

BE ADVISED: The parties and/or their counsel are expected to appear, either in-person or remotely, for the Trial Readiness Conference (TRC). They will be charged with knowledge of the following Orders whether they appear or not. Failure to comply with the following Orders may subject a party or counsel to sanctions under Code of Civil Procedure §177.5, and/or may result in evidence or witnesses being excluded at the trial or evidentiary hearing.

Procedures for Trial/Evidentiary Hearing:

- Parties are to confirm at the TRC all issues to be heard at the trial or evidentiary hearing.
- Parties are to confirm the time estimate. Parties will be held to the same - plan witnesses and presentations accordingly. All else being equal, half the time will be allotted to each side.
- This Department’s practice is that all counsel and parties will appear ***in person*** for trials and evidentiary hearings. A party or counsel may request an exception for good cause at the TRC. In most cases, witnesses have the option of appearing in person or remotely by videoconferencing via Microsoft Teams (MS Teams) for hearings in Dept. 904. If the Court requires in-person appearances, it will discuss that at the TRC. ***Any party seeking to have a witness appear remotely must comply with California Rules of Court (CRC), rule 3.672.*** Information regarding the MS Teams platform can be found on the San Diego Superior Court website. Presentation of testimony by telephone only (i.e., without video) is heavily disfavored and will need to be approved by the Court. The Court may use Zoom only if MS Teams becomes unavailable. Any videoconferencing platform other than MS Teams (and Zoom if MS Teams is unavailable) will not be used by the Court. Daily sessions begin at 9:00 am and 1:30 pm, unless otherwise ordered. The Court will try to initiate the videoconference by 8:45 am.
- A trial brief, exhibit lists, and witness lists are required unless the Court states otherwise at the TRC, and must be delivered directly to this Department no later than seven ***court*** days (not calendar days) in advance of trial. They are to be exchanged by the parties according to rule 5.394 of the California Rules of Court. If you are relying on previously filed pleadings, you must so inform the Court at the TRC.

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- All income and expense declarations, if relevant to the proceedings, must be submitted with the trial briefs. Ensure that Income and Expense declaration are **complete** per statutory requirements, and the parties must follow the directions on the Form FL-150.
 - Advise the Court at the TRC if interpreters will be needed. The parties are responsible for requesting interpreters via Form SDSC ADM-348 well in advance, and this will be confirmed at the TRC.

9 **Exhibits:**

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- All exhibits **must be pre-marked and tabbed** as Court's exhibits: Petitioner has numbers 1 -300; Respondent has numbers 301-600. The first page must all contain an exhibit label for the clerk's use. If an Exhibit contains multiple pages, and they are not already Bates-stamped, give each page an identifying number. For instance, if Exhibit 5 is a four-page document, the pages should be marked "5-1," "5-2," "5-3," and the last page, "5-4." The exhibit number is to be placed in the lower righthand corner.
 - If there are more than 50 pages of exhibits, they must be compiled in 3-ring binders. If you are submitting more than one binder, identify on the spine of the binder the exhibits contained therein.
 - No exhibit binders should be more than three (3) inches thick. Thicker binders are unwieldy, heavy, difficult to handle, and often break open. Binders that exceed this limit may be returned to the party for reorganization.
 - Exhibit binders must be provided no later than two court days before the hearing or trial commences.
 - Your binder must include a cover page listing all exhibits with a column in which the Court can mark whether it was admitted or not, and on what date.
 - Each party must file with the Court two sets of 3-ring binders containing your exhibits: an original and one copy. Each party must also provide one set of exhibit binders to the other party and must have binders available to any witnesses at court or at their locations (including those who will be appearing on MS Teams only – they must receive all exhibits in advance).

- The Court strongly encourages all parties and counsel to utilize iPads for the presentation of evidence during trial if resources allow, particularly in cases where exhibits will be numerous. If iPads are used, only one set of devices should be provided for Trial, and each parties' exhibits shall be downloaded on the iPads. The parties shall meet and confer to determine if use of iPads is feasible, who shall provide them, and how the downloading of exhibits on to the iPads shall be overseen and accomplished. If iPads are utilized, one set of hard-copy exhibits shall be provided by all parties, to be marked by the clerk and/or used in the event of equipment failure.
- The Court strongly encourages the parties to agree on the admissibility of exhibits, if possible, and the parties are ordered to meet and confer regarding the same. If parties stipulate to exhibits, note on the cover sheet in the binder which exhibits those are. The Court will not receive exhibits into evidence *en masse*, but prior stipulations to admissibility will create greater efficiency during the trial.
- Be advised that the Court ***does not have the capability of presenting electronically stored evidence using its own equipment***. The Court has a screen on which evidence can be shown, and cables that can be connected to a laptop, but will not be able to insert flash drives, memory sticks, CDs or other storage devices into court computers or laptops. Therefore, you must provide your own laptop or other equipment to show that evidence during the trial.
- If you will be appearing on MS Teams and wish to present documentary or other evidence via Teams, you will need to request at the appropriate time that the Court make you a presenter so that you can share your screen. You must ensure that the Court and all parties have copies of all such exhibits in advance of the hearing.
- Parties must comply with CRC rule 2.1040(b) if they plan to offer any electronic sound or sound and video recording as evidence at trial. Failure to do so could result in the exclusion of said evidence.
- Be sure to include a means of return for all exhibits.

