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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF CONTRA COSTA

	)	CASE NO.:
_____ , et al.,	)	ORDER RE: TRIAL AND
Plaintiff(s)	)	ISSUE CONFERENCE
	)	
vs.	)	
	)	
_____ , et al.,	)	
Defendant(s).	)	
AND RELATED CROSS-ACTIONS	)	

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TO ALL PARTIES AND THEIR ATTORNEYS:

Trial of this matter will be held on \_\_\_\_\_, 202\_ at 9:00 a.m. in the Complex Litigation Department. An Issue Conference will be held on \_\_\_\_\_, 202\_ at \_\_:00 a.m. The following Orders are made regarding matters required to be filed prior to, and conduct of, the issue conference.

1. **COMPLIANCE WITH LOCAL RULE**. Each party taking part in the trial shall file an issue conference statement in accordance with local rule 3.11, with only the exceptions set forth below.

1 2. **TIME FOR FILING.** Issue conference statements shall be filed by all parties no later  
2 than 10 calendar days before the scheduled conference. They may exceed ten pages  
3 in length.

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5 3. **VOIR DIRE.** Each side shall include in its issue conference statement proposed voir  
6 dire examination questions and a proposed statement of the case for prospective jurors.  
7 The Court will, at the issue conference, seek to resolve issues relating to jury selection.

8 4. **JURY INSTRUCTIONS.** Only plaintiff need include proposed jury instructions. As to  
9 standard, unmodified CACI instructions only the index described in Calif. Rule of Court  
10 2.1055(b)(3), as opposed to copies of the instructions, should be provided at this time.  
11 Proposed “special” instructions should be on a separate sheet per instruction. At the  
12 issue conference the Court will provide dates for the exchange of objections to such  
13 instructions as well as for proposed additional instructions from other parties and will set  
14 a deadline for the parties to meet and confer regarding differences on the subject.

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16 5. **MOTIONS IN LIMINE.** No later than 30 calendar days before the issue conference,  
17 any party wishing to file a motion in limine must meet and confer with the other parties  
18 to see if they can reach agreement without the necessity of a motion. If the meet and  
19 confer does not resolve the matter, then any party wishing to file any motions in limine is  
20 to file and serve those motions in limine no later than 15 calendar days before the issue  
21 conference. If more than two motions in limine are filed by a party, a binder containing  
22 the motions (separated by tabs) and an index of the motions shall be provided. Other  
23 parties are to review those motions and ‘joinder’ in the motions will be unnecessary; any  
24 party may, at its later oral request, be deemed, for the record, to have joined in any  
25 motion. Opposition to any motions shall be filed and served 5 court days before the  
26 conference. Both the motions and opposition should consist only of a brief synopsis of

1 the parties' positions. Opposed motions shall, if requested at the conference, be set by  
2 the Court for separate hearing with a schedule for full briefing established. Attached  
3 hereto as Exhibit A is a list of sua sponte rulings by the Court for which it is not  
4 necessary to file a motion in limine; counsel are requested not to file duplicate motions  
5 but may file opposition to the sua sponte rulings. Counsel are expected to be familiar  
6 with *Kelly v. New West Federal Savings* (1996) 49 Cal. App. 4th 659 and *Amtower v.*  
7 *Photon Dynamics, Inc.*, (2008)158 Cal. App. 4th 1582, 1593-95.

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9 6. **WITNESS LISTS.** Witness lists should be created on an Excel spreadsheet and  
10 exchanged in the form and on the schedule described in this Section. Witness lists  
11 should not be exaggerated. Only witnesses that a party expects actually to call should  
12 be listed, with a brief synopsis of the proposed testimony.

13 Witnesses must be listed last name first. Titles (e.g. Dr., Officer) should be  
14 placed after the comma following the last name. This is so the lists can be sorted  
15 correctly.

16 The amount of time estimated for each witness' testimony should be stated in  
17 minutes (*not* days or hours). This is so the estimates can be added on the spreadsheet.

18 Ten days before the issue conference, each side shall send a copy of its  
19 proposed witness list (in Excel spreadsheet format) to all other counsel.

20 Seven days before the issue conference, each side shall return the  
21 spreadsheet to the party that originated it, having filled in the amount of time required  
22 for cross-examination of the witnesses listed on that spreadsheet.

23 Three days before the issue conference, the side that originated the  
24 spreadsheet shall fill in the amount of time required for redirect examination of its  
25 witnesses and e-mail a copy of that completed spreadsheet (with a copy to all other  
26 parties) to [cxlit@contracosta.courts.ca.gov](mailto:cxlit@contracosta.courts.ca.gov).

1 Failure to list a witness that a party in good faith later determines to call will  
2 not bar calling that witness. At the conference the Court will make separate  
3 arrangements for preparation of a joint list, for jury selection purposes, of possible  
4 witnesses and persons or entities who might otherwise be mentioned at trial.

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6 7. **EXHIBIT LISTS.** Prior to the issue conference, the parties are to meet and confer to  
7 determine how the exhibits will be numbered. Parties may either retain the numbers  
8 assigned in deposition (if non-duplicative) or may assign new blocks of numbers to each  
9 side. All sides should use numbers; none should use letters.

10 At trial the court expects that when an exhibit is used it will already have been  
11 marked and identified on the exhibit list (see below) and that all counsel will have a pre-  
12 marked copy. Exhibit stickers may be obtained from the courtroom clerk during trial as  
13 necessary.

