

Pre-trial and Trial Orders

Unless contrary orders are made by written order or on the record in open court, the following orders apply in all trials set in Department 4. 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 or grant 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. Pre Trial

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 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. 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. If Department 4 is engaged in trial, there is more than one matter ready for trial in Department 4 on the day set for trial, or in any other circumstance such that Department 4 is not available for trial, the matter may (1) be assigned to another available trial department, (2) trail until either Department 4 or another trial department is available, or (3) be continued, at the Court’s discretion.

C. All Trials

1. Department 4 is in session for long cause trials Monday through Thursday, from 10:00 to 12:00 and 1:30 to 4:30.
2. Other than parties and retained expert witnesses, all witnesses are excluded from the courtroom until they are called to testify. No motion is necessary.
3. No evidence excluded by the Court's rulings on a motion in limine, or any other order, shall be referred to or inquired about, and no reference shall be made to the motion in limine or the ruling on the motion, in the presence of the jury. Counsel shall instruct and advise each witness of this order.
4. Counsel should schedule and have available more witnesses than they believe will be necessary each day. Parties shall at all times have at least one witness, in addition to the witness testifying, in the courthouse and 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 at the end of each trial day, Counsel shall notify opposing counsel of the identity of all witnesses that will be called the following trial day, including the order in which they will be called.
6. Exhibits shall be moved into evidence no later than the end of the first trial day in which the exhibit was referred to during testimony.
7. Any party who intends to read from a deposition transcript during trial shall lodge the original transcript with the court no later than 9:30 am on the day the witness is scheduled to testify.
8. Department 4 is a digital courtroom, equipped to allow the electronic presentation of evidence. Counsel are encouraged to present evidence electronically to the extent possible, and to meet and confer regarding the joint, electronic presentation of evidence.

III. All Jury Trials

1. Voir Dire shall not begin until all parties have complied with Local Rule 3401, and, in particular, provided the Court with required jury instructions and verdict forms.
2. 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:
 - a. Settlement negotiations, mediation efforts, statements made during or in reference to those events, or documents prepared for or during those events;
 - b. The income, wealth or financial condition of any party;
 - c. Any past or current litigation involving, or claims by or against, any party:

- d. The retention of counsel by an insurance company, unless the insurance company is a party:
 - e. Whether a party is now or was formerly insured against any type of loss or liability.
 - f. Motions in limine, the Court's rulings on motions in limine, or orders excluding testimony or evidence.
3. A document used solely to refresh a witness' recollection shall not be displayed to the jury.
4. During vior dire, opening statement and closing argument, counsel may enter the well without requesting approval.
5. If there are multiple alternate jurors and it becomes necessary to discharge a juror and substitute an alternate juror, prior to the commencement of deliberations, the alternate shall be chosen at random from the alternates as a whole. If such substitution becomes necessary after the jury has begun deliberations, the Courtroom Assistant shall contact alternates in an order chosen at random, but shall order to appear the first alternate with whom the Courtroom Assistant actually speaks.
6. Upon receiving any question, request or notice from the jury after deliberations have begun, the Court shall prepare a proposed response. The Court shall contact all parties by telephone and read the question and proposed response. If no party objects to the proposed response, the response shall be given. If any party objects to the proposed response, the Court shall notify all parties and give not less than 30 minutes for parties to appear to address the response. If any party does not appear after that notice, the Court may respond without that party's participation.

Daniel A. Ottolia
Judge of the Superior Court