

<b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF SONOMA</b> <b>CIVIL DIVISION</b> 3055 CLEVELAND AVE SANTA ROSA, CALIFORNIA 95403-2878 (707) 521-6500 sonoma.courts.ca.gov	(FOR COURT USE ONLY) <div style="text-align: center;"><b>FILED</b></div> <div style="text-align: center;">07/12/2024</div> <div style="text-align: center;">SUPERIOR COURT OF CALIFORNIA COUNTY OF SONOMA</div> <div style="text-align: center;">By: <u>Ashley E. Olazar</u> Ashley E. Olazar, Deputy Clerk</div>
<b>CANDIDO</b> <b>VS</b> <b>SONOMA RACQUET CLUB HOMEOWNERS</b> <b>ASSOCIATION</b>	Case number: 24CV00410
<b>NOTICE OF TRIAL</b>	

YOU ARE NOTIFIED THAT PROCEEDINGS WILL BE HELD AS FOLLOWS:

**Mandatory Settlement Conference:**

Date: No settlement conference set/ordered.

**Trial:**

Date: April 18, 2025

Time: 8:30 a.m.

Courtroom: 18

Location: 3055 Cleveland Avenue, Santa Rosa, CA 95403

Please see the attached Trial Orders of the Court

Date: 7/12/2024

Robert Oliver  
Clerk of the Court

By: Ashley E. Olazar  
Ashley E. Olazar, Deputy Clerk

\* ATTACHMENT – AS INDICATED:

- Proof of Service
- Trial Orders of the Court

## PROOF OF SERVICE BY MAIL

I certify that I am an employee of the Superior Court of California, County of Sonoma, and that my business address is 3055 Cleveland Ave, Santa Rosa, California, 95403; that I am not a party to this case; that I am over the age of 18 years; that I am readily familiar with this office's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that on the date shown below I placed a true copy of the Notice of Trial and noted attachments in an envelope, sealed and addressed as shown below, for collection and mailing at Santa Rosa, California, first class, postage fully prepaid, following ordinary business practices.

Date: 7/12/2024

Robert Oliver  
Clerk of the Court

By: Ashley E. Olazar  
Ashley E. Olazar, Deputy Clerk

-ADDRESSEES-

JASON KYLE BOSS  
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120 VANTIS DR STE 500  
ALISO VIEJO CA 92656

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PO BOX 258829  
OKLAHOMA CITY OK 73125-8829

**Case Name:** Candido vs Sonoma Racquet Club Homeowners Association

**Case Number:** 24CV00410

**Party Filing:** \_\_\_\_\_

**SONOMA COUNTY SUPERIOR COURT  
COURTROOM 18**

3055 Cleveland Avenue  
Santa Rosa, CA 95403  
(707) 521-6723

**(Effective January 2024)**

Judge Christopher M. Honigsberg  
Judicial Assistant, Ashley E. Olazar (707) 521-6723

**TRIAL ORDERS OF THE COURT  
(Jury Trial)**

Strict compliance with the directives contained in this Order will be required. Failure to follow these instructions may constitute a waiver of any later proposal(s) covered by this Order.

**A. TIME FOR FILING TRIAL DOCUMENTS**

1. All attorneys of record and any unrepresented parties must meet and confer, at least seven court days before the Friday on which the case is set for trial, concerning each of the topics discussed in the in this Order. By 3:30 p.m. on the sixth court day before trial, or as otherwise ordered by the Court, the parties must file the documents listed below with the Civil Clerk's Office and serve the documents on all parties. All documents required to be filed (other than the Trial Binder, see §A.2 below), must be electronically filed ("eFiled") pursuant to Local Rule 17.22 et seq. Department 18 does not otherwise require courtesy copies. The documents are:

- a. Any proposed voir dire questions which, due to unusual or sensitive circumstances, a party requests the judge to ask prospective jurors.
- b. Any proposed jury questionnaire.
- c. A joint list, in alphabetical order, of all witnesses to be called, indicating which party intends to call each witness. The list should also note any anticipated issue concerning a witness that might require the court's attention, including but not limited to scheduling constraints, health problems, security precautions, and the need for a translator or interpreter.
- d. A joint estimate of the length of the trial.
- e. A joint neutral statement of the case to be read to the jury.

