
Complex Civil Guidelines

GUIDELINES – COMPLEX CIVIL LITIGATION DEPARTMENT

Welcome to the Complex Civil Litigation Department of the Santa Clara County Superior Court. Santa Clara County Superior Court is one of six courts designated by the California Judicial Council as pilot project courts where case management principles – which are focused on the effective administration of justice with attention to reducing the time and expense normally associated with litigation of complex civil litigation cases – are being tested.

Counsel's familiarity with the applicable California Rules of Court, Local Rules – Superior Court of California, County of Santa Clara and the Deskbook on the Management of Complex Civil Litigation is expected. A copy of this guide may be obtained by contacting LEXIS PUBLISHING at 1-800-833-9844.

In addition, familiarity with the following guidelines will answer most procedural questions and should assist you in navigating the Complex Civil Litigation Department. ***These Guidelines are Orders of the Court.***

**PLAINTIFF MUST SERVE A COPY OF THESE GUIDELINES
WITH THE SUMMONS AND COMPLAINT.**

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I. CONTACT INFORMATION

Department 8C

Judge	Joseph H. Huber	408-882-2180
Courtroom Clerk	Sylvia Roman	408-882-2183
Reporter	Cathy Jamello	408-882-2185
Bailiff	Willie Rodriguez	408-882-2181
Coordinator	Rowena Walker	408-882-2286
E-Filing Fax		408-882-2293
E-Filing Web Site:	http://www.scefiling.org	

II. INTRODUCTION

Complex cases suitable for assignment to the Complex Civil Litigation Department are defined in California Rules of Court, Rule 3.400. Cases will be assigned to the Complex Civil Litigation Department by the Court's own motion, or on application of any of the parties, pursuant to the procedures specified in California Rules of Court Rules 3.401-3.403 and Santa Clara County Local Civil Rule of Court 1(B). Applications for complexity determination shall be heard in the Complex Civil Litigation Department. Ultimately, it is within the Court's discretion to accept or reject a case for complex designation.

In general, cases assigned to the Complex Civil Litigation Department will be managed in accordance with the principles set forth in the Deskbook on the Management of Complex Civil Litigation ("Deskbook").

III. COURTROOM DEMEANOR, CONDUCT AND ETIQUETTE

1. The Court expects civility and proper decorum at all times. Witnesses and parties, except for small children, are to be addressed and referred to by their surnames. COURTESY TOWARDS EVERYONE IN THE COURTROOM IS REQUIRED. Advise all witnesses and parties to observe appropriate courtroom demeanor and punctuality. The

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civil and courteous treatment of courtroom staff and opposing counsel is a paramount professional obligation of counsel.

2. All pagers, cell phones and other audible electronic devices must be **TURNED OFF** while in the courtroom whether or not court is in session.

3. Do not approach the clerk or reporter while court is session for any reason, or address the reporter with any request without permission of the Court.

4. Objections, statements and arguments must be addressed to the Court rather than opposing counsel. Counsel may speak from the lectern or the counsel table. Counsel must stand when objecting or addressing the Court. Counsel may approach any witnesses as necessary only with leave of Court.

5. At the end of each day, counsel must clear work areas including the area in the rear of the courtroom.

6. Any use of the department's fax machine or telephone is permitted only with the Court's permission.

7. It is counsel's responsibility to write down the date and time set for any future hearing. Hearing dates may be confirmed by contacting the Complex Coordinator or referring to the online calendar available on the Court's website.

8. Copy work is done by staff in the Records Unit. Courtroom staff will not make copies at counsel's request unless directed to do so by the Court. Copy work completed by courtroom staff is subject to the current per-page copy fee.

9. If a peremptory challenge or challenge for cause is upheld, the case will be referred to the Civil Supervising Judge for reassignment.

