

**TRIAL SETTING RULES – DEPARTMENT L71
COMMISSIONER PAUL T. MINERICH
EFFECTIVE JANUARY 1, 2019**

Phone: (657) 622-5571

Clerk: Kathleen McDonald
Courtroom Assistant: TBD
Bailiff: A. Cortez
Court Reporter: Beth Acheson

INTENT OF RULES

These rules and procedures are the order of the Court except as modified by the Court.

Any RFO or trial with a time estimate of 2 hours or more requires a meet and confer that is to be done prior to the Trial Setting Conference (TSC) and a Joint Statement be filed prior to the TSC.

It is the intent of the Court that in most cases, a trial date will not be given until the Joint Statement is received. It is the Court's position that if the parties are unable to meet and confer to prepare a Joint Statement, they are not ready for a trial/hearing date.

It is also the intent of the Court that in most cases with a long time estimate, a settlement conference (MSC) will be scheduled. A trial date will not be scheduled following the MSC unless the Joint Statement has been received.

MEET & CONFER

- a) The parties are to meet and confer prior to any TSC or MSC for the purpose of preparing a Joint Statement of the case. The Joint Statement shall be filed on or before the date the Court sets the trial.
- b) The Joint Statement shall include:
- (a) Undisputed facts
 - (b) Disputed facts, including each party's proposed findings on each disputed fact
 - (c) Undisputed issues
 - (d) Disputed issues, including each party's proposed finding on each disputed issue
 - (e) Time estimate for trial/hearing
 - (f) List of witnesses, including a short statement of anticipated testimony and time estimates for direct and cross-examination
 - (g) Exhibits and expert witness reports that can be admitted without further foundation
 - (h) If spousal support is an issue, the Joint Statement must include each party's proposed findings on all Family Code §4320 factors. Use of the form available in this department is encouraged.
- c) The parties are to update and serve on each other the following:
- (a) Current Income and Expense Declarations (FL-150) including all required attachments
 - (b) Two most recent tax returns, including personal and corporate (if applicable)
 - (c) An attorney's fees declaration and all billing invoices (if applicable)
- d) Unless otherwise ordered by the Court, all exhibits, except for rebuttal on impeachment, shall be organized and tabbed in a binder or pre-marked, and exchanged. Any exhibit not exchanged will *not* be admitted except for good cause.
- Petitioner is to use numbers 1-100
 - Respondent is to use numbers 101-200
 - Other parties are to use numbers starting with 201

TRIAL PREPARATION

Original exhibits for the Court and copies of exhibits for the courtroom clerk and witness stand must be available at the hearing.

Any hearing brief shall be exchanged and filed with the court no later than 5 court days prior to the trial/hearing. Refer to Local Rule of Court 5.394.

The Court generally prefers to hear the case issue by issue.

Any violation of and/or failure to comply with these rules may result in the Court not setting a trial date, vacating the trial, and/or issuing sanctions pursuant to Civil Code of Procedure 128.5, 177.5, Family Code §271 and/or California Rules of Court 5.14.