

<p><b>SUPERIOR COURT OF CALIFORNIA</b>  <b>COUNTY OF TUOLUMNE</b>                  41 W. Yaney Avenue, Sonora, CA 95370                  Phone: (209) 533-5974</p>	<p>Space below for use of Court Clerk only</p>		
<p>_____, Plaintiff/Petitioner,                  vs.                  _____, Defendant/Respondent.</p>	<p>Case Number:</p>		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>TRIAL MANAGEMENT ORDERS</b></td> <td style="width: 50%;">                     Trial Date: _____                      Time: 8:00 a.m.                      Dept.: 3                      Judge: Kate Powell Segerstrom                 </td> </tr> </table>		<b>TRIAL MANAGEMENT ORDERS</b>	Trial Date: _____ Time: 8:00 a.m. Dept.: 3 Judge: Kate Powell Segerstrom
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The following Trial Management Orders are hereby found to be necessary in this case to implement and achieve the purposes of the Trial Court Delay Reduction Act of 1986 as set forth in Government Code § 68600, et seq., and are hereby issued in the above-referenced matter:

1. As stated in the Notice of Settlement Conference and Jury Trial served herein, the Court does not have the ability to guarantee that one of its court reporters will be available for a civil jury trial. Therefore, if any party wishes to have a court reporter, that party must make its own arrangements for a court reporter from an outside firm.
2. All exhibits to be used at trial other than those to be used for impeachment or rebuttal shall be pre-marked for identification. Plaintiff/Petitioner’s exhibits shall be designated by yellow exhibit labels with Defendant/Respondent’s exhibits designated by blue exhibit labels.
3. Originals of all depositions to be available upon request at the first day of trial.
4. Motions in limine shall be served upon opposing counsel or any unrepresented parties three (3) court days before trial and filed with the clerk’s office at least five (5) court days before trial. Motions in limine not served in compliance with this order may not be heard.
5. A list of all witnesses (expert and non-expert), to be called at trial shall be served upon opposing counsel or any unrepresented parties three (3) court days before trial, and three (3) copies of said list shall be presented to the trial judge at the first appearance in the trial department. Witnesses not listed may be excluded at trial.
6. Parties shall provide the Court with copies of demands for exchange of experts and the lists disclosing the experts.
7. Parties shall serve proposed jury instructions upon opposing counsel or any

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unrepresented parties three (3) court days before trial and also submit proposed jury instructions to the trial judge at the first appearance in the trial department. Jury instructions not timely served and presented may be excluded at trial.

8. A brief joint statement outlining the facts of the case shall be presented to the Court by all parties at the first appearance in the trial department.

9. Attorneys' Obligations to the Court:

a) Prior to or during trial, and *before* addressing the issue with the Court, counsel shall meet and confer on the following matters to determine areas of agreement and disagreement and/or stipulations concerning:

i	<i>In limine</i> motions - the parties shall make a joint list of all motions filed by the parties, and shall indicate those motions which are unopposed and those on which they disagree;
ii	Jury instructions - the parties shall jointly list the instructions on which they agree and those on which they disagree;
iii	Verdict - whether general or special and proposed form thereof;
iv	Admissibility (including authenticity and foundation) of documents, photos, or other writings or things: The parties' agreement shall be reduced to a written stipulation for filing. In the case of objections, counsel should bring copies of the exhibit to the pre-trial conference and be prepared to argue admissibility;
v	Admissibility of models or other demonstrative evidence: The parties' agreement shall be reduced to a written stipulation for filing;
vi	Deposition (transcript or video) edits - wrangling over how much or which portions of deposition transcripts will be read to jurors in lieu of the witness' live testimony is a huge and unforgivable waste of juror and court time; the same is true concerning video-recorded depositions. Accordingly, if a party wishes to read deposition testimony (or show video testimony) by reason of witness unavailability, counsel shall meet and confer on their own time and come to agreement to the extent possible on what will be read or shown to the jury. The parties' agreement shall be reduced to a written stipulation for filing. This rule does not apply to impeachment of a witness testifying in court; and
vii	Demonstrative evidence - counsel shall show, exchange, meet and confer on their own time. Again, the parties' agreement shall be reduced to a written stipulation for filing.

