

**Superior Court of California, County of Riverside
Palm Springs Courthouse
Department PS4
Commissioner Arthur C. Hester**

Unless contrary orders are made by written order, or on the record in open-court, the following orders apply to all cases assigned to Department PS4. Department PS4 rules discussed below will be incorporated by reference into all minute orders, including trial setting orders. References to “counsel” include any party who is self-represented. Failure to comply with the Court’s orders will subject parties/counsel to sanctions, including sanctions pursuant to Code of Civil Procedure section 177.5.

While in session, the court is open to the public and in person hearings. However, the court strongly encourages parties and counsel to appear remotely for non-evidentiary hearings. Under Cal. Rules of Court, rule, 3.672, the court has adopted local rule 3132 for non-evidentiary hearings (hearings with no oral testimony) such as hearings on motions, case management proceedings, etc. Notice requirements for remote appearances can be formal or informal and be found in local rule 3132.

If for any reason the court disallows the remote appearance at a non-evidentiary hearing, the hearing shall be continued to a date at which the parties will be ordered to appear in person.

For remote appearances, parties can log into Zoom on their device or opt to call into the scheduled hearing by using one of the following Zoom telephone numbers and the meeting ID for this department:

- Call-in Numbers: 1 (833) 568-8864 (TOLL FREE) or 1 (669) 254-5252.
- Zoom Meeting ID: 161 650 1311

For additional information and instructions on telephonic appearances, visit the court’s website at: <https://www.riverside.courts.ca.gov/PublicNotices/remote-appearances.php>

Resources are limited, before contacting staff, all counsel should thoroughly review any applicable California Code, the California Rules of Court, Riverside County Local Rules, PS4 Department Rules, and the Court’s website (<https://www.riverside.courts.ca.gov>) If these resources do not address your particular issue or concern, the courtroom assistant may be reached at (760) 992-3415. If you are ordered to provide documentation to the Court via email, you must, unless otherwise ordered, email the courtroom assistant at DeptPS4@riverside.courts.ca.gov with a copy to all counsel in the action. The messages sent to the courtroom assistant must be limited to information related to the request.

1. Hearing Times

Unless otherwise indicated, the law and motion/case management (FastTrack) calendar in Department PS4 will begin at 8:30 a.m.

2. Court Reporters

- A. Unless otherwise required by law, official court reporters will not be available for limited civil cases, unlimited civil for any pretrial proceedings, civil law and motion matters, civil case management hearings, and civil petitions.
- B. For parties with a few waiver, parties must file with the Court at least 5 court days prior to any hearing, a request for court reporter using Judicial Council Form FW-020.

- C. For parties without a fee waiver, the parties may arrange, at their own expense, for their own reporter: The Court's policy governing Privately Retained Court Reporters: https://www.riverside.courts.ca.gov/GeneralInfo/CourtReporterInfo/A.10.100.4_Privately-Retained-Court-Reporter.pdf?rev=01-17-2022-06:25:27ampermits Per this policy, parties must file with the Court at least 5 court days prior to any hearing either: (1) local form RI-RE003 (Court-Approved List of Official Reporters Pro Tempore); or (2) Local form RI-RE005 (stipulation to a court reporter that is not on the Court-Approved list). More information about these forms and the requirements governing privately-retained reporters is available on the Court's website, as noted above.

3. Ex Parte Applications

Ex parte applications are heard Monday through Friday, subject to the court's availability. The Court retains discretion to deny or grant an *ex parte* application without a hearing. Any opposition to an *ex parte* application must be served on the moving party/counsel as soon as it is filed with the Court.

4. Law and Motion

- A. Pursuant to California Rules of Court, Rule 3.1308(a)(1), and local rule 3316, tentative rulings are posted by 3:00 p.m. on the court-day immediately prior to the hearing at <http://www.riverside.courts.ca.gov/tentativerulings.shtml>. Tentative Rulings are also available by telephone at (760) 904-5722.
- B. ***Hearings will not be held on law and motion matters if oral argument is not timely requested.*** To request oral argument, no later than 4:30 p.m. on the court date before the hearing, you must:
1. Notify the judicial secretary for Department PS4 at (760) 904-5722; and
 2. Inform all other parties.
- C. If no request for oral argument is timely made, tentative rulings become final effective on the date of the hearing and the matter will be taken off calendar.

5. Orders to Show Cause (OSC)

If an OSC is set by the Court, litigants must comply with local rule 3116, which provides that a written response to any OSC be filed with the Court at least 5 court days in advance of the hearing. The sooner the Court can review a declaration pursuant to 3116, the sooner the OSC may be taken off calendar. Local Rule 3116 further provides that "failure to file a timely declaration [may] 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." In other words, failure to respond in writing to the OSC may result in the court vacating the hearing on the OSC and making orders in chambers, including orders imposing sanctions on parties and counsel.

