

Department 60 Policies and Procedures - Honorable Matthew C. Braner

Central - Hall of Justice

Revised April 20, 2022

Honorable Matthew C. Braner, Presiding

Phone Numbers

Court Clerk: (619) 450-7060

Calendar Clerk: (619) 450-7302

1. **Matters that Needed Rescheduling:** Department 60 opened in October of 2021 with a docket initially comprised of cases transferred from all other downtown Civil IC departments. The status conferences to reschedule all matters were discontinued on **January 31, 2022**. Since then, cases where hearings have been vacated but no new dates set will soon future be set for an OSC in re failure to prosecute - unless the parties appear *ex parte* with a reasonable explanation for failing to set a status conference.
2. **Conformity with Local Rules:** Unless otherwise indicated herein, Department 60 adheres to the California Rules of Court and to the San Diego Superior Court Local Rules, Division II.
3. **Ex Parte Matters:** Ex parte appearances are set by reservation on Tuesday, Wednesday, and Thursday at 8:30 a.m., or at such other time as the court may designate. Papers are due before noon the court day prior to the hearing, with the appropriate fee. All ex parte applications must comply with the California Rules of Court. **The court requires courtesy copies of all E-Filed documents on all ex parte matters delivered to the Department 60 drop box in the Civil Business Office, 2nd floor of the Hall of Justice.**

The court makes itself available to the parties during ex parte hours to discuss discovery disputes. In many instances these conferences can save the parties time and money, but only if the parties have seriously discussed the dispute with each other before setting an ex parte hearing. The court will terminate the hearing if it appears the parties have not engaged in sincere and meaningful discussion.

4. **Law and Motion Matters:** All law and motion matters are heard by reservation. Use the "[Reserve a Motion Date](#)" application on the Court's website or call the calendar clerk at (619) 450-7302 to schedule a motion hearing or . (An earlier date may usually be obtained by calling the calendar clerk.)

Oral arguments on law and motion matters are heard at 9:00 am on Fridays or as otherwise ordered by the Court. Tentative rulings are issued pursuant to California Rules of Court and San Diego County Superior Court Rules and may usually be accessed after 4:00 p.m. on the court day before the hearing.

If a motion goes off calendar before the hearing date, counsel shall call and alert the calendar clerk.

5. **Case Management Conferences:** Case management conferences are held on Fridays between 10:30 and 11:45, or as otherwise ordered by the Court.
6. **Trial Readiness Conferences:** Trial readiness conferences are heard on Fridays at 8:45 a.m. Parties must submit their completed Joint Trial Readiness Conference Report five court days before the scheduled TRC. Parties announcing ready will be required to review and sign the Court's Advance Trial Review Order, a copy of which is included on the Court website.
7. **Trial Calls:** Trial counsel and self-represented parties are to appear for Trial Call on Friday at 8:30 a.m., or at such other time as the court may designate. As set forth in the Advance Trial Review Order, the parties must bring a separate binder of the motions in limine together with any opposition, arranged in numerical order.

Unless permission to appear virtually is granted (usually at the trial readiness conference), the parties are to appear in person at the trial call and bring with them the **Joint Trial Notebook** as ordered in the Trial Requirements section of the Advance Trial Review Order. In order for parties to appear virtually at Trial Call, the Court must have been provided the Joint Trial Notebook containing the following:

1. Agreed upon statement of the case
2. 3 copies of the Joint Witness List (all witnesses in alphabetical order on one list.)
3. 3 copies of the Joint Exhibit List **with** objections, numbered sequentially. (Absent good cause, a party who has offered no objection(s) to an exhibit is forestalled from objecting to the exhibit at trial.)

4. Joint set of jury instructions, together with index, in the order in which they are requested to be given, with objections noted
5. Proposed verdict form(s)

All exhibits should be pre-marked with pages numbered.

The parties must arrange for a court reporter by the start of trial. Absent good cause, the trial will not be delayed for any failure to do so.

Trials: Trials take place Monday through Thursday, from 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:15 p.m.

8. **Virtual Appearances:** Pursuant to the Civil Code of Procedure Section 367.75 and all relevant non-conflicting San Diego Superior Court Local Rules, virtual appearances are allowed for all matters unless otherwise ordered by the Court. Please see the Court website for up to date information about how to appear virtually. Counsel appearing virtually should be in professional attire.
9. **Guardian Ad Litem/Publication of Summons.** Petitions for appointment of a guardian ad litem and applications for orders for publication of summons may be made ex parte without an appearance. The moving papers should be submitted for review by the court; the court may set a hearing if such a hearing is deemed necessary. Guardian ad litem applications shall include attachment form CIV-383, except if adult dependent.
10. **Minors Compromises.** Please note that under new Probate Code §3505, the court is *required* to schedule a hearing on a petition to compromise a minor's disputed claim within *30 days from the date of filing*. This applies for stand-alone minor's compromise matters and those claims within an existing civil matter. The only exception is for expedited petitions as set out in California Rule of Court 7.950.5, or for good cause under Rule 7.952.

[Dept. 60 – Advance Trial Review Order](#)