

1 3. **MOTIONS IN LIMINE.** No later than 30 calendar days before the issue conference,
2 any party wishing to file a motion in limine must meet and confer with the other parties to
3 see if they can reach agreement without the necessity of a motion. If the meet and
4 confer does not resolve the matter, then any party wishing to file any motions in limine is
5 to file and serve those motions in limine no later than 15 calendar days before the issue
6 conference. If more than two motions in limine are filed by a party, a binder containing
7 the motions (separated by tabs) and an index of the motions shall be provided. Other
8 parties are to review those motions and 'joinder' in the motions will be unnecessary; any
9 party may, at its later oral request, be deemed, for the record, to have joined in any
10 motion. Opposition to any motions shall be filed and served 5 court days before the
11 conference. Both the motions and opposition should consist only of a brief synopsis of
12 the parties' positions. Opposed motions shall, if requested at the conference, be set by
13 the Court for separate hearing with a schedule for full briefing established. Attached
14 hereto as Exhibit A is a list of sua sponte rulings by the Court for which it is not
15 necessary to file a motion in limine; counsel are requested not to file duplicate motions
16 but may file opposition to the sua sponte rulings. Counsel are expected to be familiar
17 with *Kelly v. New West Federal Savings* (1996) 49 Cal. App. 4th 659 and *Amtower v.*
18 *Photon Dynamics, Inc.*, (2008)158 Cal. App. 4th 1582, 1593-95.

19 4. **WITNESS LISTS.**

20 Witness lists should be created on an Excel spreadsheet and exchanged in
21 the form and on the schedule described in this Section. Witness lists should not be
22 exaggerated. Only witnesses that a party expects to actually call should be listed, with a
23 brief synopsis of the proposed testimony.

24 Witnesses must be listed last name first. Titles (e.g. Dr., Officer) should be
25 placed after the comma following the last name. This is so the lists can be sorted
26 correctly.

1 The parties shall meet and confer and seek to agree, to the maximum extent
2 possible, with respect to those documents as to which there will be no objection at trial.

3 Unless otherwise ordered at the issue conference, the parties shall jointly provide
4 the clerk on the first morning of trial, an exhibit list (including all parties' exhibits) in the
5 following format:

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#	Description	Date of Document	Objection to Admission? (Y/N)	Date Identified	Date Offered	Date Admitted

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10 (The end of the exhibit list should include some pages with the table not filled out
11 -- to accommodate any documents used at trial that were not previously identified.) All
12 counsel shall cooperate and assist in preparation of that list, exchanging data in
13 electronic form where appropriate. A copy of the exhibit list shall also be e-mailed to the
14 court (in Excel format with a copy to all counsel) at cxlit@contracosta.courts.ca.gov on
15 or before the morning of trial.

16 Counsel will be required to provide two sets of exhibit binders to the Court. One
17 is for use by the witnesses; one is for use by the Court. The spine of each binder shall
18 identify the range of exhibit numbers contained in that binder. Binders should not be
19 filled to capacity; there should be room for additional exhibits if any need to be added
20 later.

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22 6. **COURTESY COPIES.** In electronic filing cases, all parties shall deliver courtesy
23 copies of their issue conference statements, as well as related issue conference papers
24 such as motions in limine or oppositions thereto, to the chambers of Department 39 no
25 later than one court day after the day of electronic filing.

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1 7. **SETTLEMENT.** The parties need not file settlement conference statements as
2 provided in Local Rule 3.11(d). It will not be necessary for clients or other persons with
3 settlement authority to attend the issue conference. The conference will be devoted
4 solely to trial preparation.

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6 8. **EXPERT WITNESS DEPOSITIONS.** Unless leave of Court is granted, expert
7 witness depositions must be completed thirty days before the date of the issue
8 conference.

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10 9. **DEPOSITION TRANSCRIPTS.** Any party who intends to read from a deposition
11 transcript during trial shall lodge the original transcript with the Court on the first day of
12 trial. The issue conference statement shall identify, by page and line, all excerpts that a
13 party proposes to be read in its case in chief. At the issue conference, the Court will set
14 a schedule for the filing of objections and counter-designations.

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17 Dated:

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Hon. Edward G. Weil

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Judge of the Superior Court

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Exhibit A

Sua Sponte rulings of the Court for Trial

1. No witness may be called, except with Court permission in exceptional circumstances, unless notice has been given to all parties of the date when the witness will testify. Such notice shall be given no later than at the end of the court day proceeding the court day before the witness is to testify. (e.g. notice for a Tuesday witness to be given at or before adjournment of the Friday session)

2. All witnesses will be excluded from the courtroom, unless otherwise ordered, excepting those for whom an exception exists at law. (e.g. parties and corporate representatives)

3. Evidence of, or reference to, settlement negotiations, mediation, and materials related thereto which are privileged under the evidence code or by agreement of the parties shall not be allowed.

4. Evidence of, or reference to, insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company, shall not be allowed.

5. Evidence of, or reference to, other claims or actions against any party to the litigation shall not be allowed without permission from the Court.

6. Evidence of, or reference to, the financial position or wealth, or lack thereof, of any party to the litigation, shall not be allowed without permission from the Court.

7. Generalized motions in limine regarding evidence not produced in discovery will not be granted. Where parties expect a dispute regarding the admission of evidence they should advise the Court at the earliest opportunity. If an issue arises at trial each party must be prepared to share with the Court the actual discovery record.

1 8. Generalized motions in limine to “exclude speculative expert testimony,” or
2 “exclude hearsay testimony,” or “exclude expert testimony that exceeds the scope of
3 the expert designation,” or “exclude expert opinions not testified to in deposition,” or
4 “exclude expert opinion testimony by percipient witnesses” will not be granted. If
5 there is a particular witness or piece of testimony that is the object of the motion, it
6 must be identified with specificity.
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EXHIBIT B

Format for Witness Lists

Plaintiffs' List

Witness	Party (P or D)	Direct (min.)	Cross (min.)	Redirect (min.)	Total	Subject
Smith, John	P	20		5	250	Formation of contract
Brown, Nancy	P	15		5	20	Breach of contract
White, Ron	P	70		15	85	Damages
Black, Peter	P	60		15	75	Formation of contract
Garcia, Dr. Ruth	P	120		30	150	Damages
Rogers, Officer Ted	P	60		10	70	Arrest of Susan Petersen

Defendant's List

Witness	Party (P or D)	Direct (min.)	Cross (min.)	Redirect (min.)	Total	Subject
Doe, Edward	D	20		5	25	Formation of contract
Chang, Dr. Sam	D	75		15	90	Damages
Martin, Eric	D	120		30	150	Damages