

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO**

Department 9

STANDING CASE MANAGEMENT ORDER
FOR CASES ASSIGNED TO THE HON. TANA L. COATES

INSTRUCTIONS TO PLAINTIFF(S)/CROSS-COMPLAINANT(S):

YOU must serve a copy of this Standing Case Management Order on all Defendants/Cross-Defendants at the same time the complaint/cross-complaint is served.

I. GENERAL MATTERS

A. It is the Court's policy to provide a dignified forum in which to resolve disputes in a peaceful, professional, legally correct and expeditious manner. All of the following rules are designed to achieve these goals. It is not the Court's intention to prohibit a party from raising any issue by any means allowed by any Rule of Court, Code or statute. If any of the rules or procedures discussed herein creates a problem, counsel should raise the matter with the Court at the earliest opportunity.

B. Electronic communication with the courtroom clerk is permissible for routine communications having to do with scheduling, stipulated continuances, and/or joint requests. Substantive arguments are not permitted unless approved by the Court. In any correspondence with the Clerk, opposing counsel should be copied in order to avoid ex-parte communications. The Clerk's email address is Melanie.miller@slo.courts.ca.gov.

C. Counsel shall turn off all audible telephones and pagers and instruct their clients and witnesses to do so. Communication devices worn on the head are not permitted in the courtroom.

II. CASE MANAGEMENT CONFERENCES ("CMC")

A. CMC Statements are not required. The Court expects that counsel will be prepared to discuss the current status of the case, discovery, amenability to mediation, and any unusual factual, legal or evidentiary issues that may need resolution. The parties must also advise the Court of complicated law and motion matters at CMCs. Counsel who fail to appear will typically be noticed for an OSC hearing regarding why sanctions should not issue.

B. Early mediation is strongly encouraged. Good faith participation in mediation will ordinarily excuse participation in a Mandatory Settlement Conference. The Court will typically sign an order to mediate at an early CMC.

C. It is the Court's policy to resolve discovery disputes informally and efficiently. Accordingly, the Court has instituted special procedures for the resolution of discovery disputes through Pretrial Discovery Conferences, which can be scheduled on forms that are available from the clerk's office (see section IV.C, below). All parties must agree to such procedures as explained below.

III. MEDIATION

A. The parties are strongly encouraged to engage in early, meaningful mediation. Mediation will generally be ordered to take place within 90-120 days of the first appearances of all parties, but a longer time may be allowed.

B. Parties who agree to mediation should comply with the mediator's instructions regarding briefing and payment of fees.

C. A worthwhile mediation process means that parties, attorneys and any other person whose consent or authority is required to achieve a final disposition of the dispute shall be present, as well as a representative of any insurer who has authority to settle the case for any amount up to the limits of the policy.

D. All plaintiffs should file a one-page "Notice of Mediation" with the clerk's office notifying the Court of the date of the mediation and name of the mediator.

IV. LAW AND MOTION MATTERS

A. To the extent practicable, the Court will post tentative rulings on law and motion matters on the Court's website no later than the evening before the hearing. The Court's website is located at www.slocourts.net.

B. When parties agree to have a matter taken off calendar, or are prepared to submit a matter on a tentative ruling, counsel should promptly notify Judge Coates' Clerk and the Research Attorneys via e-mail. This is important to avoid unnecessary commitment of judicial resources to moot matters. Contact information for the research attorneys is: SloCourtAttorneys@slo.courts.ca.gov.

C. Resolution of Discovery Disputes

1. Should a discovery dispute arise, the parties may stipulate to an informal Pretrial Discovery Conference in lieu of filing and serving discovery motions, pursuant to Code of Civil Procedure sections 2016.010 through 2036.050.

a. All parties to the discovery dispute shall sign a written stipulation electing to resolve the specified discovery dispute between them through an informal Pretrial Discovery Conference. The parties must stipulate to waive their rights to proceed with a regularly-noticed motion and stipulate that the Court can issue binding discovery orders as necessary in a full and final resolution of any such discovery dispute.

b. Any request for a Pretrial Discovery Conference must be filed with the clerk's office on the approved form (which is available online or can be requested from the clerk), must include a brief summary of the dispute (limited to 5 pages), and must be served on opposing counsel in the same manner as the request is filed with the clerk.

c. No other pleadings or exhibits, declarations, or attachments, will be accepted.

d. The parties will be notified by minute order whether the request has been granted or denied and, if granted, the date and time of the Pretrial Discovery Conference.

e. Personal attendance at the Pretrial Discovery Conference is required unless a telephonic appearance has been preapproved in advance of the Conference.

f. Filing a request for a Pretrial Discovery Conference tolls the time for filing a motion on the disputed issues.

g. If there is no agreement to stipulate to a binding discovery order by the Court, the parties are encouraged to agree to an informal Pretrial Discovery Conference, pursuant to Code Civ. Proc. Section 2016.080 in lieu of filing and serving a discovery motion.

V. TRIAL READINESS PROCEDURES

A. Disagreements over jury instructions and the form of the verdict can consume valuable trial time and keep the jury waiting. At least one week prior to the readiness conference, counsel must meet and confer (preferably in person but in all other cases over the phone) with respect to jury instructions, a special verdict form, and time estimates for each witness.