- f. All motions in limine. Any written opposition to a motion in limine must be filed with the Civil Clerk's Office by 3:30 p.m. three court days before trial.
- g. Identification by each party of all deposition testimony that the party intends to offer in evidence on the ground that the witness is unavailable to testify at trial, designated by witness, date or volume, and pages and lines.
- h. A list of all requested California Civil Jury Instructions (CACI) by number, in numerical order, with titles.
- i. A list of all proposed CACI jury instructions and special jury instructions, with all proposed wording.
- j. All proposed verdict forms.
- k. Signed copies of the Trial Orders of the Court, containing those provisions to which the parties have stipulated.

2. The above listed documents constitute (in part) the contents of the Trial Binder. All parties or their attorneys shall jointly submit to the judicial assistant or the courtroom clerk of the trial judge one original Trial Binder before 3:30 p.m. on the sixth court day immediately preceding the date first set for trial. The Trial Binder shall contain all operative pleadings, all motions in limine, a statement of the case, a joint witness list, trial briefs, special voir dire questions, all CACI and special jury instructions requested, all proposed verdict forms, and the signed Trial Orders of the Court. The binder shall have a table of contents and corresponding tabs.

3. The Friday date on the Notice of Settlement Conference and Trial is considered a Trial Readiness day in that the parties need not have witnesses present or be prepared to present evidence on that date. The first day of trial in which evidence may be presented will commence on the following Tuesday. FOR DISCOVERY CUT OFF PURPOSES AND ALL OTHER DATES CALCULATED FROM THE FIRST DAY OF TRIAL, THE FRIDAY TRIAL READINESS DATE IS THE FIRST DAY OF TRIAL.

4. Any trial brief shall be electronically filed no later than six court days preceding the Friday trial readiness date. The Court finds trial briefs to be very helpful and encourages their submission, however, it is not mandatory.

## **B. GENERAL MATTERS**

1. Courtroom 18 conducts other court or chamber matters on Mondays. Both bench and jury trials will normally be in session Tuesday through Friday\*.

**\*However, effective February 16, 2024, Department 18 will begin hearing a second weekly law and motion calendar on Fridays. Jury and bench trials may need to be dark on Fridays based on the needs of the Court to accommodate this calendar. At the Court's discretion during trial call on Friday, the Court will inform the parties whether or not their trial will be dark on Fridays. This schedule is subject to change based on the needs of the Court.\***

Jury trial sessions typically commence at 8:30 a.m. and continue until 1:30 p.m., with 2 scheduled 20 minute breaks. Court trials will have 1 scheduled 20 minute break and continue until 12:00 p.m. Importantly, the parties must tell the court about any commitments which may require a modification of this schedule.

2. If an attorney or self-represented litigant is unexpectedly prevented from appearing on time at any scheduled court session, he or she should call Judge Honigsberg's judicial assistant at (707) 521-6723, or the bailiff at (707) 521-7818.
3. The court should be informed in advance of any unusual legal issues or evidentiary issues and/or problems that are anticipated during the trial that are not addressed by a motion in limine.
4. The parties shall meet and confer regarding all possible factual stipulations on uncontroverted matters and reduce such stipulations to writing so that they can be read into the record. Further, parties should inform the court of any documents as to which authentication is not disputed and will be waived.
5. Faxing or emailing to court chambers or the court's judicial assistant is **not** permitted without prior approval from the court. If an approval is granted, it shall apply for one-use only. Documents which are permitted to be faxed will be deemed courtesy copies only and will not be filed unless there is a stipulation by all parties, found to be acceptable by the court.
6. The parties should discuss and inform the court if they are willing to agree to the stipulations attached to this order, including but not limited to the following:
  - a. Waiving the statutory language of the admonition to the jury at separation. (Penal Code section 1122; Code of Civil Procedure section 611)
  - b. Waiving the judge's pronouncement of the presence of the attorneys, the parties, and the jurors at the commencement of each court session.
7. In all legal memoranda, only official citations need be used.
8. The bailiff's telephone may be used with their permission and only for short local calls.
9. **COURTESY TOWARDS EVERYONE IN THE COURTROOM IS REQUIRED WITHOUT EXCEPTION.** Counsel is expected to familiarize themselves with the Guidelines of Civility and Professionalism promulgated by the California Bar Association and is expected to conduct themselves in accordance with the Guidelines.

