue the trial date on account of the parties' failure to prepare joint documents.

TRIAL BRIEFS- Trial briefs are only required for bench trials and the Court will request that you stipulate to use the trial brief in lieu of an opening statement. Please do not submit trial briefs for jury trials unless the time estimate is over ten days. The Court will not consider trial briefs it did not ask for. If trial briefs are provided, they shall be included in the judge's working binder with the witness list, exhibit list, etc.

EXHIBITS- The parties shall exchange and inspect all exhibits not furnished during discovery. Prior to the Trial Readiness Conference, counsel shall meet and confer and attempt to stipulate to (1) authentication and (2) admissibility. Exhibits shall be placed in 3-ring binders with 1 copy for the Court, 1 for the witness and 1 for all other parties to the action. Please see the Court's *sua sponte* rulings below for further orders.

JURY INSTRUCTIONS- All parties shall submit, in compliance with **CRC RULE 2.1055**, a complete set of joint jury instructions (with a generic pleading cover sheet) with an itemized list of the CACI Instructions and Special Instructions, if any.

"Complete" means all brackets and blank spaces must be filled in and agreed to by the parties. Counsel should clearly mark any disputed instructions. The Court will consider all unmarked instructions as "undisputed."

MOTIONS IN LIMINE- Motions in limine ("MILs") will be heard on the first day of trial. However, the parties should consider the Trial Readiness Conference the hearing date for purposes of service and filing dates. Moving papers and oppositions **ONLY** shall be served and filed according to Code of Civil Procedure § 1005(b). Replies are due on the date of the Trial Readiness Conference. At the Trial Readiness Conference, the moving party is to present their MILs in a tabbed and indexed

binder (or binders) in numerical order. Each number shall have the moving papers, opposing papers, and replies back-to-back, for ease of the Court reference.

MILs 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, as well as the Court's *sua sponte* rulings below **This constitutes notice that the Court will issue sanctions in the amount of \$250 per motion for any motion that violates the Local Rule, cases, or is already addressed by a *sua sponte* ruling.**

SUA SPONTE RULINGS – 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, MS. AMIE ARROYO, AT 909-708-8850 or MY COURTROOM ATTENDANT, MS. MARSHA MIRANDA, AT 909-708-8814.

DATED: December 29, 2025



HONORABLE STEPHANIE TAÑADA

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 proceeding the court day before the witness is to testify.
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. Any motion seeking permission must be served and filed as if the Trial Readiness Conference were the hearing date. Untimely motions or motions made mid-trial will not be considered without a showing of good cause.
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. Any motion seeking permission must be served and filed as if the Trial Readiness Conference were the hearing date. Untimely motions or motions made mid-trial will not be considered without a showing of good cause.

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, including proofs of service.
8. Motions in limine regarding the “Golden Rule” or the “Reptile Theory” will not be granted. The Court is well aware of the underlying law and expects all parties and their counsel to comply. The Court also expects opposing counsel to timely object if appropriate.
9. Absent a formal request at the Trial Readiness Conference, mini-openings are limited to three minutes per party. The Court may extend the time for mini-openings upon a showing of good cause.
10. The Court expects counsel to limit the trial exhibit books to the pages necessary for witness examination and for the jury. For example, a full set of medical records should not be a trial exhibit unless counsel intends to use every single page (and then the Court will request an offer of proof). Discovery responses should not be a trial exhibit. Deposition transcripts should not be a trial exhibit. Exhibits planned for impeachment should not be in the exhibit books. Exhibits should not have “sub-exhibits.” The Court may sanction counsel for failure to comply with a court order for violating this rule, e.g. identifying and submitting 92 exhibits (30 of which are discovery responses and deposition testimony) and only seeking to admit 15 exhibits in total—one of which was two pages of a 25+ slide PowerPoint and another was six pages of a 100+ page personnel file.
10. Demonstrative evidence and/or site inspections taking place outside of the courtroom shall not be allowed unless the requesting party makes a formal, written request at the earlier of the Trial Readiness Conference or at least one week prior to the viewing/inspection. The request shall include the proposed location of the viewing, a time estimate including travel to and from the location, whether all parties are waiving a court reporter for the inspection, and proposed safety measures for the jurors, attorneys, courtroom staff, and judge.
11. The Court generally allows non-party witnesses to testify via Zoom, Teams, or any similar technology, upon notice at the Trial Readiness Conference. Should counsel choose to utilize this format, the Court expects counsel to have at least one trial team member familiar with running and troubleshooting the technology present during the witness's testimony. The Court will not provide IT assistance should technical difficulties occur before or during the witness's testimony. The party calling the remote witness is expected to remind all other parties and the Court at least