IV. GENERAL MATTERS

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1. The Court expects all counsel to maintain regular communication with each other regarding hearing dates, progress of the case, and settlement possibilities. A condition of remaining in the complex department is that counsel will behave toward all counsel and other participants with civility, courtesy and professionalism, both in and out of the Court.
2. The Court believes in open discovery in accordance with the law, but expects counsel to refrain from engaging in excessive and abusive discovery.
3. The Court will require written notice of all hearing dates and decisions. Notice will not normally be “waived.”
4. Continuances of hearing or trial dates are discouraged but may be necessary from time to time. Continuances of trial dates by stipulation are not permitted without prior approval of the Court, and only to a date pre-approved by the Court. Please call the Complex Coordinator for available dates before contacting other counsel. If preliminary approval is given, a written stipulation must be provided before the hearing or trial date. Faxed signatures on stipulations are permitted.
5. Please consult applicable Rules of Court prior to calling in order to minimize telephone calls to the department.
6. In the event a case settles prior to a court hearing or trial date, parties must file with the Complex Litigation Department either a Notice of Settlement, Request for Dismissal, a Stipulation for Entry of Judgment or a Judgment on Stipulation that is ready for the Court’s signature, and must telephonically notify the Court as soon as the disposition is agreed upon. If the applicable document is not ready, counsel must appear at the time scheduled for hearing and recite the settlement for the Court’s record.
7. Cross-complainants must serve a copy of these guidelines upon any new parties and give notice of any scheduled hearings and depositions at the time the cross-complaint is served.
8. Effective September 1, 2006, all actions classified as complex or provisionally complex are subject to the Court’s Electronic Filing and Service Standing Order, unless exempted by order of the Court for good cause. Further information is posted on the Court’s website at www.scefiling.org.

V. EX PARTE APPLICATIONS

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1. The Court encourages the prompt and informal resolution of disputes whenever possible and, to that end, welcomes telephonic or in person conferences with all counsel to resolve differences susceptible to consideration in this manner. Normally such calls can be accommodated most conveniently from 8:15 a.m. to 9:00 a.m. on any Monday, Tuesday, Wednesday, or Thursday. To arrange a conference with the Court when all counsel agree to the advisability of such a discussion, please contact the department to reserve a time for the conference. Normally, brief letters from each side describing the issues should be faxed or emailed to the Court in advance of the conference.
2. Formal ex parte applications are heard by reservation only from 8:15 a.m. to 9:00 a.m. on any Monday, Tuesday, Wednesday, or Thursday, or at such times as the Court may designate. Please contact the Complex Coordinator for reservations. Strict compliance with Rule 3.1200-3.1207 of the California Rules of Court is required. The ex parte application and all supporting papers, including any proposed pleading, motion or order shall be electronically submitted to the Court's website by noon the Court day prior to the scheduled ex parte hearing date.
3. Counsel may appear by telephone, with the Court's prior permission, at counsel's own arrangements and expense.
4. On the day of the ex parte hearing, counsel should report directly to the assigned complex department. During check-in, counsel shall inform the Bailiff or Clerk whether opposition is expected.

VI. LAW AND MOTION, INCLUDING DISCOVERY MOTIONS

1. Law and Motion matters, including discovery motions, are generally heard Fridays at 9:00 a.m.
2. Counsel must first clear the hearing date with the other parties prior to contacting the Complex Coordinator for a hearing date. You must provide the Court with the name of the case, the case number, type of hearing, hearing date requested and name and telephone number of the filing attorney.
3. **Meet and Confer:** Per § 2.42 of the Deskbook on the Management of Complex Civil Litigation entitled "Pleading and Motion Practice" which states that "Some courts have found pre-filing conferences useful in avoiding useless or unnecessary motions," the following procedure applies. Prior to the hearing of any motion, petition or application

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except motions to withdraw as counsel of record, all counsel and parties appearing in propria persona shall meet in a good faith effort to eliminate the necessity of the hearing or as many disputes as possible.

