

COURTROOM 20 - RULES & PROCEDURES

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I. Case Management

Counsel and self-represented parties must comply with all deadlines associated with ensuring a case is “at issue.” In particular, litigants must **timely**:

- comply with deadlines related to the service of summons of complaints and the filing of proofs of service thereof;
- file and serve responses to complaints;
- file requests for entry of default and default judgment packets;
- post jury fees; and
- file complete and accurate case management statements.

If the Court determines that the case is not at issue at the Case Management Conference (“CMC”), the conference will be continued. If the continuance is due to a failure to adhere to applicable rules or deadlines, the Court is likely to set an OSC re: the imposition of sanctions. (CRC 3.110(i).) To avoid having an OSC re: imposition of sanctions set, counsel and self-represented litigations should:

1. Be informed about the case at the time of the CMC and ensure a timely CMC statement has been filed 15 days before the CMC unless otherwise ordered by the Court (CRC 3.725 (a))
2. Promptly serve the summons and complaint and file a proof of service thereof with the court. (CRC 3.110(a)-(f) & 3.740; Gov’t Code. § 68616(a).) Prompt compliance with applicable service deadlines includes seeking authorization to employ and completing alternative methods of service if appropriate.
3. Avoid delays in requesting entry of default and/or default judgment. If a responsive pleading is not served within the applicable time limits and no extension of time has been granted, the plaintiff must file a request for entry of default within 10 days after the time for service has elapsed. When a default is entered, the party who requested the entry of default must obtain a default judgment against the defaulting party within 45 days after the default was entered, unless the court has granted an extension of time or made other orders. (CRC 3.110(g)-(h).)
4. Take care to respond to pleadings with reference to the name by which the party was identified in the complaint (i.e. if a defendant’s name is “John W. Smith” but the complaint identifies him as “John Smith,” the answer would appropriately state it is made on behalf of “John W. Smith ESA John Smith.”)

5. Timely post jury fees. (Code Civ. Proc. § 631.) If fees are not posted by the CMC and a bench trial is set, a party may preserve the right to jury trial by: (a) posting jury fees by close of business on the date of the CMC, (b) filing a declaration confirming that fees have been timely posted, and (c) submitting a proposed order changing the bench trial to a jury trial and changing the trial time from 10:00 am to 1:30 pm.

II. Remote Appearances

The Court allows appearances by CourtCall and Zoom for all calendar matters as stated herein. CourtCall is not permitted for trials, default prove-up hearings or evidentiary hearings which involve live witness testimony.

If appearing by CourtCall, call in no later than 8:20 a.m. If you wish to appear by CourtCall, you must make arrangements with CourtCall by 4:00 p.m. the court day before your scheduled hearing. To make arrangements, visit www.courtcall.com or call 888-882-6878. Requests for approval of a CourtCall appearance made on the morning of the hearing will not be granted. No exceptions will be made.

All counsel/self-represented parties appearing by Zoom must email the court at Courtroom20@ventura.courts.ca.gov with a simultaneous copy to all other counsel/self-represented parties no later than 3:00 p.m. the court day before the hearing. Include the phrase "Zoom appearance on (date of hearing)" in the subject line of your email. The email must identify the person who will make the appearance. You will receive the login information for your appearance in reply to your email. If appearing by Zoom, log into the hearing no later than 8:20 a.m. The Court will transfer you to the meeting room when the calendar is called. When you log in to Zoom, be sure that your name and the case name are used as your Zoom name. If you do not follow all of these instructions, you will not be permitted to appear by Zoom at the hearing.

III. Alternative Dispute Resolution Status Conferences

The Court's trial calendar is impacted. To keep the parties focused on resolution and preparation for trial, the Court may set status conferences regarding alternative dispute resolution ("ADR Status Conferences"). ADR Status Conferences must be attended by counsel of record who will be trying the case and all self-represented parties. The parties must meet and confer in advance of the ADR Status Conference in conjunction with drafting a Joint ADR Status Conference Statement. The ADR Status Conference Statement shall be filed and served at least five (5) court days before the ADR Status Conference and must contain the following:

1. A brief summary of the nature of the case; the causes of action in the complaint/cross-complaint; the primary monetary damages and/or other relief sought; the primary defenses asserted; and any issues of statutory priority.
2. A summary of all efforts made by the parties to resolve the case to date.
3. A summary of discovery that has been completed and discovery that remains to be accomplished, if any.
4. Additional steps the parties plan to take to resolve the case going forward and whether there is anything the Court can do to assist.
5. The parties' readiness for trial and identification of any issues that may require court involvement, such as bifurcation, consolidation, or particularly complicated evidentiary issues that will need to be decided before trial.

