

**Superior Court of California, County of Riverside
Palm Springs Courthouse
Department PS2
Judge Manny Bustamante**

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 PS2. Department PS2 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.

****Department Rules are subject to change and should be reviewed frequently given the fluid nature of the COVID-19 crisis, which directly impacts the availability of court resources****

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 in civil. 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.

Appearing remotely at hearings is an efficient alternative, creating time saving efficiencies for litigants. The Riverside Superior Court currently uses Zoom as its remote appearance platform. Zoom can be utilized through a computer, tablet, telephone, cellphone, or other electronic or communications device.

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: 160 922 1726

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, PS2 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) 904-5693. If you are ordered to provide documentation to the Court via email, you must, unless otherwise ordered, email the courtroom assistant at DeptPS2@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

- A. Unless otherwise indicated, the law and motion/case management (FastTrack) calendar in Department PS2 will begin at 8:30 a.m. Please check in with the courtroom clerk no later than 8:15 a.m.

2. Counsel Appearing for Limited Purpose

- A. Counsel appearing in this Department, including those making so-called “special appearances,” must be familiar with the case and able to represent their client’s interest as would any other attorney.” (*Streit v. Covington & Crowe* (2000) 82 Cal.App.4th 441, 445-446.) For purposes of case management hearings, that means counsel must be prepared to discuss in detail issues listed in Cal. Rules of Court sections 3.724 and 3.727, Local Rule 3218, and any orders made by this Department, including those pertaining to mandated efforts to “meet and confer.” Absent extenuating circumstances, appearance by counsel unfamiliar with the case may result in an Order to Show Cause re sanctions being set, including as against “specially appearing” counsel.

3. Court Reporters

- A. Pursuant to Code of Civil Procedure §269(a)(1), and California Rules of Court, rule 2.956, the Riverside Superior Court is modifying its official court reporter policy. **Effective January 17, 2023** the Riverside Superior Court’s policy regarding the normal availability and unavailability of official court reporters is as follows:
- Official court reporters will be provided in felony criminal cases, criminal trials, juvenile, probate, family law, writ of habeas corpus matters, civil restraining orders under Code of Civil Procedure §§527.6, 527.8, and 527.85, and any other proceedings in which an official court reporter is mandated by law.
 - **Official court reporters will not be available for infractions, limited civil cases, unlimited civil cases, and civil petitions.**
 - In unlimited civil proceedings, a party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, rule 2.956(b)(3) at least 10 calendar days prior to a trial or hearing by submitting Judicial Council form FW-020. The court, for good cause, may shorten or waive the 10-day requirement. The clerk will notify the party as soon as possible if no official court reporter will be available. The court is not obligated to provide court reporter transcripts free of charge to a party who has been granted a waiver of court fees and costs (See *Jameson v. Desta* (2018) 5 Cal.5th 594, 623-625). Assistance may be available through the Transcript Reimbursement Fund. Additional information about the Transcript Reimbursement Fund is available on the Court Reporters Board of California website. Additional information for parties with fee waivers is set available at:
<https://www.riverside.courts.ca.gov/GeneralInfo/CourtReporterInfo/court-reporter-info.php>
- B. 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 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).

4. Ex Parte Applications

- A. *Ex parte* applications are heard Monday through Friday on the law and motion calendar, subject to the court's availability. *Ex parte* applications set on the Fridays may be continued to the following court day. The Court retains discretion to deny or grant an *ex parte* application without a hearing. In addition to complying with the California Rules of Court and applicable Local Rules governing *ex parte* applications, parties seeking *ex parte* relief must email a copy of any *ex parte* application (and all supporting documents) to the opposing party/counsel no later than 4:00 p.m. the day prior to the *ex parte* 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. Absent exceptional circumstances, no hearing will be conducted, and the *ex parte* application will be denied.
- B. Requests to shorten time for notice, or to advance the hearing on a motion, will not be considered unless: (1) the motion has been filed with the Clerk's Office, (2) a hearing date is on calendar, and (3) the appropriate filing fee has been paid (or a fee waiver obtained).

5. 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, not later than 4:30 p.m. on the court date before the hearing, you must:
 1. Notify the judicial secretary for Department PS2 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.