4. Discovery meet and confer obligations require an in-person conference on all but extraordinary circumstances. If resolution is not reached, parties are required to meet and confer with the Court, informally, for all discovery-related hearings prior to filing of the discovery motion. Each side must serve and post a short letter brief, **limited to no more than 3 pages**, briefly discussing the issues to be discussed in advance of the meeting. To schedule an informal discovery conference (IDC) with the Court, please contact Complex Coordinator.

5. Counsel for moving parties must notify the Court as soon as possible regarding any matter to be taken off calendar or continued. Notice of continuances of hearings must be provided by the moving party.

6. Chamber copies of all papers filed should be provided to the Complex Coordinator by the filing party.

7. Tentative rulings are not issued by the Complex Civil Litigation Department.

8. The prevailing party must prepare an Order After Hearing in accordance with the requirements of Rule 3.1312 of the California Rules of Court.

VII. CASE MANAGEMENT CONFERENCES (CMC) AND OTHER CONFERENCES

1. The first case management conference is generally scheduled ninety (90) days after the action is filed. Plaintiff is required to give notice of this conference date to all other parties.

2. Case Management Conferences are generally heard Fridays at 10:00 a.m. and are scheduled as necessary to monitor the progress of the case and to assist counsel and the parties as the matter progresses. The parties should expect the Court to schedule review hearings approximately every ninety (90) days to monitor how the case is progressing.

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3. The final case management conference normally occurs 30-90 days before trial and deals with procedural issues and preliminary matters in order to make the trial process as predictable and smooth as possible.
4. The conference may be a time for the Court to discuss trial evidence presentation and use of the ELMO system. General information about the Court's ELMO system may be obtained from the Complex Coordinator.
5. The conference is not a time for "normal" motions in limine. An example of an issue for the conference: Product liability case in which the manner of presenting the underlying case is of concern. Will the judge allow counsel to read the transcript into the record? Will the judge require live testimony? Will it be a combination of the two? Will the parties request a trial by jury? How will the trial proceed? How will voir dire, challenges, etc. be handled?
6. **Case Management Statements:** The Complex Litigation Department has determined that Judicial Council Form CM-110, Civil Case Management Statement (required by CRC 3.725(c)), is inadequate to provide the Court with the information it needs when determining how a particular complex case should be managed. The Court requests that the parties file a case management statement as described below.

Counsel must file an updated case management statement for each case management conference. The case management statement is due no later than fifteen (15) court days prior to the hearing.

A case management statement is a comprehensive report of the case which should include a brief objective summary of the case, the potential dimensions of the case, significant procedural and practical problems which may likely be encountered in the case, suggestions for efficient management of the case, including a proposed timeline of key events in the case or a proposed case management order, if appropriate, and any other special consideration the Court should be made aware of to assist it in determining an effective case management plan.

A status conference statement may be filed as an alternative to the case management statement when appropriate. A status conference statement is generally less detailed than a case management statement and is to be used to advise the Court of progress or developments in the case which have occurred since the last review hearing.

The Court prefers a joint statement by the parties, whenever possible.

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VIII. CASE MANAGEMENT AND REFERENCE ORDERS

1. Case Management Orders are not required in all cases, but may be helpful in cases where the sequencing and timing of key events are necessary in the management of the litigation and preparation of the case for trial. However, even if a case management order is not necessary in a particular case, all complex cases must be managed by counsel, or the court, or both.
2. Mediation and Reference matters should not commence until all parties are before the Court but not later than six months after the original complaint was filed, except for good cause.
3. Mediation and Reference matters should be concluded 12 months after their initiation (approximately 18 months after the original complaint was filed), except for good cause.
4. Brevity in drafting the Order may help focus your case and assist in reaching the desired goal (i.e., early informed resolution of your case in a cost-effective manner).
5. After a date scheduled with the Court, it may not be continued by stipulation of the parties without the Court's consent. It may be continued for good cause after noticed motion.
6. The parties are encouraged to develop a discovery plan.

