

**Honorable Marcella O. McLaughlin, Presiding**

**Phone Numbers:**

Courtroom: (619) 450-7072

Calendar: (619) 450-7006 - Phone hours: 8:00 a.m. to 3:00 p.m.

**PLEASE NOTE: DUE TO A COMPLETE CASE MANAGEMENT SYSTEM CONVERSION IN JULY 2024, MANY HEARINGS IN THIS DEPARTMENT WERE ERRONEOUSLY RESCHEDULED WITHOUT NOTICE TO THE PARTIES. PLEASE CONTACT THE COURTROOM CLERK OR CALENDAR CLERK IF YOUR HEARING DATE OR TIME HAS CHANGED WITHOUT NOTICE.**

1. **Ex Parte.** *Ex parte* appearances are scheduled on Tuesday, Wednesday and Thursday at 8:30 am, by reservation only. **Before noon on the day prior to the hearing, *ex parte* papers must be e-filed, and courtesy copies of the papers must be delivered to the Department 72 mailbox in the Civil Business Office. NOTE: E-filing is optional for self-represented parties.** To reserve an *ex parte* hearing, contact the calendar clerk at the number provided above. Comply with CRC 3.1200 et seq.
2. **Guardian Ad Litem/Publication of Summons.** Petitions for appointment of a Guardian Ad Litem and applications for orders for publication of summons may be made *ex parte* without the necessity of an appearance. The moving papers must be submitted for review by the Court and the Court may set a hearing if such hearing is deemed necessary. Guardian Ad Litem applications will not be granted *ex parte* unless the moving party complies with Local Rule 2.4.6. **Please note that the Guardian Ad Litem forms were updated as of January 1, 2024. The required forms as of January 2024 are CIV-010 (Application), ADM-430 (Attachment to Application), and CIV-011 (Order).** See the court's website to download the most current forms. Obsolete forms will not be accepted.
3. **Petitions for Compromise of Claim.** Petitions for compromise of claim may be made *ex parte*. The moving papers must be submitted for review by the Court and the Court may set a hearing during *ex parte* hours if such hearing is deemed necessary.
4. **Default Prove-Up.** Default prove-ups are heard by reservation only. Contact the calendar clerk at the number provided above. Default prove-ups are heard on Fridays at 1:30 pm.
5. **Law and Motion.** Noticed motion hearings are by reservation only. To reserve a date, contact the calendar clerk at the number provided above or use the online scheduling tool. Note: the online scheduling tool tends to provide hearing dates further into the future than the calendar clerk can provide. Motions are set on Fridays at 9:30 am. **Parties are encouraged to submit courtesy copies of time-sensitive filings such as oppositions and replies. Courtesy copies should be delivered to the Department 72 mailbox located inside the Civil Business Office.** Tentative rulings are posted no later than 4:30 pm on the afternoon before the hearing. Parties who wish to submit on the Court's tentative ruling may notify the courtroom clerk by telephone prior to the hearing. Parties may request oral argument at the time of the hearing, or may notify the courtroom clerk of their intent to argue and a time estimate for argument prior to the hearing.

**Discovery Motions/Informal Discovery Conferences.** Prior to filing any discovery motion(s), an informal discovery conference (IDC) is encouraged. To reserve a date, please contact the Court's calendar clerk at the number provided above. Typically only discrete, narrow issues can be resolved on the *ex parte* calendar.

Otherwise, an IDC may be held at another time other than *ex parte* hours, subject to the Court's availability. The moving party is required to meet and confer with the opposing party to select a mutually agreeable date for the IDC. The parties are required to file a joint summary of disputed issues, not exceeding two pages, and to have a courtesy copy delivered to the Department 72 mailbox (located inside the Civil Business Office) no later than the **Friday** prior to the conference. The parties should be prepared to explain the issues in dispute during the conference. An IDC does not toll the statutory deadline to file a motion to compel. However, the parties may stipulate to extend deadlines to help facilitate a resolution of a discovery dispute without the need for a motion.

