

## Department 1 Master Calendar Orders and Procedures

*Unless contrary orders are made by written order or on the record in open court, the following orders apply to all cases assigned to the Master Calendar in Department 1. References to “counsel” include self-represented parties. Failure to comply with these orders may subject parties and/or counsel to sanctions, including sanctions pursuant to Code of Civil Procedure section 177.5.*

### **A. Ex Parte Applications and Orders Shortening Time**

1. *Ex Parte* applications will be heard Monday through Friday at 8:30 am. The Court may exercise its discretion to deny an *ex parte* application without a hearing.
2. The Court will not consider a request to shorten time for notice or advance a hearing date for a motion unless the motion has been filed with the Clerk’s Office, a hearing date is on calendar, and the appropriate filing fee for the motion has been paid (or a fee waiver obtained). The Court will not “deem filed” any motion that has not been properly filed.

### **B. Trial Assignments**

1. **All parties shall comply with Riverside Superior Court Local Rule 3401.**
2. Requests to continue trial should be by noticed motion. Stipulations will only be considered if good cause is established in the stipulation. If exigent circumstances exist, requests can be made by *ex parte* application. All trial related *ex parte* applications will be heard Monday through Friday at 8:30 am. **No requests for trial continuances will be considered on the day of trial.**
3. Trials are set and called on Fridays at 8:30 am. Short cause trials (4 hours or less) will be assigned to a trial department and will commence the day set for trial. Parties in all other trials should be prepared to participate in a pretrial conference on the day set for trial, and should be prepared to begin trial the following Court day. Parties shall bring all trial related documents prepared pursuant to Local Rule 3401 to the Friday Trial Call.
4. The Court encourages parties to participate in pretrial mediation. Pursuant to orders made at the Trial Setting Conference, all parties, counsel, insurance representatives and any other persons necessary to participate in settlement discussions and enter a settlement on the record pursuant to CCP section 664.6 are required to appear on the day set for trial, unless the Court has excused that appearance in advance, based on a finding of good cause.

5. Department 1 is a Civil Master Calendar. All parties should be ready for trial assignment and may (1) be assigned to an available trial department, (2) trail until a trial department is available, or (3) be continued, at the Court's discretion. Trials may be assigned to Trial departments in Riverside, Palm Springs or Murrieta.

### **C. Trial Setting Conferences**

1. Counsel that appear for Trial Setting Conferences are expected to know the status of the case, including the amount in controversy, the nature of injuries and damages, and the status of discovery.
2. Counsel that appear for Trial Setting Conferences are expected to know the availability of trial counsel, expert witnesses and witnesses.
3. Trials will generally be set 4-5 months from Trial Setting Conference.
4. The Court will set approximately 30 trials on each Friday
5. Other trials are NOT (necessarily) conflicts
6. Anticipated motion filings, including motions for summary judgment, will generally not be considered as a basis for continuing a Trial Setting Conference or extending the date trial is set.
7. All parties should assume that a trial will be set at the TSC.

### **D. Case Management Conferences**

1. Case Management Conferences are calendared at the time the complaint is filed, and are set approximately 6 months from the filing date.
2. The Court expects all parties and counsel to comply with CRC, Rule 3.725, which states: *No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement and serve it on all other parties in the case.* **Failure to timely file a Case Management Statement may subject parties and counsel to sanctions.**
3. The Court employs CRC, Rule 3.722(d), which states: *If, based on its review of the written submissions of the parties and such other information as is available, the court determines that appearances at the conference are not necessary, the court may issue a case management order and notify the parties that no appearance is required.* Appearances for Case Management Conferences are expected to be infrequent.
4. All parties and counsel are expected to complete the Case Management Statement fully and accurately.
5. The Court will use the information provided in the Case Management Statement to determine eligibility for the Court's free mediation program, The First Fridays Settlement Program (where applicable) and to set the Trial Setting Conference.

6. Cases that originate in the Desert Region (Case Numbers beginning with PSC or INC) may be eligible for the First Fridays Mediation Program in Palm Springs. To be considered for assignment to that program, *parties must request assignment* in the Case Management Statement (preferably in response to Question No. 18) and provide sufficient information about the case upon which the Court can make the findings necessary for assignment to that program.

#### **E. Orders to Show Cause**

1. The Court expects all parties and counsel to comply with Riverside Local Rule 3116, which states: *Unless otherwise specified in the Order to Show Cause, any response in opposition to an Order to Show Cause (a) shall be in the form of a written declaration and (b) shall be filed no less than four court days before the hearing on the Order to Show Cause. The Court may find the failure to file a timely declaration to constitute an admission by the responding party that there are no meritorious grounds on which to oppose the action that is the subject of the Order to Show Cause. In that event, the Court may vacate the hearing and issue any order consistent with that admission. Failure to file a timely declaration per Local Rule 3116 may subject parties and counsel to sanctions.*

#### **F. Motions**

1. Motions for trial continuances and preferential trial setting will be heard in Department 1. In addition, motions for relief from error (CCP 473) and reconsideration (CCP 1008) regarding Department 1 orders will be heard in Department 1. All other motions will be heard in the department to which the case has been assigned for law and motion purposes.

Effective July 11, 2018.

John W. Vineyard  
Judge of the Superior Court