

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DIVISION
JUDGE EDDIE C. STURGEON, Department C-67**

330 West Broadway, San Diego, CA 92101

Courtroom Clerk: (619) 450-7067

Calendar Clerk: (619) 450-7304 / Phone Hours: 8am – 3pm

Superior Court Web Site: www.sdcourt.ca.gov

ADVANCE TRIAL REVIEW ORDER

CASE NUMBER: _____

CASE NAME: _____

ORDER

Trial counsel are ordered to personally appear in Department C-67 at 08:30 AM for Trial Call and report to the Court (1) their readiness at trial; (2) the estimated length of trial; (3) whether a jury is required; (4) that there are no witness problems; and (5) that all intended exhibits have been properly pre-marked and indexed.

Trial counsel for the parties are ordered to meet in person within the County of San Diego at least three (3) court days before the initial trial call for the purpose of arriving at stipulations and agreements resulting in the simplification of the triable issues in this case. At this meeting of trial counsel, the following information shall be addressed, prepared, displayed and/or exchanged.

EVIDENCE AND EXHIBITS

☐ **#1.** Counsel shall disclose to each other and pre-mark all exhibits that the parties seek to introduce at trial. Counsel shall together prepare and submit a single numerical index of all exhibits. The index shall include: (1) the exhibit number; (2) the proponent of the exhibit; (3) a brief description of the exhibit; (4) whether the parties have stipulated to the admissibility of the exhibit; and, if not, (5) the legal grounds upon which the admission of the exhibit will be challenged. The index shall be submitted in triplicate.

Exhibits not included in the index are subject to exclusion at trial except true impeachment exhibits.

Exhibit tags must be completed and attached in an appropriate, readily visible, location on the exhibit being careful not to obscure any information on the exhibit.

See Example of Evidence List/Index on page 6.

Example of Tan/Light Brown Court Exhibit Tag shown below:

(Obtain Exhibit Tags in the Superior Court Civil Business Office – Hall of Justice, Central Division)

Court's Ex. _____
Case # _____
Red'd _____
Dept _____ Clk _____

☐ **#2.** If depositions are intended to be used during trial in lieu of live testimony, counsel shall submit to opposing counsel the excerpts to be used at the Joint Trial Conference Report meeting of counsel. All Counsel shall make a good faith effort to resolve any objections to this testimony. Any remaining objections shall be brought to the Court's attention by special notation in the Joint Trial Conference Report.

It is the responsibility of the proponent of the evidence to prepare clean copies of the excerpts, which shall include the beginning and ending page and line numbers.

The original transcripts of all depositions to be used during the course of the trial, for any purpose, shall be lodged with the Court prior to the commencement of the trial. Failure to lodge the original transcript is grounds for the exclusion of the deposition and its use.

Any problems in this regard shall be brought to the Court's attention prior to prior to the commencement of the trial.

☐ **#3.** Any audio-visual presentations and any electronic demonstrative aids which are intended to be utilized during the course of the trial must be disclosed to the opposing counsel and the Court by specific reference in the Joint Trial Conference Report.

Where appropriate, counsel shall prepare a clean, legible transcript if any audio presentation for the aid and assistance of the jury in such presentation.

☐ **#4.** Each party seeking monetary damages shall prepare a summary of the documentary evidence supporting the damages sought. This summary shall be included within the exhibit index and proffered during trial in lieu of the underlying documentary exhibits in accordance Evidence Code, section 1521.

VOIR DIRE AND JURY SELECTION

COUNSEL ARE REFERRED TO CODE OF CIVIL PROCEDURE SECTION 222.5; CALIFORNIA RULES OF COURT, RULE 228; AND CALIFORNIA STANDARDS OF JUDICIAL ADMINISTRATION, STANDARD 8(f) AS THEY PREPARE AND FRAME THEIR VOIR DIRE QUESTIONS.

☐ **#5.** Counsel shall prepare a joint, brief, non-argumentative summary of the factual nature of the case, **including a brief summary of the plaintiff's injuries, if applicable**, which may be read to the prospective jurors by the Court prior to the commencement of voir dire. Counsel shall also prepare and submit a joint list of witnesses who are likely to be called to testify during trial. The list shall be in alphabetical order and submitted in triplicate.

☐ **#6.** The Court will conduct initial voir dire consistent with California Rules of Court and Statute. Should counsel wish the Court to ask specific questions of the prospective jurors the specific questions shall be provided to the Court in written form and exchanged between all counsel prior to the commencement of the trial. Any objection to any of such questions shall be addressed to the Court prior to the commencement of voir dire.

JURY INSTRUCTIONS

☐ **#7.** Counsel shall prepare and submit a **JOINT** set of jury instructions **WHICH SHALL BE FILED WITH THE COURT FIVE (5) COURT DAYS PRIOR TO THE TRIAL CALL OF THE CASE**. This **JOINT** set of instructions shall consist of one package of instructions for all parties to the trial. The instructions shall be in the order in which the parties suggest that they be given.

Counsel shall also submit any proposed alternate jury instruction at least five (5) court days prior to trial call. When alternate instructions are presented they are to be jointly prepared so that the submission includes the proposed instruction as well as the specific legal grounds for any objection. Each set of alternate jury instructions requiring the Court's ruling on an objection will be prepared as a separate package and apart from the joint set of agreed to jury instructions.

THE SUBMISSION OF CACI NUMBERS ALONE IS NOT ACCEPTABLE

The full text of an instruction is to be presented to the Court at the time of the commencement of the trial. If CACI instructions are to be utilized, all blanks shall be filled in and all bracketed material that is not applicable shall be deleted.