14 Exhibit lists should be in a form identifying only admissible evidence in a singular  
15 fashion. Entries such as "files of ABC Company", "all manufacturing formulas" or  
16 "photos of injuries" are not acceptable.

17 The parties shall meet and confer and seek to agree, to the maximum extent  
18 possible, with respect to those documents as to which there will be no objection at trial.

19 Unless otherwise ordered at the issue conference, the parties shall jointly provide  
20 the clerk on the first morning of trial, an exhibit list (including all parties' exhibits) in the  
21 following format:

#	Description	Date of Document	Objection to Admission? (Y/N)	Date Identified	Date Offered	Date Admitted

25 (The end of the exhibit list should include some pages with the table not filled out  
26

1 -- to accommodate any documents used at trial that were not previously identified.) All  
2 counsel shall cooperate and assist in preparation of that list, exchanging data in  
3 electronic form where appropriate. A copy of the exhibit list shall also be e-mailed to the  
4 court (in Excel format with a copy to all counsel) at [cxlit@contracosta.courts.ca.gov](mailto:cxlit@contracosta.courts.ca.gov) on  
5 or before the morning of trial.

6 Counsel will be required to provide two sets of exhibit binders to the Court. One  
7 is for use by the witnesses; one is for use by the Court. The spine of each binder shall  
8 identify the range of exhibit numbers contained in that binder. Binders should not be  
9 filled to capacity; there should be room for additional exhibits if any need to be added  
10 later.

11 8. **VERDICT FORM.** Each side shall attach to its issue conference statement a  
12 proposed verdict form.

13 9. **COURTESY COPIES.** In electronic filing cases, all parties shall deliver courtesy  
14 copies of their issue conference statements, as well as related issue conference papers  
15 such as motions in limine or oppositions thereto, to the chambers of Department 39 no  
16 later than one court day after the day of electronic filing.

17 10. **SETTLEMENT.** The parties need not file settlement conference statements as  
18 provided in Local Rule 3.11(d). It will not be necessary for clients or other persons with  
19 settlement authority to attend the issue conference. The conference will be devoted  
20 solely to trial preparation.

21 11. **EXPERT WITNESS DEPOSITIONS.** Unless leave of Court is granted, expert  
22 witness depositions must be completed thirty days before the date of the issue  
23 conference.  
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12. DEPOSITION TRANSCRIPTS. Any party who intends to read from a deposition transcript during trial shall lodge the original transcript with the Court on the first day of trial. The issue conference statement shall identify, by page and line, all excerpts that a party proposes to be read in its case in chief. At the issue conference, the Court will set a schedule for the filing of objections and counter-designations.

Dated: \_\_\_\_\_

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Hon. Edward G. Weil  
Judge of the Superior Court

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Exhibit A

Sua Sponte rulings of the Court for Trial

1. No witness may be called, except with Court permission in exceptional circumstances, unless notice has been given to all parties of the date when the witness will testify. Such notice shall be given no later than at the end of the court day proceeding the court day before the witness is to testify. (e.g. notice for a Tuesday witness to be given at or before adjournment of the Friday session)

2. All witnesses will be excluded from the courtroom, unless otherwise ordered, excepting those for whom an exception exists at law. (e.g. parties and corporate representatives)

3. Evidence of, or reference to, settlement negotiations, mediation, and materials related thereto which are privileged under the evidence code or by agreement of the parties shall not be allowed.

4. Evidence of, or reference to, insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company, shall not be allowed.

5. Evidence of, or reference to, other claims or actions against any party to the litigation shall not be allowed without permission from the Court.

6. Evidence of, or reference to, the financial position or wealth, or lack thereof, of any party to the litigation, shall not be allowed without permission from the Court.

7. Generalized motions in limine regarding evidence not produced in discovery will not be granted. Where parties expect a dispute regarding the admission of evidence they should advise the Court at the earliest opportunity. If an issue arises at trial each party must be prepared to share with the Court the actual discovery record.

1           8. Generalized motions in limine to “exclude speculative expert testimony,” or  
2 “exclude hearsay testimony,” or “exclude expert testimony that exceeds the scope of  
3 the expert designation,” or “exclude expert opinions not testified to in deposition,” or  
4 “exclude expert opinion testimony by percipient witnesses” will not be granted. If  
5 there is a particular witness or piece of testimony that is the object of the motion, it  
6 must be identified with specificity.  
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EXHIBIT B

Format for Witness Lists

*Plaintiffs' List*

Witness	Party (P or D)	Direct (min.)	Cross (min.)	Redirect (min.)	Total	Subject
Smith, John	P	20		5	250	Formation of contract
Brown, Nancy	P	15		5	20	Breach of contract
White, Ron	P	70		15	85	Damages
Black, Peter	P	60		15	75	Formation of contract
Garcia, Dr. Ruth	P	120		30	150	Damages
Rogers, Officer Ted	P	60		10	70	Arrest of Susan Petersen

*Defendant's List*

Witness	Party (P or D)	Direct (min.)	Cross (min.)	Redirect (min.)	Total	Subject
Doe, Edward	D	20		5	25	Formation of contract
Chang, Dr. Sam	D	75		15	90	Damages
Martin, Eric	D	120		30	150	Damages