b) Respective counsel are directed to deliver to Department 3, at least five (5) court days before the commencement of trial, a binder containing copies of the following items:

i	Pleadings - your client's operative pleadings (most recent amended complaint, cross-complaint or answer) including attachments thereto;
ii	Statement of the case;
iii	Trial brief - at a minimum, your trial brief should identify the causes of action (or primary defenses) on which you are proceeding, the causes or defenses you are dismissing, and the relief you seek from the litigation. You should also provide a

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	summary of the facts in issue and a brief statement of what you intend to prove in support of your claims/defenses. These summaries should be sufficient to allow the Court to look to these summaries when ruling on the relevance and admissibility of evidence;
iv	Exhibits index of your client's exhibits;
v	Witness list for the Court's use - please include a very brief statement of identity, e.g., John Doe - registered nurse present during the surgery; Jane Smith - President of Widget Co.; Billy Jones - pedestrian bystander, etc.;
vi	Expert disclosures; and
vii	"Hot Docs" - copies of writings (please no more than five) you believe are the most important.

10. Attorneys' Obligation to the Jury:

The criticism most often heard in post-trial juror interviews concerns the wasting of valuable time in witness shuffling, legal argumentation, cumulative direct and cross-examination, ill-preparedness, and seemingly endless harangues over jury instructions. Accordingly:

a) Witness availability: In the course of their respective cases in chief, counsel shall see to ensuring an adequate number of witnesses, lay and expert alike, sufficient to fill out the entirety of each trial day;

b) Witnesses called out of order: Except in cases of emergency or a like showing of exceptional good cause, the Court will rarely exercise its discretion to grant leave to call any witness out of turn;

c) Argument: Points of law, whether procedural, substantive, or evidentiary, shall be argued outside the presence of the jury; sidebars will rarely be sought or granted; and

d) Cumulative examination (Evidence Code § 352): Cumulative, duplicative, or redundant examination will be cut off immediately.

11. Rising for the Jury:

Counsel and all parties present shall rise each time the venire or jury enters or leaves the courtroom.

12. Attorneys' Duty to Instruct Clients and Witnesses:

Counsel are hereby ordered to instruct their respective clients and witnesses:

- They may not communicate in any manner with the venire, jurors, or converse in any manner within the jurors' hearing;
- They may not dress in a bizarre manner when coming to court, nor may they converse, read, look at cell phones, chew gum, or eat in the courtroom;
- While in the courtroom they may not indicate by words or conduct disagreement with or approval of testimony or other evidence being given;
- They are to spell all unusual names or words for the reporter and clerk; and
- After testifying, they shall not discuss their testimony with any other witnesses.

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13. Concerning Mini-Openings:

In an attempt to:

- Engage prospective jurors' attention and interest in the proceedings as early as possible; and
- Inform prospective jurors of potential areas of bias or conflict as early as possible; and
- Thereby improve the process of examining and selecting jurors:

Trial attorneys will be given the opportunity to deliver a "mini-opening" statement of no more than three minutes. Mini-openings are governed by the same rules that apply to the giving of opening statements generally. In other words, it is nothing more complicated than a brief factual summary, not an argument, of the evidence that you intend to develop at trial. It is in no way a substitute for the formal opening statement that you will deliver after the jury is seated and sworn.

The mini-openings will be given early in the proceedings. Specifically, after the jurors arrive, and after some preliminary welcoming remarks from the Court, counsel for Plaintiff/Petitioner will give his/her mini-opening followed by counsel for Defendant/Respondent.

14. *Voir Dire* Rules:

The Court uses the "six-pack" method of questioning potential jurors. Counsel will be allowed six peremptory challenges per side.

*Voir dire* is not a platform from which the attorneys may:

- Educate prospective jurors about the case;
- Compel them to commit to a particular disposition of the case;
- Prejudice them for or against a party;
- Argue the case; or
- Instruct them on matters of law.

Counsel may, with due regard for the foregoing principles, provide the Court and all other counsel with a list of case-specific *voir dire* areas of examination in the event that counsel desires such inquiry conducted by the Court. Following the Court's explanation of such areas with the venire, counsel may inquire further.

15. Limitation on Length of *Voir Dire*:

Generally, each side will have 30 minutes for its initial examination of the panel, and 6 minutes for each "six-pack" replacement.