IV. Informal Discovery Conferences (Code Civ. Proc. § 2016.080)

Parties can request an Informal Discovery Conference ("IDC") in unlimited civil cases. Before requesting an IDC, the parties should diligently attempt an informal resolution of the discovery dispute to the fullest extent possible, including demonstrating a willingness to compromise to the extent consistent with the rights and duties of the parties.

Requests for an IDC should include the following:

1. The nature of the discovery dispute, including the interrogatory or request number at issue, the response and objections thereto, the significance of the information sought, and the burden or expense of compliance.
2. A summary of the good faith efforts made by the parties to resolve the discovery dispute, including any proposals for resolution.
3. Any issues of timing concerning the disputed discovery.
4. The willingness of the parties to modify the discovery request or response to address the discovery dispute.

IDCs are limited to 15 minutes for basic discovery disputes and 30 minutes for complex discovery disputes.

Only counsel who are primarily responsible for advising the parties and have full authority to resolve the discovery dispute shall participate in the IDC. Self-represented parties are required to participate in the IDC

To request an IDC, requesting papers with the subject line "REQUEST FOR IDC" must be emailed, with a simultaneous email copy to all other counsel/self-represented parties, to Courtroom20@ventura.courts.ca.gov. Responding papers must be emailed to Courtroom20@ventura.courts.ca.gov not later than five (5) days after the requesting papers are emailed. Requesting and responding papers shall not exceed five (5) pages in length, excluding exhibits, and exhibits should include

only such information as is necessary to explain the discovery dispute. If both parties do not agree to participate, the Court will not grant the request for an IDC. If the request for an IDC is granted, court staff will contact the parties to schedule the IDC.

V. Law & Motion Procedures

The Court expects all litigants to strictly adhere to applicable provisions of the Code of Civil Procedure and the Rules of Court, including the format and content of pleadings, page limitations, and required notice.

All pages of exhibits submitted in support of or opposition to motions should be consecutively numbered at the bottom of the page and references to exhibits in briefs or declarations should include the page number. Exhibits must be specifically identified and authenticated by a compliant supporting declaration. Parties should limit exhibits to only those relevant and necessary to the motion, with relevant portions highlighted.

Law and motion matters are heard Monday through Friday promptly **at 8:30 a.m.** The Court may issue written tentative decisions, time permitting. Tentative decisions are published by 5:00 p.m. the day before the hearing on the Ventura Superior Court website. Parties appearing for oral argument should address the tentative decision. Parties may submit on the tentative decision by email to Courtroom20@ventura.courts.ca.gov before 8:00 a.m. the day the matter is called. All parties must be copied on the email. If fewer than all parties submit on the tentative, the hearing will proceed and the tentative ruling is subject to change.

Summary judgment motions are heard on Thursdays at 8:30 a.m. The Court generally will not schedule more than two summary judgment motions each week.

VI. Trial Rules and Procedures

1. Important: The Court does not accept e-Delivery of trial documents. Once trial documents are received by the Court, they do not need to be resubmitted if the trial trails. When trial documents are emailed to the Court, the subject line should include the name of the case, the case number and a description of the document being emailed as authorized herein. All parties shall be copied on any email to the Court.

2. Courtroom Demeanor: Counsel and litigants are expected to be prepared and professional and shall make all reasonable efforts to ensure the trial is efficient. Counsel shall not direct arguments to one another and shall not refer to parties or counsel except by surname.

3. Witness and Exhibit Lists: Witness and exhibit lists should be exchanged at least thirty (30) days before trial. Thereafter, the parties shall compile a master exhibit list that removes duplicate exhibits, provides a brief description of each exhibit and indicates whether there will be any objection to admissibility. The parties shall also compile a master witness list that describes the witness's relationship to the case, the general subject matter of his/her testimony, and includes time estimates for direct and cross examinations. The master witness and exhibit lists shall be emailed to courtroom20@ventura.courts.ca.gov five (5) court days before trial. The parties are encouraged to stipulate to the admissibility of exhibits.

