

PRE-TRIAL ORDER & INSTRUCTIONS – DEPT. 36
LIMITED CIVIL JURISDICTION CASES
(Money – Open Book/Account Stated Cases)

Before trial of any case or case issue, all parties are ordered to comply with the following requirements. Failure to comply may result in sanctions including monetary and issue sanctions.

1. 30 days before the date set for trial:

Discovery: Discovery must be complete 30 days before the trial except that any expert witness may be deposed no later than 10 days before the trial.

Expert Witnesses: Unless demanded earlier, pursuant to CCP §2034.230, disclose in writing the identity of any expert witness including any expert report prepared by the expert or a summary of the testimony where no report has been prepared, curriculum vitae, and estimated time for the expert’s testimony.

2. 14 days before the date set for trial:

The parties shall serve and file a list of all non-expert witnesses.

3. 7 days before the date set for trial:

Exhibits: Each party to serve all other parties with copies of pre-marked exhibits along with an exhibit list. Plaintiff(s) use numbers on exhibit stickers and Defendant(s) use letters on exhibit stickers – no duplications are permitted. Multiple Plaintiffs or Defendants shall agree on how to assign letters or numbers in order to avoid duplication. At the trial each party must have an original of the exhibit to show the witness, a copy for the Court, and a copy for the attorney to use during questioning. Exhibit lists are to be emailed to the Courtroom Clerk: dept36@contracosta.courts.ca.gov.

# or Letter	<i>Exhibit Description</i>	<i>Date Identified</i>	<i>Date Admitted</i>

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Trial Brief: Each party shall file and serve a Trial Brief summarizing the case and specifying any *in limine* motions for the Court to consider before trial commences.

Stipulations: Parties to meet and confer on stipulations to facts or admissibility of evidence.

Service: All documents served within 7 days before trial must be served by hand delivery unless otherwise agreed by the receiving party.

Court Reporters: Local Rules 2.52 and 2.53 provide that no Court Reporter is provided unless a party has had a fee waiver approved by filing form MC-30 no later than three days before trial. Otherwise, to have the matter reported, you must comply with the Civil Protocols of Use of Private Pro Tempore Reporters packet and follow its requirements.

4. Jury Trials:

Jury trials are conducted with all parties live in the courtroom.

5. Court Trials:

Court trials may be conducted remotely, **IF** the following conditions are met:

- a. Plaintiff and Defendant are represented by counsel.
- b. Parties have stipulated (in advance) that the trial be conducted over the Court's Zoom link and have (jointly) notified the Court 7 days before the date of trial.
- c. Seven days (or more) before the trial counsel has provided to the Court all trial briefs, motions and exhibits.
- d. If a Defendant is self-represented and a witness cannot appear in court, with an advance stipulation, the witness may appear remotely.