6. Trial Setting Conference (TSC)

In advance of any TSC, counsel are ordered to meet and confer and to prepare and file a declaration at least 10 court days in advance of the TSC addressing all of the following:

1. **3 available dates for trial**, beginning on a Thursday at 1:30 p.m., within approximately 3 months of the TSC. Failure to select mutually agreeable dates,

or to provide a detailed explanation as to why any dates selected are well outside the 3-month window, may result in the Court setting a trial date without input from the parties;

2. **Whether parties are requesting a bench or jury trial**, and the length of the anticipated trial in hours, if possible. If parties are unsure how to estimate the length of time needed, they should instead provide detailed information about the number of witnesses they anticipate calling, specifying the number of experts, and should note any special circumstances (e.g., need for interpreter, child witness, etc.)
3. **Whether the parties have participated or will be participating in ADR.**
4. The declaration may address any other issues that are relevant to setting trial. ***The Court strongly prefers that this declaration be jointly prepared and filed. Failure to file a declaration or to meet and confer as ordered, will result in sanctions without further notice as an OSC re filing a trial setting declaration will be automatically set at the time the trial setting conference is calendared; sanctions of up to \$1500 may issue, jointly and severally as against counsel and parties.***

7. Trials

- A. **All parties must comply with Riverside Superior Court Local Rule 3401** which can be found on the Court's website: <https://www.riverside.courts.ca.gov/GeneralInfo/LocalRules/local-rules.php> Local rule 3401 requires the preparation of the following documents:
 1. Joint Pretrial Statement;
 2. Joint Witness List;
 3. Joint Exhibit List;
 4. Exhibits (BATES stamped in sequential order);
 5. Requests for judicial notice (if any);
 6. Motions in Limine (if any) and proposed order for each;
 7. Oppositions to motions in limine (if any);
 8. Trial brief (if any);
 9. Stipulation of facts or issues of law (if any);
- B. **All trial documents shall be filed by 8:30 a.m. the Monday before trial. There will be no trial call date.** At the same time these documents are filed, the parties are to deliver to Department PS4, 5 tabbed binders containing their exhibits.
- C. Litigants are strongly encouraged to review ***Reales Investment v. Johnson (2020) 55 Cal.App.4th 463***, regarding possible ramifications of non-compliance with local rule 3401.
- D. **Enforcing Compliance** - Local Rule 3401, Section 11: *Parties or their counsel who fail to comply with any portion of this rule without good cause are subject to sanctions, including but not limited to orders striking all or part of that party's pleading, dismissing all or part of that party's action, entering a judgment by default against that party, postponing the trial, or imposing monetary, evidentiary, or issue sanctions. Code Civ. Proc., section 575.2.*
- E. **Trial Briefs** must not exceed 20-pages inclusive of attachments.
- F. **Motions in Limine (MIL)** must be discussed and exchanged as outlined in Local Rule 3401. MILs should be specific to allow the Court to make an enforceable order with respect to particular evidence. Counsel should not file MILs to enforce general legal principles e.g., to prohibit "golden rule" arguments, to prohibit general use of documents not disclosed during discovery, to prohibit use of hearsay evidence, etc.

- G. **Trial Exhibits/Deposition Transcripts.** Exhibits must be BATES stamped in sequential order as required by local rule 3401. Plaintiff shall be assigned exhibit numbers 1-100. Defendant shall be assigned exhibit numbers 101-200. Deposition transcripts which may be read or referred to at trial must be lodged with the court by 8:30 a.m. the Monday before trial starts. Absent an agreement of all counsel/parties, the transcripts must be original/certified. If counsel intends to show the court any portion of the deposition, a PDF copy of the deposition must be included in the trial exhibits.
- H. **Impeachment Exhibits** need not be in the exhibit binder(s). Such evidence must be provided to the court no later than the trial date: exhibits that will be offered solely for impeachment must be labeled, organized numerically, BATES stamped, and tabbed in the manner of all other exhibits and should be enclosed in a labeled envelope or package, which need not be shared in advance with opposing parties. Failure to provide impeachment exhibits to the Court as required will result in the Court precluding their use.
- I. **Trial Hours.** Evidence will be heard Thursday and Friday, 1:30 p.m. to 4:00 p.m. (2.5 hours of court-time per day/5-hours per week.)
- J. **Witnesses.** Counsel is responsible for properly instructing witnesses of inadmissible/excluded evidence. Speaking objections are not permitted. Other than parties and retained expert witnesses, all witnesses are excluded from the courtroom until they are called to testify. No motion is necessary. While a witness is testifying, counsel must have at least one other witness in the courthouse ready to testify. Before leaving the courtroom, counsel must notify opposing counsel of the identity and order that each witness will be called the following day.
- K. **Requests to continue trial** shall be made by noticed motion. *Ex parte* applications are only considered if supported by exigent circumstances. Trial dates are “firm” and continuances are “disfavored,” so any motion should be specific in stating circumstances demonstrating good cause for a continuance. (Rules of Court, rule 3.1332.) Stipulations to continue trial should conform to Code of Civil Procedure section 595.2.
- L. **Post-Trial Matters.** At the conclusion of the trial, the clerk will return the exhibits that are unmarked or not admitted at trial to counsel for the party or parties who offered those exhibits.