

CASE MANAGEMENT RULES FOR COURTROOM 41

JUDGE KEVIN G. DENOCE

I. Case Management:

Counsel and self-represented parties must comply with all applicable rules, statutes and/or deadlines associated with ensuring a case is “at issue.” In particular, litigants shall: (a) comply with deadlines related to service of summons of complaints and filing proofs of service thereof, (b) timely file and serve responses to complaints, (c) timely file requests for entry of default and default judgment, (d) timely post jury fees, and (e) timely file complete and accurate case management statements.

If the Court determines that the case is not at issue at the Case Management Conference (“CMC”), the conference will be continued. If the continuance is due to a failure to adhere to applicable rules or deadlines, the Court is likely to set an OSC re: the imposition of sanctions. (CRC 3.110(i).) To avoid having an OSC re: imposition of sanctions set, counsel and self-represented litigations should:

1. Be adequately informed about the case and ensure a timely CMC statement has been filed.
2. Avoid delays in service and/or delays in filing proof thereof with the court. (CRC 3.110(a)-(f) & 3.740; Gov’t Code. § 68616(a).) Litigants should move promptly to comply with applicable service deadlines, including by seeking authorization to employ alternative methods of service if appropriate.
3. Avoid delays in requesting entry of default and/or default judgment. (CRC 3.110(g)-(h).)
4. Take care to respond to pleadings with reference to the name by which the party was identified in the complaint (i.e. if a defendant’s name is “John W. Smith” but the complaint identifies him as “John Smith,” the answer would appropriately state it is made on behalf of “John W. Smith ESA John Smith.”)
5. Timely post jury fees. (Code Civ. Proc. § 631.) If jury fees are not posted by the CMC, the Court will provide a deadline to post jury fees to the party requesting a jury trial. If jury fees are not posted by the deadline, the trial will proceed as a bench trial.

II. Alternative Dispute Resolution Status Conferences:

The Court’s trial calendar is impacted and matters are frequently set for trial several years out. To keep the parties focused on resolution and preparation for trial, the Court may set status conferences regarding alternative dispute resolution (“ADR Status Conferences”). ADR Status Conferences must be attended by counsel of record who will be trying the case and all self-

represented parties. The parties must meet and confer in advance of the ADR Status Conference in conjunction with drafting a Joint ADR Status Conference Statement. The ADR Status Conference Statement shall be filed and served at least five (5) court days before the ADR Status Conference and must contain the following:

1. A brief summary of the nature of the case; the causes of action in the complaint/ cross-complaint; the primary monetary damages and/or other relief sought; and the primary defenses asserted.
2. A summary of any and all efforts made by the parties to resolve the case to date.
3. Additional steps the parties plan to take to resolve the case going forward and whether there is anything the Court can do to assist.
4. The parties' readiness for trial and identification of any issues that may require court involvement, such as bifurcation, consolidation, dispositive motions, or particularly complicated evidentiary issues that will need to be decided before trial.

III. Informal Discovery Conferences:

Parties can request an Informal Discovery Conference ("IDC") in unlimited civil cases. Requests for an IDC should include the following:

1. The nature of the discovery dispute, including the interrogatory or request number at issue, the response and objections thereto, the significance of the information sought, and the burden or expense of compliance.
2. A summary of efforts made by the parties to resolve the discovery dispute, including any proposals for resolution.
3. Any issues of timing concerning the disputed discovery.
4. The willingness of the parties to modify the discovery request or response to address the discovery dispute.

IDCs are limited to 15 minutes for basic discovery disputes and 30 minutes for complex discovery disputes. To request an IDC, requesting papers with the subject line "REQUEST FOR IDC" must be emailed, with a simultaneous email copy to all other counsel/self-represented parties, to courtroom41@ventura.courts.ca.gov. Responding papers must be emailed to courtroom41@ventura.courts.ca.gov not later than five (5) days after the requesting papers are emailed. Requesting and responding papers shall not exceed five (5) pages in length, excluding exhibits, and exhibits should include only such information as is necessary to explain the discovery dispute. If both parties do not agree to participate, the Court will not grant the request for an IDC. If the request for an IDC is granted, court staff will contact the parties to schedule the IDC.

IV. Law & Motion Procedures:

Law and motion matters are heard Monday through Friday promptly at 8:45 a.m. Counsel or self-represented parties may appear by Court Call provided they make a reservation no later 4 p.m. the court day prior and provided they check in with Court Call no later than 8:30 a.m. the day of the hearing.

All pages of exhibits submitted in support of or opposition to motions should be consecutively numbered at the bottom of the page and references to exhibits in briefs or declarations should include the page number. Exhibits must be specifically identified and authenticated by a compliant supporting declaration. Parties should limit exhibits to only those relevant and necessary to the motion, with relevant portions highlighted.

The Court may issue written tentative decisions, time permitting. Tentative decisions are published by 5:00 p.m. the day before the hearing on the Ventura Superior Court website. Parties appearing for oral argument should address the tentative decision. Parties may submit on the tentative decision by email to courtroom41@ventura.courts.ca.gov before 8:00 a.m. the day the matter is called. All parties must be copied on the email. If fewer than all parties submit on the tentative, the hearing will proceed and the tentative ruling is subject to change.

Summary judgment motions are heard only on Thursday's at 8:45 a.m. The Court generally will not schedule more than two summary judgment motions each week.

V. Trial Rules and Procedures:

Please see Judge DeNoce's Jury and Court Trial Rules which may be downloaded from his website: www.DeNoce.com These trial rules are very detailed and will help counsel to efficiently litigate a trial before Judge DeNoce including when and how to submit motions and limine to the court, jury selection procedures, providing jury instructions and verdict forms to the court, etc. Counsel is expected to know these trial rules in advance and comply with the court orders stated therein.