IX. MANDATORY SETTLEMENT CONFERENCES (MSC)

1. No case will be tried before a sincere effort is made to settle. Counsel must advise the Court as soon as possible, and in no event after the MSC is set, if there is an objection to the trial judge's participation in the mandatory settlement conference. Mandatory settlement conferences set on the court's calendar are typically set at the time the trial is set, and generally, the final mandatory settlement conference takes place the Wednesday before the first day of trial.
2. Trial counsel, parties and persons with full authority to settle the case must personally attend unless excused by the Court. If insurance coverage is available to satisfy the plaintiff's settlement demand and a representative of defendant's insurer with full settlement authority attends the mandatory settlement conference with defendant's trial counsel, named defendants need not attend unless their personal consent is necessary

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to settle the case. Named defendants must also personally attend the mandatory settlement conference when (a) there is an insurance coverage dispute; (b) plaintiff seeks to recover damages not covered by insurance; or (c) plaintiff's demand exceeds insurance policy limits. Failure to appear will cause sanctions to be imposed.

3. Settlement Conference Statements must be filed at least five (5) court days before the scheduled conference (CRC Rule 3.1380).

4. If a party objects to the trial judge's participation in the MSC, the party must advise the judge or courtroom clerk of its objection prior to the setting of the MSC. If the parties agree to have the MSC conducted by a judge other than the assigned judge, the parties should first determine the other judge's availability before asking the assigned judge to order the settlement conference. However, it is not presumed that the judge to whom a case is assigned should not conduct the MSC in his or her cases.

5. Any request for a waiver of the requirement to personally appear at the MSC, whether conducted by the Court or a special master, must be made by written application to the Court

X. MINI-TRIALS

1. Sometimes there is a pivotal issue, such as a special defense or evidentiary ruling, upon which the rest of the case hinges. If counsel agree, the Court will set aside time from the case in progress to hear mini-trials on such issues deemed a bifurcated trial. Time will be appropriately limited. Briefs and factual stipulations must be submitted in advance. Testimony may be taken, such as in an EC § 402 situation, but should be limited. These proceedings can be a useful substitute for motions for summary judgment or summary adjudication. A mini-trial is a good alternative for such matters, especially where a jury is not anticipated or can be waived for the purpose of the preliminary proceeding. Please contact the Complex Coordinator to schedule a date and submit a stipulation signed by all affected counsel.

XI. PRE-TRIAL MEET AND CONFER

At least 10 days before trial, counsel shall meet and confer and execute necessary documents as listed below. Counsel for the plaintiff shall arrange the meet and confer at a mutually agreeable time and location.

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At the meet and confer, the parties shall:

1. Exchange exhibits and inspect photos and diagrams (to be submitted on the date of trial), excluding those contemplated to be used for impeachment or rebuttal.
2. Stipulate to all facts amenable to stipulation.
3. Prepare a Joint Statement of the Case.
4. Prepare a Joint Witness List, excluding impeachment or rebuttal witnesses.
5. Prepare a Joint List of Controverted Issues. If all the parties fail to agree to an issue as controverted or uncontroverted, then the issue is controverted. (Required for both jury and non-jury trials)
6. Exchange all motions in limine, etc.
7. Prepare voir dire questions for the Court to include in its voir dire. (Jury trials only)
8. Execute the Statement of Compliance.
9. Prepare joint proposed jury instructions and exchange disputed instructions.

The above items, including opposition to motions in limine, trial briefs and the Statement of Compliance signed by all counsel, shall be submitted to the Complex Civil Litigation Desk or to the courtroom clerk in the department of the judge to whom the case has been assigned for trial, no later than noon of the Friday before trial.

At the Court's discretion, a case management conference may be scheduled in lieu of or in addition to the pre-trial meet & confer.

XII. TRIALS - GENERALLY

1. General Matters – the following applies to all trials (jury and non-jury):

- a. Trials generally will proceed four days a week as follows: Monday –Thursday (9:00 a.m. to 5:00 p.m.). Daily sessions generally adjourn at 4:30 p.m. The

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Court will provide the parties, generally at the conclusion of the Mandatory Settlement Conference, a proposed trial schedule.