6. Case Management Goals

- A. "Case management" includes: Case management conferences ("CMCs"); trial setting conferences ("TSCs"); trial calls, motions, *ex parte* applications, stipulations to continue any such proceedings; and Orders to show cause ("OSC").
- B. When engaging in case management, the Court's goals are:
 - To conduct as few CMCs, TSCs, and OSCs as possible when it appears the litigants are efficiently litigating their matter and have proposed a reasonable schedule for their type of matter in their moving papers ahead of a CMC or TSC;
 - Make itself available to the litigants, if they wish, to participate in Informal Discovery Conferences (IDCs) to help litigants settle any discovery disputes without need for formal motion(s),
 - To set a TSC or to order a case to mediation or arbitration at the first CMC (if the case is at issue);
 - To set a trial date at the first TSC that is within six months of the TSC; and
 - To set firm trial dates that litigants can rely on (barring unforeseen circumstances and court availability).
- C. To achieve these goals, the court needs cooperation from all litigants. In particular, compliance with California Rules of Court: 3.110 (service); 3.725 and Local Rule 3218 (CMCs); 3.1332 (trial continuances); and Local Rule 3116 (Declarations in response to OSCs).

7. Case Management Conference (CMC)

- A. The primary purpose of a CMC is to determine whether the case is ready either to be set for a TSC or to be ordered to mandatory mediation or mandatory arbitration. (Cal. Rules of Court, rule 3.722(a).) A case is “ready” if (a) the case is at issue and (b) the parties’ respective case management statements (“CMSs”) provide the necessary information to determine whether the case is subject to some form of alternative dispute resolution (ADR). A case is “at issue” when all parties have answered or have been either defaulted or dismissed.
- B. To help the Court, litigants are advised to provide detailed information in their CMS about when and how they met and conferred (as required by the aforementioned rules) and what, if any, agreements they reached relative to substantive issues, procedural issues, the timeline for discovery, and possibility of any ADR.

8. Informal Discovery Conference (IDC)

- A. The Court would like to assist litigants who have discovery disputes and would like to attempt to resolve them short of timely and costly formal motion(s). If all parties believe that one or more discovery issues may be resolved with the court’s assistance, they may submit a request for a telephonic or video informal discovery conference. The parties may file a formal stipulation complying with the requirements below or, alternatively, may submit an email to DeptPS2@riverside.courts.ca.gov with a copy to all counsel in the action. The request must be jointly submitted by ALL counsel, and must contain ALL of the following information:
 - 1. The specific discovery issues to be resolved broken down categorically (by type and nature of information sought), with a brief description of each party’s position on the disputed issue, no more than 1 page per side;
 - 2. Contact information for all counsel who will be participating in the discovery conference, including email address and telephone number.
 - 3. 3 proposed dates and times during which all counsel will be available for a telephonic/video conference with the court. Counsel must stipulate to proposed times between 1:00 p.m. and 3:00 p.m., on a Thursday or Friday and must select dates that are at least one week after the date the joint request is made, and no more than six weeks after it is made.
- B. The court notes that if the parties are able to resolve any discovery issues at the IDC, their resolution will need to be memorialized in a stipulation or other agreement as the court does not provide court reporters for IDCs

9. Orders to Show Cause (OSC)

- A. 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 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.

10. Trial Setting Conference (TSC)

- A. In advance of any TSC, counsel are ordered to meet and confer and to prepare and file a declaration at least 10 days in advance of the TSC addressing all of the following:
1. **3 available dates for trial**, beginning on a Friday at 8:30 a.m., within approximately 6 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 6-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 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.***