48 hours before the witness testifies. Remote witnesses must testify from a laptop or desktop computer with a secure, isolated connection and have live technical support available during the entirety of the witness's testimony. No witness will be allowed to testify from a tablet, cellular phone, or other small, personal device, or testify from a public place, e.g. a coffee shop, a library, outdoors, etc. All parties must provide the remote witness with a hard copy of all exhibits to be used during testimony (with the exception of impeachment exhibits) prior to the clerk swearing in the witness. (The trial team member familiar with running and troubleshooting the technology is expected to assist with displaying the impeachment evidence for the witness, should this occur.) The party calling the remote witness is expected to work with all counsel and the witness to ensure the witness has all proposed exhibits from all parties prior to testifying. The attorney calling the witness is expected to conduct a "test run" with both the witness and the Courtroom Attendant one of the breaks or the day prior. Arrangements may be made directly with the Courtroom Attendant, Ms. Marsha Miranda.

12. The Court recognizes that, as AI tools proliferate generally in society, there may arise situations in which AI-generated documents or materials (for example, created by a Party prior to the commencement of litigation) are or may become exhibits, evidence, or the subject of factual disputes in an action. In such situations, a pro per party or counsel shall follow the procedures below with regard to proffering evidence, documents, or other factual material which that Party or counsel knows or has any reasonable basis to believe is or was created in whole by a generative AI or any AI tool for creating text, documents, images, video, graphics, audio, or any other material:

- a) If a Party or counsel seeks to file or otherwise present to the Court any such AI-generated evidentiary material, no such material shall be considered unless previously disclosed or produced timely in discovery (or, with respect to demonstrative exhibits, by the Trial Readiness Conference).
- b) Contemporaneous with the production or disclosure of any such AI-generated evidentiary material, counsel shall serve a Notice to the opposing Party or side identifying such material with sufficient specificity to locate it (such as by Bates or production number, by attaching a copy to such Notice, by promptly responding to any request for counsel to provide a copy of such material, or by any other means which reasonably permits the other Party or side to identify and locate the material promptly). Any such AI-generated material which does not have an accompanying Notice shall not be considered by the Court. Absent stipulation between the Parties or other order of the Court on scheduling, at the

time of the submission or filing of any such material to the Court, the Party or counsel proffering such AI-generated material to the Court shall file and serve any declarations, affidavits, or sworn testimony to address the material's authenticity under the Evidence Code.

c) If a Party or counsel chooses to use an AI or other automated tool as part of a process for creating exhibits, demonstratives, or other material to be filed or presented to the Court, they shall only do so consistent with their ethical and legal obligations and shall use such tools responsibly and with competent training, knowledge, and understanding of the limitations and risks of such automated tools. **Parties and counsel shall not file, proffer, or otherwise present to the Court exhibits, demonstratives, or other evidentiary or factual material which contain AI-hallucinated assertions of fact, uncorroborated statements as to factual matters or evidence, or any fictitious or non-existent references or citations to law or fact.** A *pro per* party's or counsel's failure to confirm or double-check the accuracy, veracity, or even existence of a basis for an assertion of fact or evidence created by an AI tool is grounds for potential sanctions.

d) Any exhibit, demonstrative, or other material to be filed or presented to the Court which was created or drafted with any assistance or use of an AI tool shall be identified as such in its title or caption, in a table preceding the body of exhibit, demonstrative, or other material, and by a separate Notice filed contemporaneously with the document or material. Counsel shall maintain records sufficient to identify, if requested by the Court, those portions of that exhibit, document, or material created or drafted by use of an AI tool.

e) Third parties and non-parties to an action may own and operate publicly available AI tools. The owner or operator of any such AI tool may have access to, ownership of, or otherwise retain information input or submitted to such AI tool, including queries or prompts. Counsel and Parties choosing to use an AI or other automated tools shall fully comply with any applicable protective order and all applicable ethical/legal obligations (including issues relating to privilege) in their use, disclosure to, submission to, or other interaction with any such AI tools. Such counsel and parties using any AI tool shall maintain records sufficient to establish and corroborate their compliance with this Order, if asked by the Court, such as by keeping records of all prompts or inquiries submitted to any such third-party AI tools.

13. **Audio –Visual Equipment:** The Courtroom is equipped with a computer projector, DVD Player, document (“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 Blue-ray disks.

Please be careful when creating DVD's on computers with the intention of playing them on 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. It is strongly advised, and most commonly practiced, that you use your own computer for playing any DVD evidence.