

1 and they are not already Bates-stamped, give each page an identifying number. For instance, if
2 Exhibit 5 is a four-page document, the pages should be marked "5-1," "5-2," "5-3," and, the last
3 page, "5-4." The exhibit number is to be placed in the lower right hand corner.

- 4 • If you are submitting more than one binder, identify on the spine of the binder the exhibits
5 contained therein.
- 6 • Your binder must include a cover page listing all exhibits with a column in which the Court can
7 mark whether it was admitted or not, and on what date.
- 8 • Each party must file with the Court two 3-ring binders containing your exhibits: an original and
9 one copy. Each party must also provide one set of exhibit binders to the other party, and must
10 have binders available to any witnesses at their locations (including those who will be appearing
11 on Teams only – they must receive all exhibits in advance).
- 12 • The Court strongly encourages the parties to agree on the admissibility of exhibits, if possible, and
13 the parties are ordered to meet and confer regarding the same. If parties stipulate to exhibits,
14 note on the cover sheet in the binder which exhibits those are.
- 15 • Be advised that ***the Court does not have the capability of presenting electronically stored***
16 ***evidence using its own equipment.*** The Court has a screen on which evidence can be shown, and
17 cables that can be connected to a laptop, but will not be able to insert flash drives, memory sticks,
18 CDs or other storage devices into court computers or laptops. Therefore, you must provide your
19 own laptop or other equipment to show that evidence during the trial.
- 20 • If you will be appearing on Microsoft Teams and wish to present documentary or other evidence
21 via Teams, you will need to request at the appropriate time that the Court make you a presenter
22 so that you can share your screen. You must ensure that the Court and all parties have copies of
23 all such exhibits in advance of the hearing.
- 24 • Parties must comply with California Rules of Court, rule 3.1040(b) if they plan to offer any
25 electronic sound or sound and video recording as evidence at trial. Failure to do so could result in
26 the exclusion of said evidence.
- 27 • Be sure to include a means of return for all exhibits.

1 **In Limine Motions:**

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- 3 • All in limine motions must be filed, served and responded to on the schedule set at the Trial
 - 4 Scheduling conference.
 - 5 • Standard evidentiary objections (e.g., lack of foundation, relevant, EC section 352 etc.) may be
 - 6 made at trial at the time of the opposing party's request to receive the exhibit into evidence.
 - 7 • However, if there is a significant evidentiary objection that requires legal authority, that issue
 - 8 should be addressed in a motion in limine (for example, if a party anticipates objecting to all or
 - 9 part of an expert report).

10 **Witness Testimony:**

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- 12 • Each party is responsible for ensuring that their non-party witnesses are properly and timely
 - 13 served with subpoenas, if necessary, according to law and the Court's rules. The Court does not
 - 14 do this itself. Absent extremely good cause, the Court will not continue a hearing solely on the
 - 15 ground that a witness has not appeared because the party did not timely or properly serve that
 - 16 witness with a subpoena.
 - 17 • Prior to the hearing, ensure that each witness knows how to connect to Microsoft Teams and has
 - 18 a good connection so as not to delay the court proceedings.
 - 19 • Ensure that your witnesses are aware that they will be visual to the Court via Microsoft Teams,
 - 20 and that they should dress appropriately and locate themselves in a private, quiet area.

21 **Child testimony:**

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- 23 • If you would like to call a child as a witness, you must first review California Rule of Court
 - 24 5.250(d)(3). Calling children to testify is not usually in their best interest, particularly when a child
 - 25 is there to tattle on the other parent.
 - 26 • Advise the Court at the TRC whether a child wishes to address the Court. The Court will consider
 - 27 all pertinent factors, including the child's age and maturity, and whether the proceeding is high
 - 28 conflict.
 - If the Court does not permit the child's testimony, it may utilize an alternative, such as having the
 - child interviewed by Family Court Services (FCS).

1 **The Court's Trial Preparation:**

- 2 • The Court will read the briefs and review pertinent documents, such as, past Declarations,
3 custody evaluations, FCS Reports, expert reports, Income and Expense Declarations and financial
4 documents.
- 5 • The Court may prepare up to one week in advance of a trial or evidentiary hearing. It is essential
6 that all required briefs, other pleadings, and lodgments be provided to the Court by the ordered
7 deadline.
- 8 • If the parties are in active settlement talks, they must comply with San Diego Local Rule 2.1.14 if
9 they settle their case before the hearing.

10 **Court Reporters:**

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

16 **Filing:**

- 17 • All pleadings, lodgments, exhibits and any other written material **must be direct filed** in
18 Department 904. **DO NOT E-FILE TRIAL DOCUMENTS.** If filed in the Family Business Office, they
19 will be sent to the home IC court department and not this department. **Before making the**
20 **delivery, call 619-844-2094 to make an appointment with the clerk to ensure that the clerk has**
21 **not been reassigned to another department for the day.**

22 **IT IS SO ORDERED.**

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