11. 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);
 10. In a jury trial, jury instructions and verdict form.
- B. **Rule 3401 Section 9, subsection (a) states all trial document shall be filed by 8:30 a.m. the first day of trial call.** At the same time these documents are filed, the parties are to deliver to Department PS2 1 tabbed binder containing all joint documents above. Please see Local Rule 3401 Binder Guidelines: [Local Rule 3401 Booklet.pdf](#)
- 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. **First Day of Trial.** Trials are set and called on Fridays at 8:30 a.m. Unless the Court has excused appearance in advance based on a finding of good cause, all parties, insurance representatives, and any other persons necessary to participate in settlement discussions and to enter a settlement on the record pursuant to Code of Civil Procedure section 664.6. Litigants and representatives may appear remotely, as they would if appearing on the law and motion calendar. If the Court is already engaged in a trial on the date your trial is called, the Court may trail your matter until the conclusion of its current trial.
- F. **Trial Briefs** must not exceed 20-pages inclusive of attachments.
- G. **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. These types of generic motions are improper and will be summarily denied. It is also unnecessary to bring MILs to address any of the following issues:
1. Whether a party is now or was formerly insured against any type of loss or liability;
 2. Except as permitted by Civil Code section 3333.1 (collateral benefits medical malpractice), or as relevant to medical expenses under *Howell v. Hamilton Meats & Provisions, Inc* (2011) 52 Cal.4th 541 and related cases, any insurance benefits received by the plaintiff;
 3. The retention of counsel by an insurance company, unless the insurance company is a party to the action;
 4. Settlement negotiations, mediation efforts, statements made during or in reference to those events, or documents prepared for or during those events.
 5. The existence or terms of any settlement agreements reached with other parties, or payments made pursuant to those settlements;
 6. Unless punitive damages are being sought, the income, wealth, or financial condition of any of the parties;
 7. Any other past or current litigation involving, or claims by or against, any of the parties. However, an expert witness may be examined concerning the number of cases in which the expert has been consulted by or has testified for a party.
 8. Whether a party or a party’s representative was present or absent during the trial or any portion thereof. However, counsel may argue the significance of a party’s failure to testify or to offer particular evidence;
 9. Any party’s attorney’s fees, costs of suit, or other litigation expenses, except where these items are an element of damages. However, an expert witness may be examined concerning the fee charged by the expert for the expert’s testimony.
 10. If the plaintiff is making any claims for economic damages in the form of past medical expenses that were satisfied by an insurer, evidence of the amount of those damages shall be limited to the amount paid by the insurer and accepted by the health care provider in full satisfaction of that health care provider’s invoice.
- H. **Trial Exhibits/Deposition Transcripts.** With the exception of exhibits offered solely for the purpose of impeachment, ALL exhibits (including demonstratives) the parties intend to offer at trial must be brought with all trial documents on the date of trial. Exhibits must be BATES stamped in sequential order as required by local rule 3401.

- I. **Impeachment Exhibits** need not be in the exhibit binder(s). Such evidence must be provided to the court in the following manner 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.
- J. **Voir dire** will not begin until all parties have complied with Local Rule 3401. Parties will be sanctioned for each day of non compliance.
- K. **Jury Questionnaires/Hardships.** Once a panel is ordered, a preliminary questionnaire will be submitted to the venire automatically by the jury room. This preliminary questionnaire will address hardships and time-qualification. The Court will review this information and discuss any concerns with counsel. Thereafter, the Court may submit to the panel a questionnaire related to the specifics of the case being tried. The Court will discuss this with counsel and will adjust as required. If the parties have a questionnaire that they would like to use, it must be a joint questionnaire submitted by all parties, or a questionnaire submitted by one party to which other parties have no objections; the Court will not select among competing questionnaires.
- L. **Trial Hours.** Evidence will be heard Monday through Wednesday, from 10:00 a.m. to 12:00 p.m. and 1:30 p.m. to 3:30 p.m. (4 hours of court-time per day/12-hours per week.)
- M. **Court Reporters.** Pursuant to local rules, no court reporter will be provided for any portion of a trial. If the parties wish to have a privately retained court reporter present, they must comply with local rules permitting their use and “Real Time” must be provided to the court during their recording of proceedings.
- N. **Witnesses.** No witness shall testify, no exhibit shall be introduced, and no counsel shall ask a question or make any comment in the presence of the jury, concerning any evidence excluded by the Court’s rulings on a motion in limine. 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.
- O. **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. The Court will not be able to accommodate postponements where the requested trial date(s) are unavailable or are over the 30-day limit permitted by Code of Civil Procedure Section 595.2.
- P. **Post-Trial Matters.** At the conclusion of the trial, the clerk may return the exhibits marked or admitted at trial to counsel for the party or parties who offered those exhibits. If so, counsel must retain those exhibits until one of the following events occurs:
 - 1. All parties agree in writing that the exhibits may be destroyed;
 - 2. Any appeal from the judgment has been finally decided and, in the event of a reversal, any retrial has concluded; or
 - 3. The time for any appeal from the judgment has passed without any notice of appeal being filed.