

**HONORABLE KIRK ATHANASIOU**

**DEPT. 14**

**PRE TRIAL ORDERS and TRIAL PROTOCOL**

**ALL TRIALS ARE IN PERSON**

Before the long-cause trial or hearing of any issue, the parties are ordered to comply with the following requirements in addition to the Local Rules of Court. The Court will not accept late documents without good cause. Failure to comply may result in sanctions being imposed or a delay in the trial.

TRIAL DATE: \_\_\_\_\_

**A. Trial Submittal Timeline**

**1. 14 days before the date set for trial:**

**Trial Exhibits:**

1. Serve trial exhibits and exhibit list on the other party. The exhibits are to be pre-marked and shall be numbered. Use numbers for Plaintiff and letters for Defendant. Exhibits should be “Bates” stamped or numbered through some sequential numbering program. (PDF generated page numbers are acceptable); If Respondent intends to present more than 26 lettered exhibits, then starting with the 27<sup>th</sup> Exhibit, Respondent shall use numbers, starting with exhibit “R500, R501, R502, etc.,”
2. Submit an Exhibit List. **Bring your exhibit binders with you on the 1<sup>st</sup> day of trial. Do not file the original exhibits with the clerk’s office.**
3. Prepare a table of exhibits with two columns, labeled “Identified” and Admitted” for the Courtroom Clerk on the day of trial.
4. Color copies are preferred but not required.
5. The Court orders the parties to meet and confer for the purposes of stipulating to the authenticity and admissibility of documents, where possible. If there are identical exhibits that both parties intend to admit, please mark them as joint exhibits, i.e. Joint Exhibit 1, or JE-1, JE-2, etc.
6. The Court will destroy all exhibits not admitted into evidence at the close of the trial.

**2. 7 days before the date set for trial:**

- (a) Trial briefs: Serve briefs to each other and must be filed with the Court at least 10 days before trial. Trial briefs must summarize the outstanding issues of facts to be tried. Novel or unique issues of the law should also be briefed. Trial briefs must not exceed twenty (20) pages without leave of court. Trial briefs should contain the contested issues of fact and a statement of the relief requested. Send an electronic courtesy copy of trial brief to [Dept14@contracosta.courts.ca.gov](mailto:Dept14@contracosta.courts.ca.gov)
- (b) Witness lists. Parties shall serve and file with court a list of all non-expert witnesses. Parties will be responsible for serving trial subpoenas on witnesses. Only witnesses identified on the witness list will be permitted to testify. Witness lists should include a brief statement / offer of proof summarizing the testimony anticipated to be given by each witness.
- (A) Motions in Limine. Parties may lodge (not file) motions in limine. All motions should appear on one submitted document. By each requested motion, please insert a “decision line” as follows: “Granted \_\_\_\_\_ Denied \_\_\_\_\_ Modified \_\_\_\_\_ Reserved \_\_\_\_\_” The Parties are ordered to meet and confer in good faith to resolve motions in limine prior to the trial date.

**B. Additional Trial Requirements:**

- 1. Meet and Confer / Stipulations: Before trial, the parties shall meet and confer to stipulate to facts, and admissibility and authenticity of documentary evidence, and attempt to resolve disputes about evidence, motions in limine, order of witnesses and sequencing of the case.
- 2. Manner of Service: Any document served on another party 7 days or fewer before trial must be served by hand delivery, or, only if the receiving party has agreed, by electronic mail or fax.
- 3. Be on Time. Please do not keep the court, witnesses and our courtroom staff waiting. If you anticipate being late, please employ professional courtesy by contacting Department 14 at (510) 608-1114 and opposing counsel.
- 4. Court Hours: For parties and counsel: Court hours are 8:30 a.m. to 4:30 p.m. Generally, trials begin at 10 a.m. (morning trials) or 1:30 p.m. (afternoon trials). Mid-morning and mid-afternoon breaks of 15 minutes, and the noon recess from 12 noon to 1:30 p.m. The court will recess or adjourn by no later than 4:30 p.m. each trial day.
- 5. Computer Devices, Etc. The Court has AV carts and a projector with a screen for use by the parties. Please set-up all of your technology (computers) ahead of time. Please use a Bluetooth or external speaker if you wish to play an audio file.
- 6. Evidence. The court will adhere to the rules of evidence and requests counsel to observe the CEB Practice Guide, “Laying a Foundation to Introduce Evidence (Preparing and Using Evidence at Trial) as published by the Hon. Donald F. Miles on October 2016)
- 7. Have Witnesses Ready. Have your witnesses sitting in the court room, or out in the hallway.

8. Scheduling Issues. Notify the Court as soon as possible of any scheduling problems for any witness, interpreter, party or lawyer. Any need for an Evid. Code § 402 or other pre-trial hearing should be discussed at the pre-trial conference.
9. Professional Demeanor: Treat each other with respect and courtesy at all times. The Court will not tolerate unprofessional conduct.
10. Closing Trial Briefs: In lieu of, or in addition to closing arguments, the Court may request counsel to submit a closing trial brief summarizing the issues presented at trial and referencing the evidence supporting the relief requested. Closing trial briefs shall not exceed 20 pages without leave of the court. The Court will not deem the matter submitted until both Parties file and serve the Closing Trial Brief.
11. Follow Applicable Rules: The parties are ordered to comply with all other provisions of the Court's Local Rules, the California Rules of Court, the Code of Civil Procedure, or any other applicable laws.

### **C. NOTICE ON COMPLIANCE WITH ORDERS**

**All parties and counsel are admonished that a failure to comply with these orders or any other applicable rules, may result in the imposition of sanctions which include, but are not limited to, evidentiary as well as monetary.**