The practice of posing a series of substantially identical questions to each venire member in turn is impermissible as a misuse of scant juror and judicial resources. The risk of juror indoctrination, serious as it may be, is secondary to the waste of valuable court time involved in such excursions.

16. Jury Pre-Instruction:

Immediately following empanelment and oath, and prior to opening statements, the Court will pre-instruct the jury on the following:

- Preliminary admonitions (CACI 100);
- Overview of trial process (CACI 101);
- Taking notes (CACI 102);

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- Evidence and differentiating evidence from argument (CACI 106);
- Witnesses (CACI 107);
- Questions from jurors (CACI 112);
- Burden of proof (CACI 200, 201 if appropriate); and
- Other preliminary issues as appear appropriate.

17. Written Questions from Jurors:

The Court allows jurors to submit written questions. See CACI 212.

The procedure is as follows: Jurors with written questions will hand them to the bailiff or court attendant or clerk, who will hand them to the judge. If not objectionable, the judge will hand the question to trial counsel who may decide to ask the question, or not. The Court may choose to ask the question, if counsel decline, after giving counsel the opportunity to object.

18. Advance Notice of Witnesses and Exhibits:

Counsel shall inform each other and the Court, not later than the close of session each trial day, of the identity of each witness to be called and exhibits to be utilized or introduced by each attorney on the next following trial day. Such disclosure shall not be required for impeaching evidence.

19. Publication or Display of Exhibits:

No exhibit, impeaching or otherwise, shall be referred to by counsel or their client's witness, or shown to the jury, unless first reviewed by all other counsel and the Court.

No documentary or physical evidence shall be published, displayed or otherwise shown, read, or referred to before the jury until 1) formally marked for identification on the record and 2) received in evidence on the record.

20. Witnesses Excluded:

Per Evidence Code § 777, all witnesses shall be excluded from the courtroom prior to commencement of opening statements unless otherwise ordered. Counsel shall ensure that their respective witnesses comply with this order.

21. Examination Pursuant to Evidence Code § 776:

When calling a witness to testify under Evidence Code § 776, counsel shall not announce in the jurors' presence that the witness is called as a "hostile" or "adverse" witness, but shall simply proceed with examination after stating for the record that the witness is called pursuant to the statute. The Court shall rule on the applicability of Evidence Code § 776 only if such a ruling is required by opposing counsel's objection, if any.

22. Form of Evidentiary Objection:

Evidentiary objections shall be stated solely by brief reference to evidentiary rules, e.g., "hearsay" or "best evidence." Speaking objections, witness coaching, testimony in the guise of an "objection," and other self-serving monologues shall not be permitted.

23. Stipulations:

It is stipulated by and between the parties, by and through their respective counsel, that:

- All jurors and alternates are present at the beginning of each session and at all necessary times, unless an absence is expressly brought to the attention of the Court;
- The Court's admonition to the jury, after having been given once, shall be deemed to

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have been given just prior to every recess, adjournment, continuance, or other interruption of the trial;

- After closing arguments and instructions, alternate jurors may be released by the Court subject to recall if needed;
- After the jury is instructed, the trial judge or, in his/her absence, any judge of this Court, may respond to written inquiries from members of the jury and may have the court reporter go to the jury room and read portions of the testimony to the jury upon its request;
- After the jury is instructed and has begun its deliberations, without notice to counsel, and without requiring the jurors to assemble in the courtroom, the jurors are permitted to leave the jury deliberation room:
  - At the end of each deliberation day, for lunch (at the jurors' own expense and unaccompanied by a bailiff or other court personnel), and for bathroom or other breaks;
  - Provided that the jurors report to the assigned bailiff their purpose in leaving the jury deliberation room, and the time they plan to return; and
  - Further provided that, upon their return, they report to the assigned bailiff that all 12 jurors are present and that they are resuming their deliberations.
- Upon final determination of this action, the clerk may, without further order of the Court, return any and all exhibits, identifications, depositions, interrogatories, and requests for admission, along with answers and responses thereto, and other stored material, to the party or person(s) who filed, subpoenaed, or moved to have an item marked for identification or admitted into evidence.

24. Other orders and/or comments:

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

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Judge of the Superior Court

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