

DEPARTMENT 28

HONORABLE RUPERT A. BYRDSONG

(213) 633-0528

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

vs.	Plaintiff(s)
	Case No:
	FINAL STATUS CONFERENCE ORDER
Defendant(s)	

Based upon the representations of the parties at the STATUS CONFERENCE, held on _____, the court now orders a FINAL STATUS CONFERENCE to be held on _____ commencing at 8:30 a.m. in Department 28 of the above-entitled court, located at 111 N. Hill Street, Los Angeles, CA 90012, and issues orders pertaining thereto as follows:

1. **TRIAL COUNSEL** are required to appear at the Final Status Conference.
2. Counsel shall **meet and confer and/or exchange information as required by this order and LACCR, Rules 3.25(h), 3.170, 3.171, 3.172 and 3.57.** Any failure to timely comply with any item required by this order shall subject any such non-complying party to the imposition of appropriate sanctions, including but not limited to monetary, exclusion of evidence, issue preclusion, denial of a claim or defense, dismissal, or contempt (C.C.P. §§ 128; 128.7; 177.5; 575.2; 583.150; 583.410; GC §68608 and CRC, rule 2.30).
3. If the action is settled or otherwise resolved before the Final Status Conference, no appearance will be necessary as long as a Request for Dismissal of the entire action or Notice of Settlement under CRC, rule 3.1385 has been filed directly with this court at least two court days before the scheduled Final Status Conference.
4. Counsel shall **meet and confer in person** at least **ten days** before the Final Status Conference to exchange, discuss, and prepare for submission to this court all **edited jury instructions; a jointly submitted draft of: final special verdict form(s); a statement of the case; exhibits**, as well as a separately prepared list pertaining to all exhibits and witnesses (see below).

5. The following documents shall be prepared, served, and filed directly in this department at least five days before the Final Status Conference.

A. MOTIONS IN LIMINE

1. Boilerplate or form motions in limine are disfavored. **Counsel shall meet and confer on all motions in limine.** All motions in limine must be in writing and shall be served on opposing party or counsel at least **ten court days** before the Final Status Conference date. Any opposition to any motion in limine must be in writing and served on opposing party or counsel at least five court days before the Final Status Conference. Any failure by any party or counsel to exchange or discuss any motion in limine may result in the refusal of the court to hear any such motion in limine pursuant to applicable court rules. Each motion in limine for the purpose of precluding the mention or display of inadmissible and prejudicial matter in the presence of the jury shall be accompanied by a declaration in compliance with the requirements of Rule 3.57(a) of the LACCR. Each motion must be numbered sequentially (Plaintiff's Motion in Limine No., 1, Defendant's Motion in Limine No.1).
2. *In limine* motions shall be submitted in discrete packets (i.e., a separate packet for each motion) including the moving, opposition, and reply papers. The Court requires motion in limine binders submitted on the date of the Final Status Conference.

B. TRIAL BRIEFS

Trial briefs are mandatory in all cases and must include:

1. A brief description of the claims and defenses presented and the issues to be decided.
2. Statement of ultimate facts or issues to which you will stipulate.
3. Those facts established by admissions in pleadings; admissions by discovery and/or stipulation of counsel.
4. All contested issues of fact.
5. All contested issues of law, together with points and authorities supporting the position of counsel.
6. A list of major evidentiary issues anticipated and any relevant points and authorities in support of a position of counsel.
7. A detailed statement of the relief claimed including a breakdown of the elements of damages claimed.
8. Any other information that will assist the court. Except in extraordinary cases, trial briefs should not exceed fifteen pages in length.

C. STATEMENT OF THE CASE

Jointly prepare a short, non-argumentative written statement of the case to be read to the jury.

D. WITNESS LIST

The **jointly prepared** witness list must include each witness' name, a brief description of the testimony, a time estimate on direct and cross, any potential scheduling problems, and whether he/she will be assisted by an interpreter.

E. EXHIBIT LIST

1. Counsel must **jointly prepare** and exchange a complete Exhibit List including each document and item of physical evidence. Do not attach the exhibits to the list. Do not include depositions, declarations, motions, interrogatories, responses, or pleadings as exhibits. All items on the Exhibit List must be exchanged and/or reviewed by counsel prior to the Final Status Conference. A copy of the exhibit list shall be provided to each counsel, **the court, and the clerk of the court.** Counsel shall comply with LACCR, Rules 3.52, 3.151, 3.53, 3.149, 3.150, and 3.152.
2. Any party objecting to any listed exhibit, either as to foundation or admissibility, must file the objection in writing together with a brief statement of the ground for objection. Any objections not so stated as per the foregoing shall be deemed waived except upon a showing of good cause.
3. Exhibits need not be lodged prior to the first day of trial, except as necessary for any in limine determinations.

F. JURY INSTRUCTIONS

Jury instructions shall be submitted as follows: (**Note: Jury instructions not submitted in this format will be returned.**)

1. A **jointly submitted** packet of all requested and **properly and fully edited** CACI jury instructions to which there is no objection. (LACCR, Rule 8.25)
(Note: Counsel are advised to make all edits necessary to eliminate duplicate instructions and inconsistencies.)
2. Each counsel may submit specifically requested and **properly edited** instructions not requested by any opposing counsel. These instructions shall be inserted into the aforementioned packet of the jointly submitted jury instructions, all to be considered and discussed by the court at an appropriate time during the pendency of the trial.
3. All requested instructions must be submitted in the proper form, which includes:
 - a) At the top of each requested jury instruction, identification of the

- party/parties requesting instruction;
- b) Whether the instruction to be given as requested or as modified;
- c) Whether the instruction is withdrawn; *and*
- d) A signature line for the court.

All requested instructions shall be submitted **on perforated paper** so as to allow for separation of the identification of the instruction from the text of the instruction, to be submitted to the jury for reference during deliberation.

G. VERDICT FORMS

A general verdict form and, if requested, a special verdict form shall be **jointly prepared** in draft or final form. The verdict form shall be adapted to CACI with proper spacing. (LACCR 3.172, 3.25(i)(8).)

PROCEDURES FOR MAKING AND ARGUING OBJECTIONS AT TRIAL

- (1) All objections, statements and argument shall be made to the court rather than to opposing counsel. Speaking objections are prohibited. Only the legal basis for an objection shall be stated by counsel. Further argument may be allowed by the court outside the presence of the jury and only upon the appropriate and timely request by counsel.
- (2) At all times counsel's conduct before the court and with regard to each other shall be professional, polite, courteous, and respectful.

OTHER ORDERS:

Dated: _____

RUPERT A. BYRDSOONG
Judge of the Los Angeles Superior Court