

RIVERSIDE COUNTY SUPERIOR COURT
Southwest Justice Center - Department S-302

Honorable Judge Angel Bermudez

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 S-302. 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.

I. Ex Parte Applications

1. *Ex parte* applications are heard Monday through Friday at 8:30 am. The Court retains discretion to deny or grant an *ex parte* application without a hearing.
2. 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).

II. Order to Show Cause Hearings

1. Effective February 15, 2017, for any Order to Show Cause set against a party, a declaration must be filed no less than 5 court days prior to the hearing on the Order to Show Cause. Absent good cause for non-compliance of the filing of a declaration, failure to file a declaration will be construed as submitting on the violation for the noticed Order to Show Cause.

III. Law and Motion

1. Pursuant to California Rules of Court, Rule 3.1308(a)(1), and Riverside Superior Court 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.
2. To request oral argument, parties must (1) notify the judicial secretary, Tiffany Uhls, at (760) 904-5722, and (2) inform all other parties **no later than 4:30 p.m.**
3. Tentative rulings become final effective on the date of the hearing, unless a request for a hearing is made before 4:30 p.m. on the day prior to the hearing.

IV. Trials

1. **All parties must comply with Riverside Superior Court Local Rule 3401.**
2. Effective January 4, 2017, trial estimates will be given in hour estimates. The Department will allocate no less than 20 hours towards trial on a weekly basis

including Fridays. Trials are heard Monday through Friday, from 10:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.

3. *Voir dire* will not begin until all parties have complied with Local Rule 3401, and, in particular, provided the Court with jury instructions, verdict forms, witness lists, and a statement of the case.
4. Requests to continue trial should be made by noticed motion. *Ex parte* applications are **only considered if supported by exigent circumstances**. Requests to continue on the day of trial will not be considered absent extraordinary and unforeseeable circumstances.

V. Trial Call

1. Trials are set and called on Friday at 8:30 a.m. **Parties must bring all documents prepared in accordance with Local Rule 3401**, and should be prepared to participate in a pretrial conference. Trial will commence on the following court day.
2. On Friday, parties are encouraged to participate in a pretrial mediation. A mediator will be provided. All parties, counsel, insurance representatives and any other persons necessary to settlement discussions (including those that are needed to enter into a settlement on the record, pursuant to CCP section 664.6) are required to appear, unless the Court has excused their appearance in advance, based on a finding of good cause.
3. Parties must immediately notify the Court of a settlement in accordance with Rule 3.1385. Upon notification, the Court Assistant will: (1) call-off the mediator(s) scheduled for Friday's trial call, (2) vacate the trial, and (3) calendar the matter for an OSC re: Dismissal After Settlement, pursuant to Rule 3.1385(b).
4. In the event that Department S-302 is unavailable for trial, at the Court's discretion, the matter may be: (1) assigned to another trial department, (2) trailed until a department becomes available, or (3) continued.

VI. Witnesses

1. 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 of the following subjects. Counsel must instruct and advise each witness of this order.
 - a. Evidence excluded by the Court's rulings on a motion *in limine*, or any other order excluding, limiting or redacting evidence;
 - b. Settlement negotiations, mediation efforts, statements made during or in reference to those events, or documents prepared for or during those events;
 - c. The income, wealth or financial condition of any party;
 - d. Any past or current litigation involving the parties – or any other claim;
 - e. The retention of counsel by an insurance company, unless the insurance company is a party;
 - f. Whether a party is now or was formerly insured against any type of loss or liability.
2. Speaking objections are not permitted.

3. Other than parties and retained expert witnesses, all witnesses are excluded from the courtroom until they are called to testify. No motion is necessary.
4. While a witness is testifying, counsel must have at least one other witness in the courthouse ready to testify. No recess or continuance will be granted for lack of an available witness absent proof of service of a subpoena or notice to appear.
5. Before leaving the courtroom, counsel must notify opposing counsel of the identity and order that each witness will be called the following day.

VII. Exhibits, Documents and Deposition Transcripts

1. A document used solely to refresh a witness' recollection shall not be displayed to the jury.
2. Any party who intends to read from a deposition transcript during trial must lodge the original transcript with the court on the first day of trial.
3. Exhibits must be moved into evidence no later than the end of the first trial day in which the exhibit was referred to during testimony.
4. At the conclusion of the trial, the clerk may return any deposition transcripts lodged with the court to the counsel who lodged the transcript. Counsel must retain that transcript in accordance with Code of Civil Procedure section 2025.550, subdivision (b).

VIII. Jury

1. The Court deems all jurors and any alternate jurors to be present at all necessary times, unless their absence is expressly brought to the attention of the Court on the record.
2. Alternate jurors will be chosen at random. If a substitution becomes necessary after the jury has begun deliberations, the Courtroom Assistant will contact alternates in an order chosen at random, but will order to appear the first alternate with whom the Courtroom Assistant actually speaks.
3. Upon receiving any request, question, or notice from the jury after the jury has begun to deliberate, the Court will notify counsel for all parties by telephone. If counsel for any party does not appear either in person or by telephone within 15 minutes after that notice, the Court may respond to the jury without that counsel's participation.

IX. Trials Involving Personal Injury or Property Damage

1. No witness shall testify, no documentary evidence shall be introduced, and no counsel shall ask a question or make any comment in the presence of the jury, concerning any of the following subjects:
 - a. Whether a party is now or was formerly insured against any type of loss or liability.
 - b. Except as permitted by Civil Code section 3333.1, subdivision (a), any insurance benefits received by the plaintiff.
2. 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

must 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.

3. If any claim is made against a health care provider, no witness shall testify, no documentary evidence shall be introduced, and no counsel shall ask a question or make any comment in the presence of the jury, concerning the limitation on noneconomic damages. (Civ. Code, §3333.2 [MICRA].)

X. 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.