

## **Courtroom 20 - Law & Motion Procedures**

The Court calls the law and motion calendar Monday through Friday at or shortly after 8:30 a.m. Please check in with the judicial assistant in courtroom 20 at 8:20 a.m.

The Court may call the calendar out of order depending on the nature and complexity of the matters. The Court typically takes name change petitions first.

The Court issues written tentative decisions, time permitting. Typically, tentative decisions are published before 5:00 p.m. the day before the hearing on the Ventura Superior Court website: [www.ventura.courts.ca.gov](http://www.ventura.courts.ca.gov). Tentative decisions are posted under the “Tentative Decision” link on the website. Each tentative decision posted to the Court’s website contains a notice concerning the option of the parties to appear or not appear at the hearing, or to submit on the tentative decision without argument or appearance.

If time does not permit the posting of a written tentative decision, Judge Guasco often provides the parties with an oral tentative decision at the beginning of the hearing.

The Court invites parties to address the tentative decision. Judge Guasco views tentative decisions as just that – tentative. They may change depending on points raised during argument.

The Court permits one round of argument, with the moving party addressing the Court first, followed by the opposing party responding, and then the moving party presenting brief rebuttal. Once argument in this fashion has concluded, the Court will advise the parties that it is adopting its tentative decision as its ruling with or without modification, or that the Court is taking the matter under submission and will rule at a later date.

The Court issues written rulings on submitted matters anywhere from one week to 60 days after the date of submission, depending upon the nature and complexity of the motion(s), as well as the press of other business before the Court. Most motions are resolved by adoption of the tentative decision as written or modified after argument. The Court takes very few matters under submission.

The Court requires that all exhibits submitted in support or opposition to motions be tabbed with numbers (plaintiff) or letters (defendant) at the bottom of the pleadings. All exhibits must be identified and authenticated by a supporting declaration. The parties should make every effort to limit the number and volume of exhibits to only those relevant and necessary to the motion before the Court. If an exhibit consists of a document exceeding five (5) pages, please highlight the portions within the exhibit which are relevant to the motion or opposition.

The Court expects that most, if not all, discovery disputes can be resolved without the need for a formal motion and hearing if the parties meet and confer with reasonable diligence and in good faith. The Court expects the meet and confer process to narrow the disputed issues which will need to be resolved by a motion. No discovery motion will be heard unless the parties adhere to the requirement of a separate statement as directed by the Code of Civil Procedure and the Rules of Court. Additionally, Judge Guasco conducts Informal Discovery Conferences (“IDC”) by request of a party or a stipulation of the parties. Please see the separate information on this webpage about Judge Guasco’s IDC process.

The Court strictly adheres to the motion practice statutes and rules set forth in the Code of Civil Procedure and the Rules of Court, including but not limited to the format and content of pleadings, page limitations, and the required notice.

The Court expects that the litigation of motions will be limited to the following pleadings: (1) notice of motion and motion, memorandum, and supporting declarations and exhibits; (2) opposition, memorandum, and supporting declarations and exhibits; and (3) reply. The Court will not consider supplemental oppositions or replies without prior leave of the Court.

The Court typically directs the moving party to serve and file a notice of ruling and proposed order regardless of who prevails on the motion. Parties given the task of submitting a notice of ruling and/or proposed order are encouraged to attach and incorporate by reference the tentative decision (if it has been adopted by the Court without modification) or the Clerk's Minutes in lieu of quoting the ruling verbatim in the body of the notice or proposed order.

There is no "second call" on the law and motion calendar in Courtroom 20. While the Court attempts to accommodate calendar preferences, litigants should be prepared to have their matters heard during the time the Court is in session conducting the law and motion calendar. The law and motion calendar concludes when the last matter is heard, typically by no later than 10:00 a.m.

Judge Guasco hears summary judgment motions on Fridays only at 8:20 a.m. Judge Guasco hears no more than two summary judgment motions on a Friday calendar. In those instances in which there are no available Friday dates on which to hear a summary judgment motion in the time required by the Code of Civil Procedure, the Court permits those motions to be heard on a law and motion calendar date other than a Friday by stipulation of the parties or otherwise at the direction of the Court. This is the exception and not the rule.

From time to time, the Court may ask the Legal Research Attorney or the Judicial Assistant to contact the attorneys (or self-represented litigants) concerning the need to continue a hearing to permit the Court and its research staff additional time to read and consider a motion.

Judge Guasco permits remote appearances (Zoom and Court Call) for law and motion matters that do not involve live witness testimony. Please see Judge Guasco's Court Call and Zoom appearance rules and procedures on this webpage.