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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SANTA BARBARA**

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12 [) Case No.: [
13 Plaintiff[s],) **PRE-TRIAL ORDER: COURT TRIAL**
14 vs.) **TRIAL DATE: [**
15 Defendant[s].)
16)
17)
18 **AND CROSS COMPLAINT**)
19)

20 IT IS ORDERED that:

21 **Witness Lists.** If not already done, each lead trial counsel shall **forthwith** file, serve
22 and, e-mail to the court at **dgeck@sbcourts.org** as an e-mail attachment (Microsoft Word
23 preferred) a **complete witness list of the party’s proposed witnesses. Witnesses may not be**
24 **added to the list during trial** except for good cause shown.

25 **Evidence Binders.** If not already done, each lead trial counsel shall **forthwith** file,
26 serve and, e-mail to the court at **dgeck@sbcourts.org** as an e-mail attachment (Microsoft Word
27 preferred) a **table of contents of that party’s exhibits in the evidence binder.** Trial counsel for
28 all sides shall meet and confer and, within eighteen (18) hours, lodge with the clerk of

1 Department Four a joint evidence binder with a **table of contents** and numbered tab for each
2 exhibit as ordered in the **MANDATORY SETTLEMENT CONFERENCE ORDER** and/or
3 **TRIAL CALL ORDER**. No exhibit, except an impeachment exhibit, shall be marked for
4 identification or received in evidence if it is not identified and described on the trial exhibit
5 index, except for good cause shown. All exhibits in the evidence binder(s) shall be marked for
6 identification as they are referred to during trial. Each party shall identify for the clerk the block
7 of exhibits he or she intends to use in the next trial segment so they can be marked for
8 identification during a recess. Medical bills or invoices shall be tabbed and marked separately
9 from medical records or other documents. Multi-paged exhibits shall be internally numbered by
10 Bates stamp or other consecutive numbering.

11 Counsel stipulated and agreed that, after judgment is entered, each counsel, as an officer
12 of the court, shall retain custody of and preserve the exhibits on that party's Exhibit List that
13 were marked for identification until 30 days after expiration of time to file a notice of appeal.

14 **Use of Exhibits.** No exhibit shall be displayed before it is received into evidence,
15 except with permission of the court. No model, chart, photograph or writing shall be used in
16 opening statement, except by prior order of the court and agreement of all counsel.

17 No exhibit during trial shall be marked for identification until copies have been
18 delivered to the court and opposing counsel or, at a minimum and for good cause shown,
19 opposing counsel has had an opportunity to inspect and review the exhibit.

20 **Deposition Transcripts.** No deposition transcript shall be read in court until a
21 condensed or other copy has been furnished to the court. Admissible portions of a party
22 deposition may be used for any purpose and read into the record. Non-party depositions may be
23 used only for impeachment absent further order of the court, in which case relevant and
24 impeaching deposition testimony may be read into the record without comment. Foundational
25 questions about depositions shall be kept to a minimum and questions whether the witness
26 remembers giving certain testimony at his or her deposition shall not be permitted absent further
27 order of the court.

1 **Time estimates and Examination of Witnesses.** The final time estimate for trial,
2 including pre-trial conferences, conferences or hearings during court hours, opening statements,
3 closing arguments and all examination of witnesses including direct examination, cross-
4 examination, redirect, re-cross, rebuttal examination and so forth is _____ hours.

5 Each party shall be allocated the following amount of time for all opening statements,
6 closing arguments, motions during trial hours, and all examination of witnesses including direct
7 examination, cross-examination, redirect, re-cross and rebuttal examination.

8 Plaintiff [and cross-defendant] _____ **hours and** _____ **minutes**

9 Defendant [and cross-complainant] _____ **hours and** _____ **minutes**

10 Time management is the responsibility of each party's lead trial counsel and each party
11 will be advised at the close of each trial day of the amount of time remaining on the Court's and
12 each party's time estimate. Following breaks or recesses, time shall be charged to the
13 examination that follows the recess beginning at the scheduled time for the end of the recess. If
14 another party abuses the prompt commencing of proceedings after recess, or a witness is grossly
15 evasive or non-responsive, the court may reallocate time in the interests of justice.