4. Trial Briefs: Trial briefs shall be no more than five (5) pages and shall be served on all parties and emailed to courtroom20@ventura.courts.ca.gov as a pdf attachment five (5) court days before the trial.

5. Motions in Limine: *In limine* motions shall be limited to those necessary to resolve evidentiary or other legal issues before the selection of the jury. (See *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659). The parties shall meet and confer on the necessity of any motions *in limine* and are encouraged to stipulate to evidentiary issues as much as possible so as to avoid the need for motions. Motions that seek orders compelling compliance with existing law should generally not be asserted. The parties should agree upon an acceptable schedule for the service of motions, oppositions thereto and reply briefs in support (if necessary), such that the parties can complete this briefing at least seven (7) days before trial. All motions *in limine* briefing shall be emailed to courtroom20@ventura.courts.ca.gov as a pdf attachment five (5) court days prior to the date of the trial. Motions shall not exceed five (5) pages. No party shall bring more than five (5) *in limine* motions without leave of Court.

6. Jury Fees: All jury fees must be posted as required by the Code of Civil Procedure, the California Rules of Court, and the Ventura Superior Court Local Rules. When the case is called for trial, the parties should confirm whether the case will be a jury trial or whether all parties waive jury. Where parties choose to proceed by way of jury, a check shall be remitted to the judicial assistant on the first day of trial by any parties who have agreed to pay jury fees.

7. Court Reporter: It is the parties' responsibility to hire and pay for a court reporter. The court reporter may not create an official record via remote means. (Gov. Code section 69959.) If the parties waive a court reporter, challenges to the sufficiency of the evidence to support the verdict or any ruling by the Court will be deemed waived on appeal. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 132.) Indigent parties who have received a fee waiver are entitled to a

court reporter without charge upon timely written request in conformity with the Ventura Superior Court's Administrative Order No. 18.06, which is available in the clerk's office and the court's website.

8. Parties, Attorneys, Witnesses and Zoom Appearances: Counsel and all parties must be present in the courtroom at trial, unless otherwise ordered by the Court. The parties are responsible for following applicable rules and protocols to secure the presence of witnesses at trial so as not to cause delay in the proceedings. The next day's witnesses will be disclosed by counsel at least one day prior. If the parties agree, Zoom may be used to allow witnesses to appear remotely at trials. The Court can host; parties should contact the Judicial Assistant for login information. If the parties choose to utilize remote technology for a trial, they must meet and confer to determine how exhibits will be authenticated and shown to witnesses appearing remotely, *including impeachment materials*. The parties should also discuss how remote appearances impact the Court's ability to order witnesses to appear. It is counsel's responsibility to advise remote witnesses that they must be available when called, must have a strong internet connection and must testify from a location where the door can be closed so that there are no disruptions. Parties must advise the Court on the first day of trial if there are to be any remote appearances.

9. Exhibits: All exhibits, including impeachment materials, shall be pre-marked using numbers, with each party assigned a unique number range to avoid duplication. The parties shall agree on a master set of exhibits, excluding impeachment materials, and shall place such exhibits into numerically tabbed binders, which binders shall not be more than two inches. The spine of the binder shall be appropriately labeled and shall indicate the exhibit numbers contained therein. On the first day of trial, one copy of any binder shall be provided to the judicial assistant for marking and for use by the judge. One copy shall be placed on the witness stand for use by testifying witnesses. Counsel shall have their own copies. Multi-page exhibits shall be numbered at the bottom of the page with the exhibit number plus the consecutive page number of the exhibit (i.e. Ex. 17-003 to refer to page 3 of exhibit 17). The Court will not admit pages of an exhibit in piecemeal fashion. If the parties wish to admit only certain pages of an exhibit, those pages should be separately tabbed and numbered as standalone exhibits.

10. Deposition Transcripts: Deposition transcripts on which the parties intend to refer to or read from at trial must be lodged with the Court on the first day of trial, and each transcript shall have its own notice of lodging.

11. Jury Instructions: Counsel shall meet and confer as to jury instructions and verdict forms. A joint set of agreed-upon jury instructions and verdict forms shall be lodged with the judicial assistant no later than the first day of trial. To the extent possible, the instructions and verdict forms shall be those approved by CACI. Unless otherwise agreed, Plaintiff shall prepare, serve and lodge the final set of instructions and verdict forms. Special jury instructions may be prepared, served and lodged by the party seeking them. The Court does not encourage special jury instructions or verdict forms which vary from the CACI forms unless essential to correctly instruct the jury.

