

Honorable Mark T. Cumba, Presiding

Department 65 - Central Civil Division – 4th Floor Hall of Justice

Policies and Procedures (Revised May 19, 2025)

Courtroom Staff:

Courtroom Clerk: 619-450-7065
Calendar Clerk: 619-450-7303 (Phone hours 8:00 a.m. to 3:00 p.m.)

Ex Parte Matters: Ex parte hearings are by reservation only on Tuesdays, Wednesdays, and Thursdays at 8:30 a.m. All ex parte applications must comply with the California Rules of Court, Rule 3.1200 *et seq.* Ex parte papers must be filed with the court and courtesy copies of all e-filed documents delivered to the Department 65 drop box no later than noon the day before the hearing, with the appropriate fee, in compliance with San Diego County Superior Court Rule 2.1.19. The court may not consider any late-filed papers.

Informal Discovery Conferences (IDCs): The court makes itself available to the parties during ex parte hours to informally discuss discovery disputes. These may be set by calling the calendar clerk. Before reserving an IDC, parties must actually meet and confer to discuss the dispute (an email/letter is insufficient) and make a good faith effort to resolve the dispute.

In advance of the IDC, each party should submit a concise statement, no more than three (3) pages in length, stating the party's position regarding the dispute. The purpose of IDCs is to facilitate meaningful discussion and help the parties reach an agreement regarding the discovery dispute. No orders will be made at the hearing.

An IDC does not toll the statutory deadline to file a motion to compel. The parties may, however, stipulate to extend deadlines to help facilitate a resolution of a discovery dispute without the need for a motion.

Petitions for Minor's Compromise: Petitions to compromise minors' claims are heard during ex parte hours and must comply with the California Rules of Court and San Diego County Superior Court Rule 2.4.6.B.

Applications for Appointment of Guardian ad Litem (GALs): Applications for appointment of GALs are governed by Code of Civil Procedure section 372 and San Diego County Superior Court Rule 2.4.6.A. Applications may be submitted for review without an appearance.

Orders to Serve by Publication: Applications requesting an order to serve by publication may be submitted for review without an appearance. Affidavits will be scrutinized to determine whether the applicant is in compliance with Code of Civil Procedure section 415.50, subdivision (a).

Stipulated Protective Orders/Motions to Seal: Proposed stipulated protective orders for protection of confidential information will only be approved if the language in the proposed order is consistent with California Rules of Court, rules 2.550 and 2.551. Motions and applications to seal must comply with rules 2.550 and 2.551. Records will not be sealed based solely on the agreement or stipulation of the parties. If documents have been lodged conditionally under seal in support of/opposition to a motion, the substantive motion will not be decided until after the hearing on the motion or application to seal. Parties may appear ex parte to request a hearing on a motion to seal in advance of a pending substantive motion, or alternatively, to continue the substantive motion.

Law and Motion Matters: All law and motion matters are heard by reservation only either by calling the calendar clerk or using the "[Reserve a Motion Date](#)" application on the Court's website. Motions are generally set on Fridays at 8:30 a.m. Tentative rulings are issued pursuant to California Rules of Court and San Diego County Superior Court Rules. If no one appears for a hearing for which a tentative ruling was issued and the parties did not submit on the tentative ruling, the court may take the matter off calendar, order the tentative ruling to become the final ruling, or make a different order at the

hearing. Be advised that paper notices filed with the court may not alert the department that motions are off calendar.

Case Management Conferences (CMCs): CMCs are held on Fridays starting at 10:15 a.m. Parties must comply with California Rules of Court and San Diego County Superior Court Rule 2.1.9. At CMCs, no matters will be set for mediation unless requested by both parties.

Trial Readiness Conferences (TRCs): TRCs are held on Fridays at 9:45 a.m. Parties must submit their Joint TRC Report five (5) court days before the scheduled TRC. If a joint TRC report is not timely filed and the matter has not fully resolved, trial counsel must appear in person at the TRC. Parties must comply with California Rules of Court and San Diego County Superior Court Rule 2.1.15.

Trial Calls: Trial Calls are held on Fridays at 9:30 a.m. The Court allows virtual appearances at Trial Call only if parties previously submitted a **Joint** Trial Notebook, containing:

1. Table of Contents
2. Copy of Joint Trial Readiness Report
3. Copies of Motion in Limine and Oppositions (in order)
4. Joint Witness List (with description of witnesses' expected testimony)
5. Joint Exhibit List (with objections noted)
6. Copies of Trial Briefs (if any)
7. Joint Statement of the Case
8. Proposed Voir Dire Questions (if any)
9. Jury Instructions (packet agreed upon and packet of those not agreed upon, with indication of who is offering and objecting)
10. Special Verdict Form (either an agreed upon form or each side's proposed forms). If the parties fail to make a genuine effort to limit disputes on the form of the special verdict, a general verdict form will be utilized.

All exhibits must be pre-marked in an up-to-date exhibit binder. All exhibits, demonstrative aids, or other material to be used in opening statements must be shared with opposing counsel in advance.

Motions in limine must be filed at least **five (5) court days** prior to Trial Call and Oppositions to MILs must be filed at least **two (2) court days** prior to Trial Call pursuant to San Diego County Superior Court Rule 2.1.18. Parties should also submit a second notebook containing Motions in Limine (MILs), followed by Oppositions, if any (not separate notebooks). No replies to MILs should be submitted.

Trials: Trial hours are Monday through Thursday, 9:00 a.m. until 12:00 p.m. and 1:30 p.m. until 4:30 p.m., unless otherwise ordered.

Remote Appearances: Remote appearances are governed by Code of Civil Procedure section 367.75, California Rules of Court, rule 3.672, and San Diego County Superior Court Rule 2.5.8. See the Court's website for up-to-date information about how to appear virtually. Absent good cause, parties are expected to personally appear at settlement conferences, trial readiness conferences, and trial calls.

Default Judgment by Court: Papers must comply with California Rules of Court, rule 3.1800. Noncomplying papers will be returned with a notation of defects. If personal testimony is required, counsel will be contacted by the courtroom clerk to schedule a default prove-up hearing. Proposed default judgments claiming punitive damages and/or non-economic damages will generally require a hearing. Default prove-up hearings are calendared for Fridays at 1:30 p.m.

[Dept. 65 – Advance Trial Review Order](#)

[Dept. 65 -- Trial Requirements](#)

[Joint Exhibit Index Sample](#)

[Stipulation for Release of Exhibits](#)