In Limine Motions:

- All *in limine* motions must be filed, served and responded to on the schedule set at the Trial Scheduling conference or if no such schedule was provided, then the motions must be served and filed no later than two days before the start of the trial or evidentiary hearing, unless the Court

1 orders otherwise at the TRC or some other time. Written or oral responses can be provided on
2 the first day of the trial or evidentiary hearing, or if the Court sets another hearing date, then
3 responses must be provided as ordered by the Court.

- 4 • Standard evidentiary objections (e.g., lack of foundation, relevant, Evidence Code section 352 etc.)
5 may be made at trial at the time of the opposing party's request to receive the exhibit into
6 evidence.
- 7 • If there are significant evidentiary objections or other pretrial requests that require legal authority
8 and argument, these issues should be raised at the TRC and addressed in a motion *in limine* (for
9 example, if a party anticipates objecting to all or part of an expert report).
- 10 • Upon request the Court will set a special hearing to address the motion *in limine* matters at least
11 two court days in advance of the trial or hearing.

12 **Witness Testimony:**

- 13 • Each party is responsible for ensuring that their non-party witnesses (who are not voluntarily
14 appearing) are properly and timely served with subpoenas, if necessary, according to law and the
15 Court's rules. The Court does not do this itself. Absent extremely good cause, the Court will not
16 continue a hearing solely on the ground that a witness has not appeared because the party did not
17 timely or properly serve that witness with a subpoena.
- 18 • Prior to the hearing, ensure that each witness knows how to connect to MS Teams and has a good
19 connection so as not to delay the court proceedings.
- 20 • Ensure that your remote witnesses are aware that they will be visual to the Court via MS Teams,
21 and that they should dress appropriately and locate themselves in a private, quiet area without
22 outside distractions. The Court will not hear testimony from a witness located in a vehicle or
23 other noisy, nonprivate or unsafe location.

24 **Child testimony:**

- 25 • If you would like to call a child as a witness, you must first review CRC rule 5.250(d)(3). Calling
26 children to testify is not usually in their best interest, particularly when a child is there to testify
27 against a parent or express a preference in favor of one parent over another.
- 28 • Advise the Court at the TRC whether a child wishes to address the Court. The Court will consider
all pertinent factors, including those set forth in CRC rule 5.250(c) and (d). The Court may also set

1 a separate hearing to address when and how the child will testify, who will ask the questions, and
2 what the subject matter of the questions should be.

- 3 • If the Court does not permit the child’s testimony, it may utilize an alternative, such as having the
4 child interviewed by Family Court Services (FCS).

5 **The Court’s Trial Preparation:**

- 6 • The Court will read the trial briefs and review other pertinent documents to prepare for the trial
7 or hearing, such as past orders, motion papers, and income and expense declarations, and (if
8 they are not excluded) custody evaluations, FCS Reports, and expert reports.
- 9 • The Court may prepare up to one week in advance of a trial or evidentiary hearing. It is essential
10 that all required briefs, other pleadings, and lodgments be provided to the Court by the ordered
11 deadline.
- 12 • If the parties are in active settlement talks, they must comply with San Diego Local Rule 2.1.14 if
13 they settle their case before the hearing.

14 **Court Reporters:**

- 15 • Official Court Reporters are not provided for long-cause matters being heard in Department
16 904. **The only exceptions are:**
 - 17 ▪ There is a fee waiver on file **and** the party with the fee waiver has made a formal
18 request for a Court Reporter using form ADM-379;
 - 19 ▪ Contempt Trials.

20 **Filing:**

- 21 • All pleadings, lodgments, exhibits and any other written material ***must be directly filed*** in
22 Department 904. **DO NOT E-FILE TRIAL DOCUMENTS.** If filed in the Family Business Office, they
23 will be sent to the home IC court department and not this Department. ***Before making the***
24 ***delivery, call 619-844-2094 to make an appointment with the clerk to ensure that the clerk will***
25 ***be available to receive the documents.***

26 **IT IS SO ORDERED.**