12. Jury Questionnaires: If either party intends to request the use of a jury questionnaire, the requesting party(ies) shall first meet and confer with other parties and attempt to reach agreement as to the questions, any sharing of costs and the logistics of completing, copying and distributing copies to the parties and the court. Thereafter, the requesting party shall serve and lodge with the judicial assistant a joint proposed jury questionnaire (including all written instructions to jurors) by the date of the trial call. The parties should specify whether they are requesting that jury questionnaires be used to pre-screen jurors or simply as a list of questions to be asked by the Court during jury selection. The Court will not prepare or copy questionnaires. For pre-screening, at least 80 copies of the approved questionnaire shall be lodged with the court on the first day of trial.

13. Brief Opening Statements Before Jury Selection: Any party may request court approval to provide an abbreviated opening statement prior to jury selection. (Code of Civ. Proc., § 222.5, subd. (d).) The abbreviated opening statements shall not exceed two (2) minutes per party, and shall be neutral, non-argumentative descriptions of each party's claims and/or defenses. The parties may agree upon a joint statement of the case in lieu of a mini-opening statement.

14. Jury Selection: The Court uses a "six-pack" jury selection process. The Court shall conduct *voir dire* of the prospective jurors first. Thereafter, the attorneys are permitted *voir dire* of the jurors. No personal stories are permitted. The Court does not permit comments or questions of the prospective jurors, the effect of which is to educate them on the law, pre-condition them as to the parties' theories of the case, or to invite them to pre-comment to a specific finding or verdict as to any issue. (See *People v. Williams* (1981) 29 Cal.3d 392.)

After *voir dire*, challenges for cause can be made as to any of the 18 prospective jurors and must be made outside the presence of the jury. After cause challenges are heard, the remaining twelve lowest numbered prospective jurors from the numerical list will be considered the presumptive panel and subject to peremptory challenges. Peremptory challenges may be exercised only as to the 12 lowest number prospective jurors from the numerical list. For each prospective juror

removed by the exercise of a peremptory challenge, the next-lowest number prospective juror will be added to the presumptive panel prior to the exercise of the next peremptory challenge such that there will always be 12 jurors for whom challenges can be exercised. A group of seven new prospective jurors will be seated once the presumptive panel is reduced to 11 prospective jurors. Voir dire may continue only as to the new group of seven.

15. Acceptance of Panel and Selection of Alternate Jurors: When all parties “pass” on the exercise of peremptory challenges as to the 12 prospective jurors on the presumptive panel, the parties will be deemed to have accepted the panel. The clerk will swear in the 12 jurors and the Court will proceed to the selection of alternate jurors. The Court will determine the number of alternate jurors to be selected with input from the parties. Each party will have one (1) peremptory challenge for each prospective alternate juror.

16. Bench Conferences: The Court discourages bench conferences except by invitation of the Court. The parties should make every effort to address *in limine* any and all anticipated evidentiary or legal issues affecting the presentation of the evidence. Bench conferences are not reported.

17. Audio/Visual: Parties are responsible for their own audio/visual needs at trial. All equipment must be tested in advance to avoid delay and the Court will not provide technical support. Any party showing a PowerPoint or similar presentation to the jury in opening statements or closing arguments shall provide a printed hard copy of the slides to counsel and the clerk not later than 15 minutes before the presentation. The clerk shall mark the presentation as a Court’s special exhibit for purposes of appellate review. All presentations shall adhere to the Court’s rulings, the evidence and the law. Any objections to a presentation shall be addressed outside the presence of the jury.

18. Trial Schedule: Where scheduling permits, the trial will occur between 9:30 a.m. and 12:00 p.m. and 1:30 p.m. to 4:30 p.m., with a 10-minute break in the morning and a 15-minute break in the afternoon. The Court expects the parties, their attorneys, their witnesses, and the court reporter to be on time. Requests or discussions that must take place outside the presence of the jury should take place during non-trial hours so that jurors are not kept waiting.

19. Entry of Judgment: The Court will direct the prevailing party(ies) to serve and file a proposed judgment(s) consistent with the jury’s verdict(s) and in conformity with the Rules of Court and the Code of Civil Procedure.