

## **Trial Rules for Non-Jury Trials in Part 53**

### **Prior to the Commencement of Trial**

1. **Pre-trial Conference:** All parties shall first confer on the following issues and participate in a pre-trial conference to discuss:
  - A. Proposed dates, and estimated length of trial;
  - B. Motions in limine: The timing and manner in which motions in limine are to be initiated shall be determined at the pre-trial conference;
  - C. Expert Disclosure

### **10 Business Days Prior to the Commencement of Trial**

2. **Direct Testimony in Affidavit Form:** All **direct testimony** of a party's own witness shall be submitted in **affidavit form**. Upon being called at trial, a witness shall first swear to the contents of his/her affidavit, followed by opposing counsel's objections to the testimony, cross-examination, and re-direct, if any. Parties shall exchange direct testimony affidavits, and provide a copy to the Part, ten business days prior to the commencement of the trial.

Exception: Where the witness is not within a party's control, counsel need not submit a direct testimony affidavit from him/her.

3. **Witness Lists:** Parties shall exchange **witness lists** and provide a copy to the Court ten business days prior to the commencement of trial. The witness list shall designate whether the witness is being called as an "expert" or "fact" witness, and if designated as an expert, whether the parties agree or dispute the witness' status. Objections to the introduction of a particular witness shall be raised at trial.
4. **Trial Exhibits:** Parties shall exchange **exhibits books** and provide a copy to the Part ten business days prior to the commencement of trial. Counsel shall pre-mark all the exhibits prior to trial, and must state for each exhibit if it is agreed to or disputed between the parties as admissible evidence. Exhibits that are not disputed as admissible evidence shall be immediately entered into evidence upon introduction at trial. Objections to the introduction of a particular exhibit shall be raised at trial.

Note: Parties shall be prepared to hand the Court and the witness being questioned one loose copy of every document that is being introduced at trial.

5. **Pre-Trial Memoranda and Statements of Disputed Facts/Agreed Upon Facts**
6. **Marked Pleadings**
7. **Foreign Translator:** Where a **translator** is needed, counsel shall notify the Part Clerk at

least one week prior to the commencement of trial.

8. **Confirmation of Trial Date:** Counsel shall notify the Part Clerk two (2) business days prior to the commencement of the trial to **confirm** that the trial is going forward, as scheduled. **Applications for adjournments** will not be entertained absent exigent circumstances, and shall be directed to the Court no later than one week prior to the commencement of trial.
9. **Provide Information to the Court Reporter:** The morning/afternoon that the trial is set to begin, parties shall provide a copy of the witness lists including their contact information, a glossary of names, and any unusual words and/or acronyms that they anticipate to be using during the trial to the court reporter.
10. **Demonstrative Evidence:** Demonstrative evidence, including charts, graphics, enlarged contract language, video depositions, and electronic media devices are not permitted without first obtaining the permission fo the Court.

#### **Post-Trial**

11. **Post-trial memoranda briefs and Proposed Facts/Conclusions of Law:** Shall be submitted both in hard copy and in electronic Word Perfect format following the conclusion of trial.
12. **Discarding of Trial Materials:** All trial materials must be removed from the courtroom within 48 hours of the conclusion of trial, or they will be discarded.