

1 TRIAL AND EVIDENTIARY HEARING PROCEDURE ORDERS
2 SAN DIEGO SUPERIOR COURT
3 Department 903
4 Honorable Lizbet Muñoz, Commissioner

5 ***PARTIES AND COUNSEL ARE TO APPEAR IN PERSON FOR TRIAL OR SPECIAL***
6 ***SET EVIDENTIARY HEARING, UNLESS AUTHORIZED BY THE COURT. REMOTE***
7 ***APPEARANCE FOR ANY WITNESSES WILL REQUIRE COURT APPROVAL.***

8 Trial/Hearing:

- 9 • Trial Briefs are required and are to conform to the California Rule of Court (CRC) 5.394.
10 The trial brief form (D-241) can be located on the court's website.
- 11 • We will complete the trial in the number of days you have set; have your witnesses ready
12 and plan your presentation accordingly. **IF YOUR MATTER SETTLES BEFORE TRIAL**
13 **DATE, PLEASE INFORM THIS DEPARTMENT'S CLERK IMMEDIATELY.**
- 14 • All else being equal, half the time will go to the Petitioner/moving party and half to the
15 Respondent/opposition. When counsel is cross-examining, it is counted as part of his/her
16 time.
- 17 • If you cannot complete the trial in the time set, please request new dates at the pre-trial
18 conference. You may also come in ex parte to reset the trial date or revise your time
19 estimate for good cause.

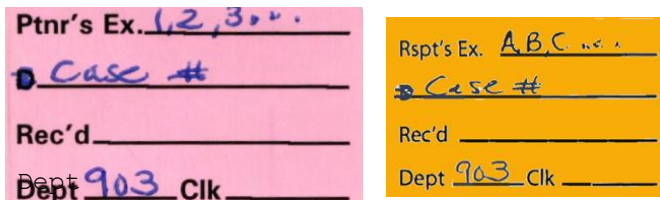
20 Schedule:

- 21 • We commence trial each day at 9:00 am. There will be a 10–15-minute break during the
22 morning and afternoon session. We take a break at noon for lunch, and reconvene at 1:30
23 p.m. We conclude at 4:30 p.m.
- 24 • **If counsel retains a court reporter, please notify the court reporter that the Court**
25 **requires Realtime or a similar program, for the Court to simultaneously view the**
26 **transcript of the proceedings.**
- 27 • The Court will accommodate third-party witnesses and take them out of order, if requested.

28 Exhibits:

- All are pre-marked and tabbed as Exhibits: Petitioner numbers and Respondent letters.
- An exhibit list and a copy of exhibits are to be provided with an original to the clerk with the
exhibit tags attached and filled out, copies to each counsel, one set for the witness stand
and one for the Court. Copies are to be hard copies, not electronic, unless counsel or self-
represented parties have agreed to exchange or receive exhibits electronically.

- If over 50 exhibits, the copy for the Bench is to be placed in individual, labeled files folders and folders are to be placed in a box or red well. If less than 50 exhibits, a binder is acceptable.
- Counsel must meet and confer in advance as to the admissibility of evidence. Please report your stipulations in the Trial Brief or document entitled, “Stipulation to the Admissibility of exhibits” signed by both counsel.
- Be advised that the Court does not have the capability of presenting electronically stored evidence using its own equipment. The Court has a screen on which evidence can be shown, and cables that can be connected to a laptop, but will not be able to insert flash drives, memory sticks, CD’s or other storage devices into court computers or laptops. Therefore, you must provide your own laptop or other equipment to show that evidence during the trial.
- Please move exhibits into evidence as you present them.
- Exhibits are deemed authenticated unless counsel disputes it.
- Exhibit tags must be completed and attached in an appropriate, readily visible location on the Exhibit, and shall not obscure any information on the exhibit. **Petitioner is to use a Pink tag, Respondent a Yellow tag.** The tag must contain lines for the Exhibit No., Case Number, Received, Department and Clerk’s initials. Sample shown below:



- Any text messages or social media posts must be identified by date and time on the exhibit.
- If depositions are intended to be used at trial, an original transcript shall be lodged with the Court prior to the commencement of the Trial.

Motions in Limine

- All Motions in limine must be filed and served no less than three court days before the start of trial or evidentiary hearing. Written responses to be filed and served one court day before the first day or trial or evidentiary hearing. Oral responses are acceptable on the day of trial.

1 Courtroom Procedures:

- 2 • Please do not enter the well.
- 3 • Bottled water is permitted in the courtroom.

4 Child Testimony.

- 5 • Please review Rule of Court 5.250(d)(3) as to the testimony of children.
- 6 • If a child is mature enough to have a meaningful preference, the Court will usually request an interview of the minor by Family Court Services.
- 7 • Please provide the Court with a picture of the child/children.

8 The Court's Trial Preparation:

- 9 • The Court will read the briefs, review the file, read all past orders, and give a cursory review to exhibits.
- 10 • If a child support, spousal support, attorney fee, sanctions (if applicable) or financial request is being request, a **current** Income and Expense declaration must be filed and served with your trial/evidentiary documents.

11 Filing:

- 12 • It is Counsel and the party's obligation to assure the Court has all pleadings, lodgments, Exhibits and witness lists are file and exchanged five court days before trial or evidentiary hearing. **DO NOT E-FILE TRIAL DOCUMENTS.**
- 13 • If filing in the Business Office, the person submitting those documents should request the Business Office clerk to direct the papers promptly to the Department.
- 14 • No documents will be accepted by email to the Court clerk. Do not ask the Court clerk for permission to receive documents by email.
- 15 • The most definitive manner is to file all pleadings, lodgments, trial briefs, witness lists and exhibits lists *directly in Department 903*. **Before** making the delivery, please call 619-844-2093 to make an appointment for delivery.

16 **IT IS SO ORDERED.**

17 Dated

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19 Lizbet Muñoz
20 COMMISSIONER OF THE SUPERIOR COURT