- b. Jury deliberations will proceed five days a week, from 9:00 a.m. to 5:00 p.m.
- c. Trial attorneys should be in the courtroom 10 minutes prior to the start of each morning. Punctuality is not only a courtesy to others, it is required. Counsel should expect that the court will take appropriate action if counsel is late for any appearance and does not have a justification for a late appearance.
- d. Counsel may, without requesting permission from the Court, inconspicuously position themselves in the courtroom from time to time as may be necessary to observe witnesses, exhibits, charts or other relevant aspects of the proceedings. However, before rearranging tables or other courtroom furniture, or installing equipment such as projectors or screens, permission must first be obtained from the bailiff or the Court.
- e. Unless the Court expressly advises otherwise, counsel may not approach a witness who is testifying to hand the witness exhibits, or to help the witness locate portions thereof, without first obtaining the Court's permission.
- f. Counsel must advise opposing counsel and the Court of the identity of each witness intended to be called by 4:00 p.m. the day preceding the time for the witness or witnesses to testify.
- g. Counsel presenting their case shall be expected to have witnesses ready to call through at least 4:30 p.m., and may be deemed to have rested their case if they are not prepared to proceed. Counsel shall advise the Court immediately of any circumstances which may prompt a request for a modification of the established trial schedule.
- h. Counsel should advise the Court at the outset of the proceedings, or as soon as the issue becomes apparent, of any legal issues or evidentiary matters that counsel anticipate will require extended time for consideration or hearing outside the presence of the jury.
- i. If during the course of trial, counsel wish to discuss a matter with the Court and opposing counsel outside of the presence of the jury, counsel **MUST** advise the Court of this request at the conclusion of the preceding court session and **NOT** immediately before proceedings are scheduled to resume.

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- j. The amount of jury fees required to be posted in advance of a jury trial is \$150.00. If a case settles after jury fees have been deposited, the jury fees will not be returned unless the Court is notified of the settlement by 2:00 p.m. on the court day preceding the trial date for which the deposit was made.
- k. Counsel must confer in advance of the trial, attempt to stipulate on as many issues and facts as possible, and reduce all stipulations to writing. The written stipulation is filed and during jury trials is read aloud into the record.
- l. At the end of each day, counsel must clear work areas, including the area in the rear of the courtroom.

2. Documents

By such time as the Court may direct in a pretrial order (normally no later than 12:00 p.m. on the Friday before Monday on which trial is scheduled to begin), counsel for each party shall:

- a. Deliver to the clerk and opposing counsel, a list of the witnesses which the party anticipates calling as part of its case-in-chief, with a succinct (no more than one or two sentences) statement of the general subject matter of the witness' testimony and an estimate of the time that will be required for the direct examination of each such witness.
- b. Deliver to the Court and opposing counsel proposed jury instructions and a proposed form of jury verdict.
- c. Lodge with the clerk the original of all deposition transcripts to be used during the course of the trial. If counsel anticipates reading from the deposition transcript for any purpose other than impeachment, counsel must deliver to opposing counsel a written specification of the pages and lines proposed to be read.

An extra copy of all motions in limine and supporting and opposing papers filed during trial (including in limine motions, proposed jury instructions and verdict forms and exhibit indices) shall be delivered to the clerk for use by the Court.

Counsel seeking to display to the jury any exhibit which required time and equipment to observe, such as slides, transparencies, movies, videotapes and audiotapes, MUST make such exhibit available to opposing counsel for review

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prior to commencement of the session of court at which the exhibit will be used. Proceedings will not be delayed to permit such a review if the review has not occurred by the time court is scheduled to begin.

3. Stipulations

Unless counsel states otherwise prior to the commencement of trial, all counsel will be deemed to stipulate:

1. That at the commencement of each session of the Court, all parties, attorneys and jurors are present unless otherwise indicated.
2. That after the first occasion on which the jury has been admonished not to discuss or prejudge the case in conformity with CCP § 611, the jury will be deemed to have been so admonished at every subsequent recess or separation without the need for further admonition; and
3. That reporting of juror voir dire is waived.