### **C. EXHIBITS**

1. All trial exhibits shall be exchanged between the parties before the trial call of the case, except for impeachment documents. The parties shall meet and confer, at least 48 hours before the trial date in order to determine whether any objection will be made to each exhibit, except those to be used solely for the purpose of impeachment. Also, the parties shall ascertain which of the exhibits may be admitted into evidence by stipulation. No later than the day that motions in limine are heard all exhibits that are designed to be used in the opening statements shall be exchanged among all parties. Disputes will be resolved by the judge at that time.

2. All of the documents submitted to the court as trial exhibits shall consist of one original and one copy for use by the court. The copies shall be stamped in red as a "copy."
3. When presenting an exhibit to be marked for identification, please give the clerk a description of the exhibit and then allow enough time for it to be marked and for the clerk to announce the marking for the record.
4. Unless otherwise ordered by the court, any party seeking to offer into evidence a sound or a sound and video recording of a deposition or other prior testimony must comply with California Rules of Court, rule 2.1040, and if offering a videotaped deposition, also with Code of Civil Procedure section 2025.340(m). The original of all deposition transcripts must be lodged with the clerk when the deposition is to be used in court.
5. A party requesting judicial notice of material under Evidence Code sections 452 or 453 must provide the court and each party with a copy of the material. If the material is part of a file in the court in which the matter is being heard, the party must specify the part of the court file sought to be judicially noticed and make arrangements with the clerk to have the file in the courtroom at the time of the hearing (or confirm with the clerk that the file is electronically accessible to the court).

#### **D. MOTIONS IN LIMINE**

All motions in limine shall be prepared and filed as follows:

1. Format: The title of each motion shall identify the moving party and describe the nature of the motion, and shall be numbered sequentially, indicating the total number of motions submitted by the moving party. For example: "Plaintiff Jane Doe's Motion in Limine to Exclude the Testimony of Joe Expert [#1 of 6]." Written opposition, if any, shall identify both the party filing the opposition and the specific motion that is being opposed by the name of the moving party with the motion number. For example: "Defendant Richard Roe's Opposition to Plaintiff Jane Doe's Motion in Limine [#1 of 6]."
2. Scope: For motions in limine other than those expressly authorized by the Evidence Code, counsel is directed to *Kelly v. New West Fed. Sav.* (1996) 49 Cal.App.4th 659; *Amtower v. Photon Dynamics, Inc.* (2008) 158 Cal.App.4th 1582; and *Kinda v. Carpenter* (2016) 247 Cal.App.4th 1268 with regard to the proper scope of motions in limine. Generally, motions for judgment on the pleadings, leave to amend, motions for summary adjudication and/or summary judgment, or bifurcation are not in limine motions and should not be filed as such. Also, motions that would merely be declaratory of existing law are not a proper subject for a motion in limine. Should a party wish to bring a motion in limine that has not been filed in compliance with the time frame set forth in this order, the party should be prepared to explain why, despite the exercise of due diligence, the motion in limine could not have been timely filed. Absent good cause, such motion may be denied by the court as untimely and in violation of this trial order.
3. Exhibits to be Used in Opening Statement and/or Trial: On the day that motions in limine are heard, prior to that hearing, each party must show all other parties all electronic presentations,

demonstrative exhibits, charts, diagrams, photographs, enlargements, and all other tangible things that the party intends to use in the party's opening statement and/or during trial. Any party who objects to any such material must make the objection at the hearing of the motions in limine, and the judge will rule on all such objections presented.

4. The following motions shall be deemed filed, served and granted unless good cause is otherwise shown by counsel's declaration and request for hearing: (1) all non-party witnesses are excluded from the courtroom until called to testify; (2) all references to settlement negotiations, mediation, and materials related thereto that are privileged under the California Evidence Code are excluded; (3) all references to insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company are excluded; (4) all references to and evidence of other claims or actions against any party to the litigation are excluded; and, (5) all references to the financial position of any party are excluded. Any request to alter any of the above shall be raised at the start of trial and will be subject to a court hearing.

#### **E. DEPOSITIONS AND DISCOVERY**

If portions of deposition testimony, requests for admissions, interrogatory responses, or any other discovery responses are to be used in lieu of live testimony at trial, the excerpts to be used shall be clearly identified for all parties. The parties shall then meet and confer to attempt to resolve any evidentiary objections before these discovery responses are read into evidence at trial.

#### **F. WITNESSES AND SCHEDULING**

1. If trial is to be by jury, the parties shall provide the clerk and the court reporter with copies of the joint witness list. Please advise the court reporter of any unusual spellings of names, places, or technical terms.

