

Department Policies and Procedures

Central – Hall of Justice – Dept. 69

Revised May 29, 2025

Honorable Evan P. Kirvin, Presiding

Courtroom Staff:

Courtroom Clerk. (619) 450-7069

Calendar Clerk. 619-450-7328 (Phone hours: 8:00 am to 3:00 pm)

Applications for Determination of Good Faith Settlement: The proposed order shall be submitted concurrently with the notice and application for determination of good faith settlement pursuant to Code of Civil Procedure section 877.6, subdivision (a)(2). The proposed order will be held the requisite statutory period (20 days if personally served, 25 days if served by mail). If no motion to contest is filed within the statutory period, the court will review the application, and may sign the order.

Case Management Conferences: Case management conferences are held on Friday starting at 10:45 a.m. and 11:15 a.m. At case management conferences, no matters will be set for mediation **unless requested by both parties.**

Courtesy Copies: Courtesy copies of the following documents should be placed in the Department 69 drop box, located outside the Business Office on the second floor of the Hall of Justice:

- Ex parte applications (delivered no later than 12:00 p.m. the day before the hearing)
- Pro hac vice applications
- Noticed motions, oppositions, and replies
- Motions in limine
- Joint trial readiness conference reports
- Trial briefs

Default Judgment by Court: Papers must comply strictly with California Rules of Court, rule 3.1800. Non-complying papers will be returned with a notation of defects. If personal testimony is required, counsel will be contacted by the courtroom clerk to schedule a default prove-up hearing. Proposed default judgments claiming punitive damages and/or non-economic damages will usually require a hearing. Default prove-up hearings are calendared for Friday at 1:30 p.m.

Discovery Motions: Motions to compel initial responses should be reserved and filed as a single motion, regardless of the number of sets of discovery at issue. Motions to compel further responses, and motions to deem facts admitted, should be reserved and filed as separate motions for each set of discovery at issue.

In lieu of submitting a separate statement with a motion to compel further responses, the moving party may submit a concise outline of the discovery request and each response in dispute. In accordance with local rule 2.1.21, a prior order permitting the concise outline is not required. However, in the event the moving party elects to submit a concise outline, copies of the actual requests and responses shall be submitted as exhibits to the motion.

Ex Parte Hearings: Ex parte hearings are by reservation only on Tuesday, Wednesday, and Thursday at 8:45 a.m. All ex parte applications must comply with California Rules of Court, rule 3.1200 et seq. Ex parte matters will not be heard unless supporting papers are filed by 12:00 p.m. the day before the hearing. Ex parte applications

to advance hearings are discouraged and should be based on an affirmative showing of good cause for an earlier date. No appearance is required if the parties stipulate to the requested relief.

Guardians Ad Litem: Applications for appointment of a guardian ad litem are governed by local rule 2.4.6. Applications may be submitted for review without an appearance.

Law and Motion: Noticed motion hearings are by reservation only and are set on Fridays at 9:00 a.m. Counsel may obtain reservations by contacting the calendar clerk at (619) 450-7328 or by using the [Motion and Reservation System](#) on the court website. Parties must comply with Local Rule 2.1.19, which states that any motion should be ready to be filed when the reservation is obtained.

Tentative rulings will be made available [here](#) by 4:00 p.m. the day prior to the scheduled hearing. No notice of intent to appear is required to appear for oral argument. The tentative ruling will not become the final ruling until the hearing. Unless it states otherwise, the minute order is the final order.

If neither party appears on the date and time noticed for the hearing, the tentative ruling will be adopted as the final ruling of the Court. Parties wishing to argue before the Court must appear on the date and time noticed for the hearing. Failure to file timely motion or opposition papers may constitute a waiver of the right to orally argue.

Parties are expected to adhere to the page limitations set forth in California Rules of Court, rule 3.1113(d). Parties should not manipulate the font size or line spacing to circumvent the page limitations. If there is good cause to file an oversized brief, parties must obtain leave of court in advance.

If documents or other materials are lodged in support of/opposition to a motion, California Rules of Court, rule 3.1302(b) requires the lodgment be accompanied by an addressed envelope with sufficient postage for mailing the material back to the lodging party. Lodged material without a return envelope will be held 30 days, during which time the lodging party may physically retrieve the material from the clerk. After 30 days, the lodged material will be discarded.