In addition, counsel will be requested to stipulate that if during the course of trial jurors and alternate jurors become unable to serve so that the total number of jurors and alternate jurors is reduced to fewer than 12, a verdict may be returned by nine of the 11 or by eight of 10 remaining jurors.

4. Opening and Closing Arguments

- a. Counsel generally should avoid taking time in opening statements and closing arguments to discuss routine matters of court procedure - - such as the sequence of trial. These matters will be covered by the Court and need not be repeated by counsel.
- b. Do not display charts, diagrams or proposed exhibits to the jury until they have been shown to opposing counsel outside of the presence of the jury. If opposing counsel indicates no objection, the exhibits or other object may be displayed to the jury without first requesting Court approval. If opposing counsel objects, the exhibit or object may not be displayed without Court approval, which must be requested outside the presence of the jury.

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5. Examination of Witnesses

a. Except in the case of children, or where more than one person involved in the subject of testimony bears the same last name, all parties and witnesses should be address and referred to by their last names.

b. **Objections:** Counsel should only state the legal ground(s) of objection and, unless the Court specifically requests explanation or argument, should refrain from argument, elaboration, or any other form of extended objection-making. Counsel may request permission to approach the side bar to present argument, but should not approach unless and until the Court grants the request.

c. When calling a witness to testify under Evidence Code section 776, do not announce in the presence of the jury that the witness being called under this provision or as a “hostile” or “adverse” witness. Simply proceed with the examination of the witness; the Court will rule upon the applicability of section 776 only if such a ruling is required by an objection asserted by opposing counsel.

d. Do not propose a stipulation to opposing counsel in the hearing of the jury unless there is prior agreement of counsel.

6. Transcripts

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- a. The court reporter is under no obligation to provide transcripts of any portion of the proceedings to counsel during the course of trial. If counsel anticipates requesting a transcript of the testimony of any witness or other proceedings during the course of trial, arrangements should be made with the court reporter in advance so that arrangements can be made to obtain a second court reporter if necessary.
- b. If counsel requests any court reporter to prepare a transcript of any portion of the proceedings, counsel MUST contemporaneously advise opposing counsel of the request and of the precise portions that will be transcribed.

7. Jury Trials

- a. Motions in limine and other trial-related preliminary motions (such as EC 402) must be submitted in writing before answering ready. Motion *in limine* may be ruled on by the court without hearing. Such motions should be brief and should address specific subject matter
- b. Use Judicial Council Forms of Instruction, when applicable. When reasonably possible, mark up the official version rather than retyping so the changes are apparent to the Court and other counsel. Use the “masthead” format, with the boxes to check at the top of the form. The Court may send at least 4 “clean” sets of instructions provided by counsel into the jury room. “Clean” means just the text of the instruction, as corrected, without the boxes at the top and without citations to authorities or reference to counsel. Plaintiff has the primary, but not exclusive, responsibility to provide the “clean” sets, in binders.
- c. Counsel should consider stipulating to less than 12 jurors to try the case. They should also consider stipulating to continue with the trial with less than 12 jurors, should one or more be lost. Counsel should be prepared to identify the number of alternates that they intend to recommend.
- d. Hardship Requests - Requests by members of the panel to be excused on the ground of undue hardship will be considered by the court prior to beginning voir dire examination.
- e. Jury selection proceeds generally under the “6 pack” method, modified to fit the case. Court and counsel will work out the management of voir dire in accordance with CCP 225.5 to fit the circumstances of the case. Please be familiar with the statute. Counsel may submit specific juror questions for the Court to consider asking during voir dire.

