



## SUPERIOR COURT OF CALIFORNIA

County of Sacramento

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[www.saccourt.ca.gov](http://www.saccourt.ca.gov)

### **Public Notice – Stipulations for Pre-Assignment of Civil Long Cause Trial**

Effective immediately, the Court implements a pre-assignment process for civil long cause trials anticipated to last longer than seven court days. Counsel seeking pre-assignment should submit a Stipulation and Proposed Order for Pre-Assignment pursuant to CRC 3.734 and the appropriate filing fee to Department 47 through e-Filing or the Civil Front Counter between 10 to 15 court days before the Trial Assignment Date. The Stipulation must include:

- Whether the matter will be a Court or Jury trial
- Estimated length of trial
- Would further MSC be beneficial?
- Will there be a request to bifurcate?
- Are the parties willing to stipulate to the use of an 8-person jury?
- The nature and complexity of the case, including the number of pre-trial issues and the number of witnesses (including experts).
- Is travel time to Gordon D. Schaber Courthouse for any party, attorney, or witness traveling more than 45 minutes for trial?

If the Court grants the Stipulation for Pre-Assignment, parties will be notified of their assigned Trial Department and should contact the department to schedule a pre-trial conference and motions in limine. Motions pursuant to CCP 170.6 should be made as soon as possible after the Order on Stipulation for Pre-Assignment is made.

Parties may file an ex parte application or motion for pre-assignment if unable to obtain a stipulation from all parties to the case. Please refer to the Court's website for information on filing and setting motions in the Presiding Judge's department.

The Court provides the following context for its decision to implement pre-assignment. In our master calendar system, criminal trials are assigned one week before the civil trial assignment calendar is heard. To meet criminal case priorities and avoid underutilizing available judicial resources, the Criminal Master Calendar department assigns cases to open departments wherever possible. Judicial resources become available for civil trials as criminal matters resolve or continue. Therefore, assigning shorter civil trials that are less than seven court days is easier. A complex, lengthy civil trial requires a match of several criteria to be assigned to a trial department on the trial assignment date.

Although the Court has thus far been successful in assigning those cases that have submitted Trial Readiness Statements indicating their readiness to begin, the availability of open civil trial departments is unpredictable because of judicial vacancies and the needs of Criminal Master

Calendar. The Court recognizes that trailing civil matters for trial impacts litigation expense and often presents scheduling conflicts for witnesses and attorneys.

The Court wants to assess whether pre-assignment will allow the civil division to reserve civil trial departments and provide hard trial start dates. The Court will assess its workability, but there is no guarantee.

Pre-assignment will depend on the number and complexity of pre-trial issues that require resolution, the anticipated length of trial, and the availability of an appropriate open trial department. In other words, a pre-assignment requires a match between the litigants' needs and the constantly changing availability of open civil trial departments.