

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

**CASE NAME:** \_\_\_\_\_ **vs.** \_\_\_\_\_

**CASE NO.:** \_\_\_\_\_

ADVANCE TRIAL REVIEW ORDER MADE BY DEPARTMENT **74** ON \_\_\_\_\_  
BY THE HONORABLE KERI KATZ

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 date for the purpose of arriving at stipulations and agreements resulting in the simplification of triable issues. At the meeting, the following information shall be prepared, displayed, and or exchanged:

**EVIDENCE/EXHIBITS**

- \_\_\_\_ 1. Counsel shall produce and [pre]mark all exhibits the parties seek leave of court to introduce at trial. Counsel shall prepare a joint numerical index of all exhibits for submission to the trial judge. If an exhibit has multiple pages, each page must be separately numbered (e.g., 1-1, 1-2, etc.). The index shall indicate: 1) the exhibit number, 2) by whom the exhibit is being offered, 3) a brief description of exhibit, 4) whether the parties have stipulated to admissibility, and, if not, 5) the legal ground(s) for objection(s) that the objecting party intends in good faith to rely on at trial (see the attached example for joint exhibit list). The index shall be submitted in triplicate. Exhibits not included in the index are subject to exclusion at trial, true impeachment exhibits excepted. Exhibit tags must be completed and attached on the lower right-hand corner of each exhibit. See exemplar below:
  
- \_\_\_\_ 2. If depositions are intended to be used in lieu of live testimony, counsel shall submit the excerpts to be used to opposing counsel at the above meeting. Proposing and opposing counsel shall make a good-faith effort to resolve any objections. Any remaining objections shall be brought to the Court's attention prior to the start of trial. It shall be 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, to be given to the trial judge and placed in the record to eliminate the need of reporting the reading of the testimony. The original transcripts of all depositions which may be used at trial for any purpose shall be made available for use by the Court before the commencement of trial, along with a list of any changes made by the deponent after taking of the deposition. Any problems in this regard shall be brought to the Court's attention prior to the start of trial.

- \_\_\_ 3. With regard to any audio or video presentations intended to be used at trial, the proponent shall prepare a written transcript and the procedures set forth in the preceding paragraph shall apply and the proponent shall be responsible in editing the video. Counsel are to meet and confer regarding any disputes as to the accuracy of the transcript (see CRC 2.1040) and bring the issue to the Court's attention.
- \_\_\_ 4. Each party seeking monetary damages shall prepare a summary of the documentary evidence supporting the damages sought (i.e., medical bills, accounts, etc.), which shall be included in the exhibit summary and submitted at trial in lieu of the underlying documentary evidence in accordance with Evidence Code 1521.

### **VOIR DIRE**

- \_\_\_ 5. Counsel shall jointly prepare a brief non-argumentative summary of the factual nature of the case, including a brief summary of plaintiff's injuries, if applicable, for submission to the trial judge. The purpose of the summary is to provide an overview of the case for the jury and a joint list of the complete names of all the witnesses who are likely to be called in alphabetical order. The joint witness list shall be submitted in triplicate.
- \_\_\_ 6. If counsel wish to expand the scope of the judge's initial voir dire, they shall prepare written questions for submission to the trial judge. These written questions shall be submitted to opposing counsel not later than the above meeting.

### **JURY INSTRUCTIONS**

- \_\_\_ 7. Counsel shall prepare a joint set of jury instructions. This set shall consist of one package of instructions for all parties. Judicial Council Civil Jury Instructions (CACI) are preferred. These instructions are available on <http://www.courts.ca.gov/24354.htm> and in the CACI book. The instructions shall be in the order they are to be given. Any objections to instructions shall be identified by a Post-It, which identifies the objecting party. Counsel may propose alternative jury instructions. When alternative (special) instructions are presented, those instructions shall be successive instructions in the joint instruction package. The submission of the list of CACI numbers is not acceptable. Neither are multiple packages of instructions [except whether arranged by parties, objections or some other method]. The full text of all proposed instructions must be presented to the trial judge at or before the time of the trial call. If CACI instructions are used, all blanks shall be filled in and all bracketed material that is not applicable shall be deleted.
- \_\_\_ 8. Jury instructions not listed in the parties' Joint Trial Readiness Conference Report and prepared in accordance with the above order are subject to exclusion at trial.
- \_\_\_ 9. A verdict form shall also be submitted on the first day of trial.

\_\_\_\_ 10. \_\_\_\_\_ [name of party] waived its right to trial by jury by failing to post fees timely.

**FILING DEADLINES/READINESS**

\_\_\_\_ 11. Motions in Limine shall be prepared and filed and faxed or electronically served (in accordance with California Rules of Court, Rule 2.306; Local Rule 2.1.18) or personally served at least five (5) court days in advance of the trial. The title of each in limine motion shall identify the moving party and describe the nature of the motion, and shall be numbered sequentially, indicating the total number of in limine motions submitted by the moving party. Example: "Plaintiff JANE DOE's Motion In Limine To Exclude the Testimony of Joe Expert [No. 1 of 6]." Written opposition to in limine motions, if any, shall be filed and faxed (in accordance with California Rules of Court, Rule 2.306) or personally served at least two (2) court days in advance of the trial date and shall identify both the party filing the opposition and the specific motion which is being opposed by name of moving party and motion a number. Example: Defendant RICHARD ROE's Opposition to Plaintiff JANE DOE's Motion In Limine No. 1." Counsel are urged to file trial briefs according to the same schedule. The parties shall prepare an index showing the above and whether the motion is unopposed. See attached Trial Requirements.

**WITNESSES/READINESS**

\_\_\_\_ 12. Trial will not be delayed to accommodate witness scheduling problems. In the absence of extraordinary circumstances, the party will be deemed to have concluded the presentation of his/her case once the examination of available witnesses is concluded.