6. **Case Management Conferences.** Case Management Conferences (CMCs) are heard on Fridays at 10:30 am.
7. **Trial Readiness Conferences.** Trial Readiness Conferences (TRCs) are heard on Fridays at 9:15 am unless otherwise designated by the Court. The Court and counsel will sign the Advance Trial Review Order (ATRO) at the Trial Readiness Conference. Please review the Advance Trial Review Order (ATRO) linked below. Trial continuances are disfavored, and only available under CRC 3.1332. In person appearances are required at Trial Readiness Conferences. See Local Rule 2.1.15 for more information regarding TRCs.

#### [ADVANCE TRIAL REVIEW ORDER](#)

8. **Trials.** Trial calls are set on Fridays at 9:00 am unless otherwise designated by the Court. Trials typically start the Monday after the trial call, depending on the Court's calendar. In person appearances are required at trial call and for the length of trial.
9. **Trial Requirements. 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, and operative pleadings.
  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 must be carefully reviewed to ensure 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). If the parties fail to make a genuine effort to limit disputes on the form of the special verdict, the court will use a general verdict.

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

1. Two sets of exhibit binders (original for the witness, pre-marked with Court Exhibit tags, and one copy for the Court). Each exhibit must 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. These are to be lodged by placing them on the shelf in front of the bench.

10. **Remote Appearances.** Remote appearances are governed by Code of Civil Procedure section 367.75, California Rules of Court rule 3.672, and local rule 2.5.8. Instructions on how to appear remotely are available on the Court's website. Absent good cause, parties are expected to personally appear at settlement conferences, trial readiness conferences, and trial calls. [Please see San Diego Superior Court virtual hearing links here.](#)
11. **Continuances:** Stipulated requests to continue any applicable dates (trial, trial readiness, motion cut-off, case management conferences, status conferences) and deadlines may be made by written stipulation. **Please provide a proposed order with any stipulation.** Disputed requests for continuances should be made by way of a noticed motion or an *ex parte* application. Please review CRC Rules 3.1200 through 3.1207 in connection with any *ex parte* application. The Court will review the stipulation and proposed order. If necessary, the Court will schedule an *ex parte* hearing.
12. **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.

## **GUIDELINES FOR REMOTE APPEARANCES OF WITNESSES AT TRIALS**

To assure the fair conduct of trial, the following procedures shall be followed:

1. With respect to any party or witness who appears at trial via Microsoft Teams, no party or witness may testify by audio only, or by telephone, unless all parties stipulate that the testimony may be taken by audio only.
2. Each party shall arrange for the video appearance of any third-party witness appearing remotely it intends to call. Witnesses who have been properly subpoenaed shall cooperate with the parties in the making of these arrangements unless their appearance has been excused by the Court.
3. Each party shall ensure that their video feed and that of their witnesses appearing remotely is of sufficient quality and scope so that the Court and opposing counsel may see and hear the witness clearly, and be able to assure that no witness is susceptible to coaching or has the ability to rely on any materials out of sight of the Court and/or opposing counsel. The Court recommends that each party and witness have more than one device available to them in the event that problems arise with the device they intend to use primarily.
4. Any and all materials that any witness relies on to refresh recollection or otherwise during the course of his or her testimony shall be provided to all counsel upon request.
5. Each party shall send a hard copy of any pre-marked exhibit it intends to introduce to both the Court and opposing counsel no later than 3 p.m. on the court day preceding the scheduled trial date.

6. Each party shall to the extent possible provide a hard copy of any exhibit it intends to have a witness appearing remotely view during that witness's testimony to the witness in advance of the time the witness testifies. Advance planning is essential.
7. Parties and counsel shall assure that any non-party witness who will testify at trial will not see or hear any of the trial proceedings that occur before they testify, or that occur after they testify and before they are excused from providing further testimony.
8. Each party shall assure that the proceedings are not being recorded or reported in any manner other than by the duly-authorized court reporter.