2. THE PARTIES ARE HEREBY ADVISED THAT THE COURT INTENDS TO UTILIZE ALL AVAILABLE TRIAL TIME. PARTIES SHALL MAKE CERTAIN THERE ARE NO GAPS IN THE PRESENTATION OF EVIDENCE. IN THE EVENT THAT A PARTY IS NOT PREPARED TO PROCEED DURING TRIAL, THE COURT MAY DEEM THAT PARTY HAS RESTED, ABSENT A SHOWING OF GOOD CAUSE.

#### **G. JURY SELECTION**

1. In civil cases, the parties requesting a jury shall have on deposit the first day's jury fees with the courtroom clerk in accordance with Code of Civil Procedure §631(c). The parties shall make arrangements with the clerk immediately preceding trial for the daily deposit of fees for both the jury and the court reporter.

2. Based on the Judicial Council standards for jury voir dire, the judge will begin the questioning of prospective jurors. The parties shall submit in writing any specific questions, or areas of inquiry, not contained in the Judicial Council standards on which they would like the court to inquire.

After the court's inquiry, the parties will have an opportunity to voir dire prospective jurors, subject to the following:

- a. The voir dire by the parties will be subject to reasonable time limits set by the court;
  - b. The parties may not repeat or rephrase questions which the court has already asked;
  - c. Pre-instructions, pre-argument, and suggestive questions will not be permitted, unless the court determines otherwise upon request;
  - d. All challenges for cause will be expressed at side bar or otherwise outside the presence of the jury panel;
  - e. All general questions should be asked to the panel at large, rather than repeating such questions to each juror; and
  - f. The court exclusively inquires regarding hardships and schedules.
3. The appropriate number of peremptory challenges per side will be discussed and ruled upon prior to trial.
4. The court generally prefers that two alternate jurors are selected. In the longer cases the court will consider selecting a greater number of alternates. If it becomes necessary to substitute an alternate juror, the alternate will be chosen by lot unless counsel stipulate to number the alternates and substitute them in order. (Code of Civil Procedure section 234; *People v. Armendariz* (1984) 37 Cal.3d 573, 581 n7.)

## **H. CONDUCT OF TRIAL**

1. The Friday date shown on the Notice of Settlement Conference and Trial is the first day of trial, but functions as a trial readiness day. The FIRST day when evidence may be presented is the following Tuesday.
2. The court is available for settlement discussions in chambers prior to trial or at any time during trial. If the parties wish to pursue settlement further with another judge if available, the proceedings may be suspended, as determined by the court, so that such discussions can proceed forthwith.
3. No demonstrative exhibits, charts, diagrams or enlargements shall be placed within sight of the jury unless previously shown to the opposing party, marked for identification, and approved by the court.
4. Arguments on points of law or evidentiary matters shall be made out of the presence of the jury. When objections or responses to objections are made, only the legal basis of the objection or exception may be stated in open court in the presence of the jury.
5. Conferences at the bench or sidebar will normally be off the record. If any party wants to place a matter discussed at sidebar on the record, they may so request and those proceedings will be conducted on the record, either immediately or at the next available opportunity.
6. As noted above, the parties have full responsibility to arrange for the appearance of witnesses so as to eliminate any trial delays. The court asks that the parties confer every day throughout



trial about the upcoming witnesses to avoid delays. The court should be informed about witnesses to be called out of order.

7. Transcripts of testimony may be ordered from the court reporter. The fees for such transcripts are generally deposited in advance upon an estimate by the reporter. All transcripts prepared by the court reporter for either side will be available to the opposing side and to the public.

8. The parties should never, in the presence of the jury, ask the court reporter to mark or to flag a witness's answer to a particular question. Instead, the party should note the time and subject matter of the testimony and then inform the court reporter unobtrusively at the next court recess. This is intended to prevent the use of "marking" as a device for attracting the jury's attention to certain testimony.

## **I. JURY INSTRUCTIONS**

1. The court pre-instructs the jury as to preliminary matters immediately before opening statements, and finally instructs immediately before closing arguments, unless the parties agree on another procedure. Written instructions are provided to the jurors when they retire for deliberation.

