

Department 68 Policies and Procedures - Honorable Richard S. Whitney

Central - Hall of Justice

Rev. July 20, 2021

Department 68 Staff: Telephone Numbers:

Court Clerk: (619) 450-7068

Calendar Clerks: (619) 450-7328- Phone hours: 8:00 a.m. to 3:00 p.m.

The following are a few reminders which we hope will make your appearance in this department relatively stress free:

1. Ex Parte Matters: Ex parte appearances are set by reservation for Tuesday, Wednesday, and Thursday at 8:45 a.m., or at such other time as the court may designate. Please call the calendar clerk at (619) 450-7328 to schedule an ex parte hearing. Papers are due by 10:00 a.m. the day prior to the hearing, with the appropriate fee. No late filings will be accepted. All ex parte applications must comply with California Rules of Court.

2. Law and Motion Matters: All law and motion matters are heard by reservation. If you wish to calendar a motion, please either call the calendar clerk at (619) 450-7328, or use the "Reserve a Motion Date" application on the Court's website. Per Local Rule 2.1.19 "The demurrer, motion or order to show cause should be ready to be filed when the reservation is obtained."

Oral arguments on law and motion matters are heard at 10:30 a.m. on Fridays. Tentative rulings issued pursuant to California Rules of Court and San Diego County Superior Court Rules and may be accessed any time after 4:00 p.m. on the date before the hearing at www.sdcourt.ca.gov. You will find the link to Tentative Rulings under the "Civil" tab at the top of the home page.

THIS DEPARTMENT REQUIRES PERSONAL APPEARANCES IN THE COURTROOM FOR MOTION HEARINGS. IF YOU ARE UNABLE TO PERSONALLY APPEAR, YOU MUST OBTAIN APPROVAL TO APPEAR REMOTELY, BY CONTACTING THE COURT CLERK AT THE ABOVE PHONE NUMBER AT LEAST 48 HOURS IN ADVANCE OF YOUR HEARING.

To ensure prompt resolution of disputed matters, the parties are directed to submit courtesy copies of all motion papers filed in Imaged/E-File cases, directly to Department 68.

3. Case Management Conferences: Case management conferences are held as scheduled on Fridays at 9:30 a.m. and 10:00 a.m. or as otherwise ordered by the Court.

4. Trial Readiness Conferences: Trial readiness conferences are heard as scheduled on Fridays at 9:15 a.m. At the trial readiness conference, trial counsel and self-represented litigants are to present their completed Joint Trial Readiness Conference Report. The Court will discuss with counsel and self-represented litigants the requirements for the joint trial notebook. **PLEASE NOTE THAT PERSONAL APPEARANCE BY TRIAL COUNSEL AND SELF-REPRESENTED LITIGANTS IS REQUIRED AT THE TRIAL READINESS CONFERENCE. THE COURT WILL NOT ACCEPT TELEPHONIC OR SUBSTITUTE APPEARANCES, ABSENT GOOD CAUSE. IF YOU ARE UNABLE TO PERSONALLY APPEAR, YOU MUST OBTAIN APPROVAL TO APPEAR REMOTELY, BY CONTACTING THE COURT CLERK AT THE ABOVE PHONE NUMBER AT LEAST 48 HOURS IN ADVANCE OF YOUR HEARING.**

5. Trial Calls: Trial counsel and self-represented parties are to appear for trial calls on Friday, at 9:00 a.m., as scheduled, or at such other times as the court may designate. **PLEASE NOTE THAT PERSONAL APPEARANCE BY TRIAL COUNSEL AND SELF-REPRESENTED LITIGANTS IS REQUIRED AT THE TRIAL CALL. THE COURT WILL NOT ACCEPT TELEPHONIC OR SUBSTITUTE APPEARANCES, ABSENT GOOD CAUSE. IF YOU ARE UNABLE TO PERSONALLY APPEAR, YOU MUST OBTAIN APPROVAL TO APPEAR REMOTELY, BY CONTACTING THE COURT CLERK AT THE ABOVE PHONE NUMBER AT LEAST 48 HOURS IN ADVANCE OF YOUR HEARING.**

At trial call, trial counsel and self-represented litigants are to present their joint trial notebook, which must contain the following:

1. Table Of Contents;
2. Copy of Joint Trial Readiness Report submitted at the Trial Readiness Conference;
3. Copies of filed In Limine Motions and Oppositions, with an index of the motions;
4. Copy of Joint Witness List, with a short description of the witness (i.e., "Dr. Joe Smith, Internist from Mercy Hospital");
5. Copy of Joint Exhibit List (follow grid format – See Attachment to the Advanced Trial Review Order);
6. Copy of filed Trial Briefs;
7. Joint Statement Of The Case;
8. Voir Dire questions that counsel wish the Court to ask;
9. Jury Instructions: one packet of instructions, with post-it notes on any objected-to instructions, indicating who objects, and the basis for the objection, and
10. Special Verdict Form: either an agreed-upon form, or each side's proposed Special Verdict Form.

6. Trials: Trials take place Monday through Thursday, from 9:30 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m. In limine motions must be filed at least **5 court days** prior to trial call. Opposition to in limine motions must be filed no later than **2 court days** prior to trial call. Jury fees must be posted according to Code.

7. Continuances: Requests for continuances may be done either by ex parte motion or stipulation, with proper fees submitted.

8. Remote Appearances: Remote Appearances are allowed without prior Court approval for some hearings.

PLEASE NOTE: EFFECTIVE AUGUST 2, 2021, THE FOLLOWING HEARINGS WILL REQUIRE IN-PERSON (PERSONAL) APPEARANCE: TRIAL CALLS, TRIAL READINESS CONFERENCES, ORDER TO SHOW CAUSE HEARINGS, ORDER TO APPEAR HEARINGS, AND MOTIONS.

9. Stipulated Protective Orders Re: Confidential Information: The Court requires adherence with statutory procedures to file documents under seal. The Court will not seal any document not submitted in accordance with California Rules of Court, Rule Nos. 2.550 and 2.551. (See, *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178). Documents submitted "conditionally under seal" will not be sealed unless the submitting party complies with CRC Rule Nos. 2.550, 2.551, and 3.1302(b).

For determination of discovery and other motions, the Court prefers to accept confidential documents as "lodged documents." All lodged documents returned to the submitting party upon the Court's determination of the motion or application. (CRC Rule No. 3.1302(b).)

If a party desires to file supporting documents under seal, CRC Rule Nos. 2.550 and 2.551 apply and the discovery motion will not be determined until a notice motion to seal has been calendared and decided.

Proposed Stipulated Protective Orders for protection of confidential information will only be approved by the Court if the language in the proposed order is consistent with the Court's stated policy discussed above.

10. Discovery Dispute Outline in Lieu of Separate Statement: Code of Civil Procedure sections 2030.300, 2031.310, and 2033.290 allow a court to authorize a moving party to submit a concise outline of the discovery request and each response in dispute. This Court permits such practice without express court order. Therefore, parties do not need to file an ex parte, as discussed in Local Rule 2.1.21, for permission to file a concise outline in lieu of a separate statement with a motion to compel further responses to discovery.

[Dept. 68 - Advanced Trial Review Order](#)