

TRIAL RULES, DEPARTMENT L-52
COMMISSIONER NANCY J. KASCH
EFFECTIVE March 1, 2021

Phone: 657.622.5552

Clerk: Michelle Salazar

Courtroom Assistant: Sarah Abeyta

Court Reporter: Warren Webb

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 estimates of 2 hours or more requires a meet and confer pursuant to California Rule of Court 5.98. This is to be done prior to the Trial Setting Conference (TSC) and a Joint statement of issues is to be filed 5 court days prior to the TSC.

This Court requires full compliance with Local Rule 709 prior to setting a trial date.

Requests for Orders and Motions; Trials

- Each document and any attachments must be timely filed and served on all other parties as required by statute(s) and California Rules of Court. This includes any responsive documents.
- Effective January 1, 2018, all documents submitted by counsel must be electronically filed. Self-represented parties are encouraged to electronically file documents. If a document is not electronically filed, then a copy must be filed directly in Department L-52.
 - If a document is electronically filed within five (5) days of the hearing date, then copies must be available for all parties and the court on the hearing date.

Trial exhibits:

- Moving party to use numbers.
- Responding party to use letters.
- Other parties to use numbers starting with number 101.
- All parties must meet and confer regarding exhibits and other trial matters including the issues for trial at least ten (10) days prior to the original trial date.
- All exhibits must be exchanged prior to the commencement of a trial.
 - Copies of exhibits must be exchanged by the parties or counsel prior to the trial and a copy must be prepared for the court.
 - For trials anticipated to last more than two (2) hours, all witness lists, trial briefs, exhibit lists, expert witness reports and copies of exhibits for the

court must be filed five (5) court days prior to the trial date. [California Rules of Court 5.394]

- Any objections based on lack of foundation to written exhibits must be discussed by the parties and counsel prior to the hearing.
 - Rebuttal exhibits are excluded.
 - Warning: rebuttal must truly be rebuttal.
- If more than 10 exhibits are to be offered by a party, each must be pre-marked, with copies for opposing parties and for the court.
- All declarations *including Income and Expense declarations* must be marked separately as exhibits. Upon request, the declarations may be admitted into evidence subject to cross examination.
- Except for pay stubs, which are admitted as part of the Income and Expense declaration, each attachment must be separately identified as an exhibit.
 - The attachment(s) will be admitted or excluded during the trial.

Order of trial evidence

- The parties must prepare a joint statement of issues to be determined in the trial.
- The court tries each case issue by issue, moving party first and responding party second.
- Each party must prepare a list of the names of each witness including
 - The subject matter of the testimony
 - The anticipated length of time for the testimony.

Calendaring

General:

- Calendar initial RFO's and modifications 9:00AM Monday – Wednesday.
- Open trials and continuances 10:30AM Monday and Wednesday as well as 1:30PM Monday, Tuesday, and Wednesday.
- MSC/TSC/CMC 10:30AM Tuesdays
- DCSS AB1058 Long Cause 2:30PM Monday, Tuesday, and Wednesday, as needed.
- Self-represent trials Thursday, three (3) each morning and afternoon.
- Contempt Friday 9:00AM
- Motions Friday 10:30AM
- Domestic Violence: Calendar for 9:00AM and 1:30PM Monday – Friday
- Ex Partes: Calendar for 9:00AM and 1:30PM Monday – Friday
- Continuances
 - Request for Order: One (1) continuance will be granted by telephone without an appearance upon a specific agreement by both parties.
 - Domestic Violence: Telephone continuances are not accepted.