\_\_\_\_ 13. Witnesses not listed on the parties' Joint Trial Readiness Conference Report are subject to exclusion at trial.

\_\_\_\_ 14. The stipulation for release of exhibits (attached) shall be signed by counsel for all parties and filed with the court at the time of trial call.

**ADDITIONAL ORDERS:**

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X EACH OF THE DOCUMENTS REQUESTED IN THIS TRIAL READINESS CONFERENCE REPORT SHALL BE SUBMITTED TO THE COURT ON THE FIRST DAY OF TRIAL.

X FAILURE OF COUNSEL FOR ANY PARTY TO COMPLY WITH THE ABOVE ORDERS MAY RESULT IN THE EXCLUSION OF EVIDENCE OR BE CONSIDERED AN ABANDONMENT OR FAILURE TO PROSECUTE OR DEFEND DILIGENTLY. ACCORDINGLY, 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 JUDGE'S ATTENTION IMMEDIATELY.

X WE THE UNDERSIGNED ATTORNEYS OF RECORD IN THIS CASE, HAVE READ AND UNDERSTAND THE ABOVE ADVANCE TRIAL REVIEW ORDERS:

Signature of Counsel:

Counsel For [name of client]:

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IT IS SO ORDERED:

Dated: \_\_\_\_\_

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KERI KATZ  
Judge of the Superior Court



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO  
DEPARTMENT 74 – HONORABLE KERI KATZ**

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**TRIAL REQUIREMENTS**

Please call the Courtroom Clerk at 619-450-7074 before 10:00 a.m. on the day before trial to report (1) readiness for trial; (2) estimated trial length; and (3) confirm a jury will be required. The Court requires that counsel bring the following documents to the Friday Trial Call, assembled in a **Joint Trial Notebook**:

1. Table of Contents;
2. Joint Trial Readiness Report;
3. Motions in Limine / Oppositions with an index of the motions setting forth the title of the motion/opposition and stating whether or not the motion is opposed;
4. Joint Witness List with a short sentence describing the witness (i.e. “Dr. Joe Smith, an internist from Mercy Hospital”);
5. Joint Exhibit List (follow grid format on attachment to the Advance Trial Review Orders);
6. Trial Briefs;
7. Joint Statement of the Case (if not in Joint Trial Readiness Report);
8. Proposed Voir Dire questions counsel want the Court to ask;
9. Jury Instructions – in sequential order with a post-it note indicating who objects to the instruction;
10. Special Verdict Form – either an agreed upon form or each side’s proposed form. The form should follow CACI as closely as possible and include all cause of actions and all parties. It should be complete and on pleading paper without the firm name;
11. Email the Courtroom Clerk prior to trial call a Word format or copy of Joint Exhibit List, Joint Witness List, and the index of the Motions in Limine.

Note on Exhibits: Eliminate duplicative exhibits. Any exhibit that is duplicative will be identified throughout the trial as the first number used. Exhibits should be individually marked with the brown exhibit tags and multi-paged exhibits must be paginated. If you are submitting photographs, each photograph should be on a separate page.

The Court requires that counsel bring the following to the first day trial commences:

1. Two sets of exhibits binders. The original set is the official set to be used by the witnesses. The second set is for the Court to use;
2. Copies of Deposition Transcripts that will be used during trial;
3. Three copies of the Joint Witness List;
4. Three copies of the Joint Exhibit List; and
5. Three copies of index of Motions in Limine.

Note re: Court Reporters: The Court no longer provides court reporters on civil matters. The parties are responsible for providing their own court reporter. The parties shall agree on one court reporter. If at all possible, the agreed upon court reporter will have real time program capability (e.g., LiveNote or Bridge).



<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> <input type="checkbox"/> HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101-3827 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6643 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> RAMONA BRANCH, 1428 MONTECITO RD., RAMONA, CA 92065-5200 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649	<i>FOR COURT USE ONLY</i>
PLAINTIFF(S)	
DEFENDANT(S)	JUDGE: DEPT:
<b>STIPULATION AND ORDER FOR RETURN OF EXHIBITS (CCP § 1952(a) &amp; Superior Court Rules, Division I, Rule 1.10)</b>	CASE NUMBER

It is the desire of the court that any and all exhibits marked, identified and/or admitted into evidence during trial of the above-captioned matter be removed from the courtroom at the conclusion of the trial.

THEREFORE, it is agreed and stipulated by the parties, through their counsel of record, as follows:

1. Counsel shall be responsible for maintenance, custody and safekeeping of said exhibit inventory pending any post-verdict or appeal proceedings. All exhibit tags and other identifying markings shall remain in place pending this period.
2. The clerk shall forthwith return, without further order of the Court, all exhibits identified and/or admitted into evidence during the course of the trial to:

Counsel as designated by the Court or as agreed upon by the parties: *(including **single** Plaintiff, **single** Defendant cases).*

\_\_\_\_\_ Name *(Please print)* Lead Counsel for Plaintiff

\_\_\_\_\_ Name *(Please print)* Lead Counsel for Defendant

**OR**

The attorneys submitting said exhibits for use in trial *(Multiple Litigants: specify party by name or by party code on Exhibit List)*

3. In the event the exhibits are requested for further proceedings by any court having jurisdiction over this matter, counsel as designated in #2 above, shall contact the requesting court and make arrangements for the delivery of said exhibit(s), with notice to all counsel of record.
4. The original exhibit list utilized in trial shall be attached to this order.

**SIGNATURE:** *(Print name next to signature)*                      **PHONE NUMBER**                      **COUNSEL FOR:** *(Identify client by party name and/or party code i.e. P1, D2)*


Date: \_\_\_\_\_ Judge of the Superior Court