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- f. Voir dire examination will initially be directed to 18 members of the jury panel seated in the jury box. Any of these 18 panel members excused for cause will be replaced by additional panel members before peremptory challenges begin. Peremptory challenges will then proceed, directed to the first 12 panel members, who will be replaced by the next six panel members in order as any of the 12 are peremptorily challenged. The peremptory challenges will continue until the panel seated in the jury box is reduced to 11 members, at which time additional panel members (normally an additional seven) will be selected and examined prior to resuming peremptory challenges. Whenever there are successive passes from all parties who have not exhausted their challenges, or all parties exhaust their challenges, the jury has been selected and will be sworn. The same process will then continue for the selection of alternate jurors.
- g. All challenges for cause will be heard out of the hearing of the jury panel.
- h. Normally the Court will conduct the initial voir dire examination. Before concluding questioning, the Court will ask counsel at the side bar whether they wish the Court to address any additional questions to any or all of the panel members, and will permit counsel to examine the panel. An appropriate time limit will be fixed by the Court.
- i. The Court preinstructs the jury once it is empaneled. Judicial Council Forms of Instructions relating to the basic responsibilities of the jurors, management of evidence and the like will be given and, in most cases, repeated at the close of trial.
- j. Objections of any kind are to be addressed to the Court (not to other counsel) with a concise statement of the legal grounds. Argument on the objection without invitation by the Court is not permitted. Advise the Court if argument is necessary for the record.
- k. Make no references to charts, models, blowups or other demonstrative evidence in front of the jury unless: (a) it is in evidence; (b) counsel have previously stipulated the item is in evidence; or (c) you have leave of Court to use the reference.

8. Non-Jury Trials

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XIII. TRIAL EXHIBITS

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1. Introduction

- a. The digitalized representations of such exhibits may be presented to the Jury/Court as substitutes for the exhibits themselves. Counsel should keep in mind that one of the purposes of the complex project is to enhance the orderly presentation of evidence to the fact finder, and to maintain the record for potential post trial proceedings.
- b. Exhibits may be in either electronic or physical form. Physical exhibits are not required to be presented in a digitized format. However, at the conclusion of trial the court may order that a photo be substituted and stored electronically in lieu of the physical evidence.
- c. Parties must exchange exhibits excluding documents for bona fide impeachment at the Pre-Trial Meet and Confer. Each counsel must provide the Court with an EXHIBIT LIST describing each exhibit, indicating whether the exhibit is to be admitted into evidence by stipulation.
- d. Counsel must submit to the Clerk original negotiable instruments for cancellation pursuant to CRC 3.1806, unless otherwise ordered by the Court.

2. Submission of Exhibits

- a. Counsel must provide the Court with the exhibits, plus one copy. Exhibits will be marked by the Clerk, as they are identified, in chronological order. Exhibits shall not be pre-marked by counsel.
- b. Enlargements and transparencies normally will not be admitted into evidence. Any large exhibit or transparency should be accompanied by an 8½ x 11 version to which should be attached the exhibit tag. Models, etc. should be photographed if proposed as exhibits. Be sure to discuss evidentiary issues of this nature with opposing counsel.
- c. Interrogatories and Requests for Admissions which are expected to be used at trial must be extracted and lodged with the Court, and a copy given to counsel, at the appropriate time. In jury trials, questions and answers must be read into the record, subject to proper objections. The extracts may be submitted as exhibits in a Court trial. In no case will entire sets of written discovery documents be lodged or received.
- d. Before trial commences, counsel will be asked to sign a stipulation for the return and maintenance of exhibits when the trial is completed. Plaintiff will maintain joint exhibits, unless otherwise stipulated.

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3. Use of Deposition Transcripts

- a. Deposition transcripts which are expected to be used at trial must be lodged with the Court on the first day of trial. Pertinent provisions must be read into the record in jury trials, subject to proper objections. In Court trials, extracts may be submitted and marked as exhibits. In no case will an entire transcript be received.

XIV. USE OF EVIDENCE PRESENTATION SYSTEM

1. Use of the Electronic Courtroom Evidence Presentation System ("ELMO") may be required.