1. Following the meet and confer process, the following documents should be emailed to the clerk no later than two days prior to the readiness conference:

a. One set of jury instructions, in Word format, using the headings, subheadings and organizational format on the [Jury Instruction Template](#) posted on the D9 Website. (Disagreements as to particular instructions can be highlighted by color coding or using different fonts);

b. One special verdict form, in Word format, using the correct caption and organizational format on the [Jury Verdict Template](#) posted on the D9 Website (Disagreements as to wording or other matters can be highlighted by color coding or using different fonts; and,

c. Time estimates for each witness, in Word format, showing the expected time for direct examination and cross examination template as per the [Time Estimate Template](#) posted on the D9 Website.

B. The readiness conference is typically scheduled several weeks prior to trial. Trial counsel must be *personally present* at the readiness conference and be prepared to discuss the following topics:

1. The length of trial (which will be calculated using time estimates for the expected witnesses), jury selection, disputed jury instructions, opening statements, and closing arguments. Time limits for all phases of the case are typically established and enforced.

2. Number, timing and availability of witnesses. Judge Coates expects that counsel will provide accurate time estimates for the direct examination of each witness, as well as cross-examination time for each opposing witness. A jury trial will usually be in session from Monday through Thursday from 1:30 to 4:30 p.m., and on Friday from 10:00 a.m. to 4:30 p.m. Trial days beginning at 11:00 a.m. are possible.

a. Counsel have responsibility for arranging the appearance of all witnesses during their presentation of the case so as to eliminate delays. Counsel should confer among themselves as to when witnesses will be needed at least 24-48 hours in advance of a witness' testimony.

b. Counsel are to inquire of their clients and witnesses to determine whether they are in need of any type of accommodation with an interpreter, under the Americans with Disabilities Act, or any other type of assistance.

3. Numbering and exchange of exhibits. The parties are encouraged to agree upon a reasonable exhibit numbering system using the format P001 forward (for plaintiff) and D001 forward (for defendant). There is an [Exhibit Label Template](#) on the Court's website. The specific arrangements for numbering, marking, exchanging and copying exhibits will be discussed in detail.

4. Voir dire procedures, including mini-opening statements and pre-instructions, and hardship and jury questionnaires. Counsel should attempt to agree upon a brief neutral statement of the case to be read to the prospective jury panel.

5. Stipulations to reduce the length of trial. Counsel should consult with each other regarding all possible stipulations and reduce them to writing. In particular, counsel should consider waiving the necessity for authentication/foundational evidence regarding all trial exhibits, unless authentication is an important issue.

6. Motions in limine. Prior to filing motions in limine, counsel should confer with the objective of reaching agreement on as many such motions as possible. Counsel should review *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659, 669-677, and its progeny. Counsel should advise their clients and witnesses about rulings on motions in limine that pertain to evidentiary issues. Counsel will be held responsible for any violations of rulings on motions in limine.

VI. TRIAL

A. The Court will typically hear organizational and scheduling matters, procedural issues and in limine motions at the beginning of trial, including any matters left over or continued from the Readiness Conference. These sessions are typically scheduled for 10:00 am on the first trial date.

1. Originals of all depositions to be used in the trial are to be lodged with the Clerk at the beginning of trial. At the end of the trial, these depositions can be picked up from the Clerk, or they can be returned by mail at the party's expense.

B. Jury Selection Procedures

1. Jury selection ordinarily begins at 1:30 p.m. the first day of trial. If a questionnaire is used, the Court will consider hardships on the first day of trial, jurors will adjourn to complete the questionnaires, and the attorneys will receive the random list. Voir dire will begin at 10:00 a.m. on day two.

2. Mini opening statements of no more than three minutes per side are encouraged prior to jury selection.

3. The entire panel is screened for hardship, eighteen names are drawn at random, and voir dire is conducted.

4. Challenges for cause are exercised and ruled upon out of the presence of the prospective jurors at sidebar. Upon request, counsel will be given the opportunity to make a record of any unreported sidebar conference once the jury is not present.

5. At least two alternate jurors are typically selected. If it becomes necessary to substitute an alternate juror, the first alternate chosen will be the first substitute.

6. Trial Procedures

a. No charts, diagrams or other exhibits should be shown or read aloud to the jury unless by stipulation or after admission of the item into evidence.

b. Counsel should provide hard copies of any power point presentations, audio or video recordings and the like to opposing counsel in advance of showing them to the jury.

c. Counsel seeking to introduce an audio recording (or audio portion of a video recording), please review California Rules of Court, rule 2.1040.

d. Any object that cannot be folded into 8½" x 11" such as models, blowups, etc. should be accompanied by either a photograph or a photocopy to be retained by the Court in lieu of the oversized exhibit.

e. When objections are made, counsel should state only the legal basis, without speaking objections.

f. Sidebar conferences are normally held off the record. Counsel may make a record of any unreported sidebar conference at an appropriate opportunity in the proceedings. During trial, if counsel wish to place matters on the record, he or she may so request and the Court will provide an opportunity to do so, ordinarily at the end of the trial day once the jury has been excused.

7. Post-Trial Procedures

a. After the verdict is rendered by the jury, the prevailing party shall prepare the judgment, which shall be submitted on the next Court day following trial unless otherwise ordered.

b. Counsel should make arrangements with the clerk to withdraw exhibits in cases that will not be appealed. The clerk will hold the exhibits for sixty days after the filing of the notice of entry of judgment. Any exhibits remaining after that time will be destroyed unless a notice of appeal is filed.

DATED: January 8, 2018



HON. TANA L. COATES
Judge of the Superior Court
County of San Luis Obispo