☐ **#8.** Jury instructions not included in the jointly submitted package of instructions and/or not listed in the Joint Trial Conference Report and prepared as outlined above are subject to exclusion at trial.

☐ **#9.** _____ [name of party] waived its right to a trial by jury by failing to post fees timely. Any other party seeking jury trial must post fees within five (5) calendar days after the Trial Readiness Conference, or jury is waived as to all parties. (Code of Civil Procedure, Section 631 (b)).

MOTIONS IN LIMINAE FILING DEADLINES

☐ **#10.** All Motions *In Liminae* shall be prepared and filed in accordance with California Rules of Court, Local Rule 2.1.18, or personally served **at least five court days in advance of the trial call date**.

The title of each *in liminae* motion shall identify the moving party and describe the nature and purpose of the motion. Each motion shall be numbered sequentially including the total number of *in liminae* motions.

EXAMPLE: "Plaintiff JANE DOE'S Motion *In Liminae* to Exlude the Testimony of Joe Expert. No.: 1 of 6."

Written opposition to *in liminae* motions shall be filed (and faxed) in compliance with California Rules of Court, Local Rule 2.1.18, or personally served at least three (3) days in advance of the trial call date. Each opposition shall identify both the party filing opposition and the specific motion that is being opposed by the name of the moving party and the motion number.

EXAMPLE: "Defendant RICHARD ROE'S Opposition to Plaintiff JANE DOE'S Motion *In Liminae* No: 1."

☐ **#11.** TRIAL BRIEFS: Counsel for each party are **required** to file a trial brief with the Court. **TRIAL BRIEFS SHALL BE FILED WITH THE COURT FIVE (5) COURT DAYS IN ADVANCE OF THE TRIAL CALL DATE.**

WITNESSES

☐ **#12.** TRIAL WILL NOT BE DELAYED TO ACCOMMODATE WITNESS SCHEDULING PROBLEMS. In the absence of extraordinary circumstances, a party will be deemed to have concluded the presentation of his or her case once the examination of available witnesses has been concluded.

☐ **#13.** Witnesses not listed on the Joint Trial Conference Report are subject to exclusion at Trial except for true impeachment witnesses.

ADDITIONAL ORDERS

FAILURE OF COUNSEL FOR ANY PARTY TO COMPLY WITH THE ABOVE-STATED REQUIREMENTS AND ORDERS MAY RESULT IN THE EXCLUSION OF EVIDENCE; OR BE CONSIDERED AN ABANDONMENT AND/OR FAILURE TO PROSECUTE OR DEFEND THE ACTION DILIGENTLY. ACCORDINGLY, A JUDGMENT MAY BE ENTERED AGAINST THE DEFAULTING PARTY EITHER WITH RESPECT TO A SPECIFIC ISSUE OR ON THE ENTIRE CASE.

IF COMPLIANCE WITH ANY PART OF THIS ORDER BECOMES UNDULY BURDENSOME, THAT FACT SHALL BE BROUGHT TO THE COURT'S ATTENTION IMMEDIATELY FOR RESOLUTION.

All counsel and parties are put on notice that pursuant to "GENERAL ORDER OF THE PRESIDING DEPARTMENT – ORDER NO. 090512" THE COURT NO LONGER PROVIDES CERTIFIED SHORTHAND REPORTERS FOR ANY CIVIL MATTER. The parties are directed to the San Diego Superior Court website www.sdcourt.ca.gov for specific information regarding court reporters.

ACKNOWLEDGMENT OF COUNSEL

THE UNDERSIGNED COUNSEL ACKNOWLEDGES THAT EACH HAS READ AND UNDERSTOOD EACH REQUIREMENT AND ORDER OF THE ABOVE ADVANCE TRIAL REVIEW ORDER:

Signature of Counsel:

Counsel for: [party name]

IT IS SO ORDERED.

DATED: _____

Eddie C. Sturgeon, Judge of the Superior Court

Example of Joint Trial Exhibit List (Word Format)

JOINT TRIAL EXHIBIT LIST

Case No.: _____ **Case Name:** _____

EXH NO.	SUBMITTED BY: Pltf. / Deft.	EXHIBIT DESCRIPTION	DATE IDENTIFIED	DATE ADMITTED

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

DEPARTMENT 67 – HON. EDDIE C. STURGEON

The Court requires counsel to bring to the Friday Trial Call a Joint Trial Notebook comprised of the following:

1. Table of contents.
2. Copy of Joint Trial Readiness Report.
3. Copies of *In Limine* motions and oppositions, in order (motion followed by opposition).
4. Copy of Joint Witness List with a short sentence describing the witness (i.e., Dr. Steven Smith, an orthopedic surgeon from County Hospital).
5. Copy of Joint Exhibit List. The list shall be carefully reviewed to insure the description of the Exhibit matches the Exhibit.
6. Copies of Trial Briefs.
7. Joint Statement of the Case, in neutral form suitable to be read to prospective jurors. (Competing version not acceptable.)
8. Voir Dire questions counsel requests Court to ask (if any).
9. Jury Instructions packet of agreed upon instructions and packet of not agreed upon instructions with post it notes indicating who opposes the instruction.
10. Special Verdict Form(s) either agreed upon form(s) or each side's proposed Special Verdict Form(s).

In addition, the following are due the day trial commences:

1. Two exhibit binders (original for the witness, premarked with Court Exhibit tags, and one copy for the Court). Each exhibit shall be marked with a discrete number, and shall be correctly identified. By way of example, it is impermissible to label "Dr. Jones' file" collectively as Exhibit 25.
2. Three copies of the Joint Witness List.
3. Three copies of the Joint Exhibit List.
4. Copies of Deposition Transcripts that will be used during trial.