If your case has settled or your motion is otherwise resolved prior to the hearing, please call the department immediately to take the motion off calendar so the Court does not spend scarce resources and time preparing a ruling that is no longer needed.

Orders to Serve by Publication: Applications requesting an order to serve by publication may be submitted for review without an appearance. Affidavits will be scrutinized to determine whether the applicant has been reasonably diligent in attempting service in another manner, as required by Code of Civil Procedure section 415.50, subdivision (a).

Petitions for Minor's Compromise: Petitions to compromise minors' claims are heard on Mondays at 8:45 a.m.. The petition must be filed first prior to the scheduling of the hearing. Guardian ad litem must appear in the courtroom at the time of the hearing.

Pro Hac Vice Applications: Applications for admission pro hac vice must comply with California Rules of Court, rule 9.40. Applications must include proof of service on the State Bar of California, proof of payment of the required fee, and a proposed order. Parties are not required to reserve a hearing date for the application. If a party opposes an application, that party may appear ex parte within five days to request a briefing schedule.

Remote Appearances: Remote appearances are governed by Code of Civil Procedure section 367.75, California Rules of Court, rule 3.672, and local rule 2.5.8. Instructions on how to appear remotely are available [here](#). Absent advance permission by the court, parties are expected to personally appear at settlement conferences, trial readiness conferences, trial calls and trials.

Parties appearing remotely should ensure they have a reliable phone/internet connection and a quiet environment. Witnesses appearing by video should have a plain or blurred background. If testifying remotely, witnesses must be alone in the room and have physical copies of any exhibits to which the witness will refer to during their testimony.

Stipulated Protective Orders / Motions to Seal: Proposed stipulated protective orders for protection of confidential information will only be approved if the language in the proposed order is consistent with California Rules of Court, rules 2.550 and 2.551. Motions and applications to seal must comply with rules 2.550 and 2.551. Records will not be sealed based solely on the agreement or stipulation of the parties. If documents have been lodged conditionally under seal in support of/opposition to a motion, the substantive motion will not be decided until after the hearing on the motion or application to seal. Parties may appear ex parte to request a hearing on a motion to seal in advance of a pending substantive motion, or alternatively to continue the substantive motion.

Trial Calls: Trial calls are held on Friday at 8:45 a.m. At trial call, counsel must bring a joint trial notebook, which should be comprised of the following:

1. Table of Contents
2. Copy of Joint Trial Readiness Report
3. Copies of Motion in Limine and Oppositions (in order)
4. Joint Witness List (with description of witnesses' expected testimony)
5. Joint Exhibit List
6. Copies of Trial Briefs (if any)
7. Joint Statement of the Case
8. Proposed Voir Dire Questions (if any)
9. Jury Instructions (packet agreed upon and packet of those not agreed upon, with indication of who is offering and objecting)
10. Special Verdict Form (either an agreed upon form or each side's proposed forms). If the parties fail to make a genuine effort to limit disputes on the form of the special verdict, a general verdict form will be utilized.

All exhibits must be pre-marked in an up-to-date exhibit book. All exhibits, demonstrative aids, or other material to be used in opening statements must be shared with opposing counsel in advance. All motions in limine must be filed per local rule 2.1.18. Trial briefs must be filed five court days prior to trial call.

Trial Readiness Conferences: Trial readiness conferences are held at 10:15 a.m. on Friday. Parties are reminded to review local rule 2.1.15. A completed joint trial readiness conference report shall be filed in advance of the hearing pursuant to local rule 2.1.15.

[Advance Trial Review Order](#)

DISCLOSURE STATEMENT

Judge Evan P. Kirvin discloses the following information:

Judge Kirvin is married to Bryn Kirvin. As of January 7, 2025, Ms. Kirvin has been employed by the City of San Diego as the Executive Director of the Ethics Commission.

Prior to her employment with the City of San Diego, Ms. Kirvin served as a Deputy District Attorney with the County of San Diego for approximately 27 years.

If an attorney or party is aware of any involvement of Ms. Kirvin in their case, please immediately inform the opposing side and the Court.