

COMPLEX LITIGATION

These are the procedures to be followed in the Complex Litigation Department:

1. All pleadings, motions, applications, briefs and any and all other papers in this case shall be filed, or e-filed, with the civil clerk's office. A courtesy copy shall be emailed to the designated Complex Litigation Judge, via the judge's clerk. Please see the court's website to identify the judge, courtroom and clerk.
2. All motions and briefs shall conform with California Rules of Court, including rule 3.1113, and indicate on the caption page that this matter has been deemed Complex and is assigned for all purposes to Complex Litigation Judge.
3. As to any and all motions or other matters requiring a hearing or settlement conference, the date shall be obtained directly from and approved by the clerk assigned to the Complex Litigation Department, prior to the filing of the moving papers or other initial filings. All hearings will be on a Wednesday at 2:00 p.m., unless the court orders otherwise. Counsel must attempt to stipulate to the date for the hearing. The hearing should be at least one week after the last paper is due.
4. The Case Management Conference will be in Department 1, located at 240 Church Street, Salinas, California. Counsel for all parties shall meet and confer on all matters set forth in California Rules of Court, 3.750 and 3.724(8).
5. In preparation for the Case Management Conference (CMC), counsel for the parties should file a Joint Case Management Conference Statement five (5) days before the CMC. The Case Management Statement must not be the standardized Judicial Council form (CM-110). It must be in prose and detailed. The Case Management Statement should include the following:
 - a. An identification of the central legal and factual issues in the case, and the best way to resolve the disputed issues;
 - b. Status of Pleadings;
 - c. Status of Discovery, i.e., should discovery be conducted in phases? Is there a need for preservation of evidence? Any confidentiality issues?
 - d. Whether there will be any new parties or cross-complaints;
 - e. Status of Settlement or Mediation;
 - f. Conclusions reached after meet and confer on all matters set forth in CRC Rule 3.750 and Rule 3.724(8);
 - g. Anticipated motions;
 - h. Suggested next CMC date;
 - i. Any other matters for which the parties will need court rulings or scheduling;
 - j. Any obstacles to settlement.

Counsel must be prepared to discuss these issues at the Case Management hearing.

6. During discovery, counsel should consider giving each exhibit one number, to be used by all parties, for all uses, including depositions, motions and trial. Alternatively, have one side use (for example) numbers 1 – 1,000 and the other side use numbers 1,001 through 2,000, in order to eliminate the use of letters.
7. The court will consider flexible alternatives to costly litigation, such as
 - a. Severing an issue for a bench trial (with or without stipulated facts). In this way, parties can resolve a disputed fact. This may assist the parties in resolving the case;
 - b. Informal discovery resolution;
 - c. Early motions in limine to narrow the issues. The goal would be to allow the parties to defer expensive discovery issues and proceedings.