

Department 2101 Policies and Procedures

Honorable Robert C. Longstreth, Presiding

The Court requires in person appearances for the following hearings: Judgment Debtor Exams, Trial Readiness Conferences for Jury Trials, Trial Calls for Jury Trials, Jury Trial, and Orders to Show Cause for Contempt. The Court encourages personal appearances on Ex Parte Applications. Personal appearances are required as stated above unless good cause exists not to appear in person, and prior approval to appear remotely has been granted by the court no later than the day prior to the hearing. All other hearings may be made by remote video or audio appearance.

All remote proceedings will be conducted via Microsoft Teams. Any counsel, party, or witness wishing to appear remotely must comply with all applicable provisions of California Code of Civil Procedure section 367.75, California Rules of Court, rule 3.672, and any applicable Local Rule or General Order of the San Diego Superior Court.

Phone Numbers:

Courtroom: (619) 844-2211

Courtroom Clerk: Taylor Crandall, (619) 844-2211

1. **Ex-Parte** – Ex-Parte appearances are by reservation only on Thursdays at 1:30 p.m., or at any times the Court may designate. Reservations are to be made by contacting the Courtroom Clerk. **Ex-Parte papers, fees and courtesy copies are due on or before 12:00 p.m. the day before the hearing in the Civil Business office, with courtesy copies of the papers delivered by that time as well to Department 2101. If the Department is dark, delivery to the Civil Business Office is sufficient.** If you find that you will not be appearing after reserving your date, please contact the Courtroom Clerk to cancel the Ex-Parte. Please note Ex-Parte appearances for an order shortening time (OST) are strongly discouraged.
2. **Guardian Ad Litem / Publication of Summons** – Petitions for appointment of Guardian Ad Litem and applications for orders for publication of summons may be made ex parte without the necessity of an appearance. The moving papers shall be submitted for review by the Court and the Court may set a hearing if such hearing is deemed necessary. Guardian Ad Litem applications will not be granted ex parte unless the moving party submits a declaration showing:
 - a) the minor is not the subject of a juvenile dependency proceeding;
 - b) the minor is not the subject of a probate guardianship;
 - c) if the parents are not living together, attaching a copy of the current child custody order.
3. **Law and Motion** – Noticed motion hearings are by reservation only. To reserve a date, contact the Courtroom Clerk.
4. **Continuances** - Stipulated requests to continue any applicable dates and deadlines, including Trial, Trial Readiness Conference, Case Management Conference, Status Conference, and Motion Cut-off dates, may be made by written stipulation. A proposed order should be provided with any stipulation, along with a statement of the good cause supporting the request. The Court will review the stipulation and proposed order and may schedule an ex parte hearing if necessary.

Where there is no stipulation, requests for continuances should be made by way of a noticed motion or an ex parte application. Please review Rules 3.1200 through 3.1207 in connection with any ex parte application.

5. **Trial Readiness Conference** – Trial Readiness Conferences are heard on Thursdays at 1:30 p.m. unless otherwise designated by the Court. A Joint Trial Readiness Report is to be filed as provided by the local rules, unless the parties stipulate a later time. If the parties so stipulate, the report may be filed no later than two full court days before the conference. Trial counsel are to be personally present if a jury trial is requested. **The exhibit list is to have objections noted.**
6. **Trials** – At least two (2) court days before trial, the parties are expected to provide the following materials: A Trial Binder with the following included:
 1. Table of contents
 2. Joint Trial Readiness Report
 3. Limine motions and oppositions and index of Limine motions
 4. Copy of Joint Witness List. Listing the witness as either percipient or expert.
 5. Copy of Joint Exhibit List (follow grids format – see attachment to ADR, **with objections noted**)
 6. Copy of Trial Briefs
 7. Copy of the Operative Pleadings, e.g., Complaints and Answers.

For Jury Trials, the parties are also expected to provide the following:

8. Joint Statement of the Case
9. Voir Dire questions counsel requests Court to ask
10. Jury Instructions – packet of agreed upon instructions and packet of not agreed upon instructions with a post-it note indicating who opposes the instruction
11. Special Verdict Form – either an agreed upon form or each side's proposed Special Verdict Form
12. A check for the jury fees due prior to the completion of trial. As well as complying with filing and service requirements, counsel is to email the clerk in Word format the final joint exhibit and witness list and the motion in Limine index prior to commencement of trial. The email address will be provided to counsel at trial call. Each counsel is ordered to telephone the Courtroom Clerk, prior to 10:00 am on the day before the initial trial date, and again prior to 10:00 am on the day before any continued trial call date, to report:

- 1) their readiness for trial, including the status of their compliance with these requirements,
- 2) the estimated trial length, and
- 3) whether a jury will be required. Failure to timely provide these materials and comply with the reporting requirements call may be grounds for continuance of the trial.

Parties shall provide a copy of the exhibits for the witnesses to refer to during testimony that shall be marked in the same manner as the exhibits provided to the clerk, and **must be pre-filled with exhibit #, case # and department #**. An additional copy for the judge is not necessary.

7. **Remote Appearances** – The California Rules of Court shall govern remote appearances. As noted above, the Court requires personal appearances in certain

situations, and authorizes remote appearances in other situations unless otherwise ordered.

8. **Guidelines for Testimony Given Remotely**-- To assure the fair conduct of trial, the following procedures shall be followed, unless otherwise ordered by the Court.

With respect to any party or witness who appears at trial via Microsoft Teams, no party or witness may testify by audio only, or by telephone, unless all parties stipulate that the testimony may be taken by audio only.

Each party or witness testifying remotely shall arrange for their own video appearance for each day of trial and shall be solely responsible for the payment of any fees arising from such appearance.

Each party shall arrange for the video appearance of any third-party witness appearing remotely it intends to call and shall be solely responsible for the payment of any fees arising from such appearance. Witnesses who have been properly subpoenaed shall cooperate with the parties in the making of these arrangements unless their appearance has been excused by the Court.

Each party shall assure that their video feed and that of their witnesses appearing remotely is of sufficient quality and scope so that the Court and opposing counsel may see and hear the witness clearly and be able to assure that no witness is susceptible to coaching or has the ability to rely on any materials out of sight of the Court and/or opposing counsel. The Court recommends that each party and witness have more than one device available to them in the event that problems arise with the device they primarily intend to use primarily.

Any and all materials that any witness relies on to refresh recollection or otherwise during the course of his or her testimony shall be provided to all counsel upon request.

A party shall to the extent possible provide a hard copy of any exhibit it intends to have a witness appearing remotely view during that witness's testimony to the witness in advance of the time the witness testifies.

Parties and counsel shall assure that any non-party witness who will testify at trial will not see or hear any of the trial proceedings that occur before they testify, or that occur after they testify and before they are excused from providing further testimony.

A witness shall appear in front of a background that does not convey information such as diplomas, awards, photographs, and the like to the trier of fact.

9. Each party shall assure that the proceedings are not being recorded or reported in any manner other than by the duly authorized court reporter. Court reporters must be present in person.