16 In cases where a party is represented by multiple attorneys, one attorney shall conduct
17 the entire examination of one witness, including sidebar conferences, and one attorney shall give
18 the entire opening statement and one attorney shall give the entire closing argument (including
19 rebuttal) for one party

20 **Order of Proof.** In cases involving cross-complaints or other actions consolidated for
21 trial, examination shall proceed first on the complaint and shall be limited to examination, cross-
22 examination and so forth on the Plaintiff's case in chief followed by Defendant's case in chief
23 and any rebuttal. Next, examination shall proceed on the cross-complaint and shall be limited to
24 examination, cross-examination and so forth on the cross-complainant's case in chief followed
25 by cross-Defendant's case in chief and any rebuttal. Next, examination shall proceed on any
26 consolidated complaint and shall be limited to examination, cross-examination and so forth on
27 the Plaintiff's case in chief followed by Defendant's case in chief and any rebuttal, and so forth
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1 as above. Upon prior approval of the court, witnesses may be called out of order for convenience
2 of the witness, but the order of examination shall remain the same.

3 The order of closing argument shall be: each Plaintiff's closing argument; each
4 Defendant's closing argument; each Plaintiff's rebuttal argument; each cross-complainant's
5 closing argument (limited to new matter alleged only in the cross-complaint); each cross-
6 Defendant's closing argument (limited to new matter alleged only in the answer to cross-
7 complaint); each cross-complainant's rebuttal argument.

8 **Court Etiquette.** During opening statement and trial counsel shall speak from the
9 lectern or counsel table except when reasonably required to be elsewhere to refer to an exhibit.
10 During closing argument, counsel may speak from wherever they wish. Counsel shall request
11 permission to approach the witness and shall not enter the well. Counsel shall avoid familiar
12 address of witnesses by first name or nickname.

13 **Objections.** No speaking objections shall be allowed without permission of the court.
14 State only the ground of the objection. If the objection is hearsay, the proponent of the evidence
15 shall state only the purpose for which it is offered. If the court finds the evidence is hearsay, the
16 proponent of the evidence shall state only the exception in a word or two. If the objection is
17 relevance, the proponent of the evidence shall state only the ultimate or intermediate fact it is
18 offered to prove, in a word or two. If the objection is foundation, the objecting party will be
19 asked for the elements of foundation claimed to be missing in a word or two each.

20 Questions summarizing prior testimony are prohibited beyond the bare minimum needed
21 to orient a witness.

22 **Leading questions, except to expert witnesses, in cross-examination, or pursuant to**
23 **Evidence Code § 776 are strongly discouraged and will be a negative factor in evaluating the**
24 **credibility of the witness.**

25 **Court Hours.** Court hours normally shall be Monday through Thursday, 9:00 a.m. to
26 noon with a morning recess at 10:30 am and 1:30 to 4:30 p.m. with an afternoon recess at 3:00
27 pm, except Friday when the court hears other matters.

1 **Witnesses.** Before adjournment each day, each counsel shall notify the court and
2 opposing counsel of the witnesses anticipated to be called the following day and as far into the
3 future as practicable. Non-party witnesses shall be excluded until they have testified and been
4 excused and each party shall so advise his or her witnesses. Counsel shall identify non-party
5 witnesses to the bailiff who shall so exclude them from the courtroom.

6 **Audio and Video Tapes.** No audio or video tape shall be played unless a transcript of
7 the audio has been submitted to the court and counsel 24 hours prior to playing the tape, absent a
8 showing of good cause.

9 **Interpreters.** Parties shall arrange for any foreign language interpreters required during
10 trial, shall notify the court and counsel of any such need for an interpreter at the pre-trial
11 conference, and shall notify the bailiff before calling a witness requiring an interpreter and
12 request the bailiff to place a chair at the witness box for the interpreter.

13 Dated: _____
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DONNA D. GECK, Judge of the Superior Court
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