2. In all jury cases, in addition to the jury instructions required above in section "A", before closing argument begins, each party must deliver to the judge and serve upon all other parties any additional proposed jury instructions on questions of law arising from the evidence that were not disclosed by the pleadings. Each proposed jury instructions must be printed in black ink on a separate piece of paper. Proposed instructions must not identify the requesting party or any party or counsel in the case. The jury instructions must be assembled in a packet with a face sheet that lists all requested instructions and the requesting parties.

3. Before conclusion of the trial, the parties must jointly review the proposed jury instructions to preclude submission of duplicate instructions to the court and to advise the court of agreement or disagreements about particular submitted instructions.

4. If the parties wish to submit instructions which are not found in CACI, they should provide such instructions on plain paper, without displaying either a party or firm name. Any special instructions should be submitted in digital form on a USB drive as a Word document, along with the hard copy.

5. Parties requesting use of special verdicts or answers to special interrogatories must furnish to the court and to the other side the proposed forms of verdict or the interrogatories.

## **J. JURY DELIBERATIONS**

Counsel and parties are not required to remain in the courtroom during jury deliberations; however, it is the parties' responsibility to keep the clerk and bailiff fully informed as to where they can be located at all times, including during the noon hour. The parties and the lawyers will be expected to return to the courtroom within 20 minutes after being notified to do so. Cell phone contact numbers, if available, are to be provided to the courtroom clerk. The numbers will not be disclosed.

If, and only if, *all* deliberating jurors wish to deliberate in the afternoons, and on Mondays, the court may allow it.

**K. AFTER TRIAL**

1. If a special verdict is rendered by the jury, the prevailing party shall prepare the proposed judgment, unless the court instructs to the contrary. The proposed judgment shall be submitted on the next court day after the trial has been concluded.
2. The parties stipulate to the return by the clerk of any exhibit, deposition, or administrative record introduced, and agree to retain them as required by CCP §1952, unless a request to the court is made and approved for an alternate disposition prior to the conclusion of the trial. The parties should make arrangements with the clerk for the return of exhibits at the conclusion of trial.
3. The parties and the lawyers are free to discuss the case with jurors after the trial, with each juror's permission; however, no one may berate a juror for their verdict, or reveal evidence which was not admitted at the trial. When communicating with jurors after they have returned a verdict, under no circumstances are litigants or counsel permitted to criticize the jurors or their verdict.
4. "Thank you" letters to the trial jurors are not favored. The lawyers can thank the jurors during the closing argument, or while they are still assembled. The court sends a "thank you" letter expressing the gratitude of all parties for the jurors' service.
5. Any post-trial motions are to be electronically filed with the Clerk's Office in accordance with Local Rule 4.18. At the time of filing, the court will set the hearing date. The party filing the motion(s) will then have to serve the motion(s) on all parties and file the appropriate Proof of Service with the court prior to the hearing. No courtesy copies of post-trial documents filed are required. (Compliance with Local Rule 4.18 requiring conformed copies be delivered directly to chambers is hereby excused).

I have reviewed and understand the foregoing orders.

_____	_____
Date	Counsel for Plaintiff
_____	_____
Date	Counsel for Plaintiff
_____	_____
Date	Counsel for Defendant
_____	_____
Date	Counsel for Defendant

**PROCEDURAL STIPULATIONS**

Case No.: **24CV00410** Case Name: **Candido vs Sonoma Racquet Club Homeowners Assoc.**

**It is hereby stipulated by the respective parties in the above entitled action: Please Initial**

	Counsel for Plaintiff	Counsel for Defendant
1. That, unless called to the court's attention, all of the jurors shall be deemed to be in the jury box and in their designated seats upon the reconvening of court following each recess or adjournment.	_____	_____
2. That after giving the admonition required by Code of Civil Procedure section 611, the judge needs not repeat the admonition at each subsequent recess or adjournment.	_____	_____
3. That the parties and the lawyers need not be present when, during jury deliberations, jurors go to lunch, return from lunch, are discharged in the evening, and resume work in the morning.	_____	_____
4. That the approved jury instructions and admitted trial exhibits may go into the jury room during deliberations.	_____	_____
5. That during jury deliberations the jury may recess without any further admonition and without going back into the jury box and that they may resume deliberations upon the bailiff's determination that all jurors are present.	_____	_____
6. That in the absence of the trial judge, the verdict may be received by any judge of this court.	_____	_____
7. That upon order of the court all of the trial exhibits will be returned to the attorneys after the trial is over for safekeeping until the time for appeal has expired.	_____	_____
8. That at the conclusion of the trial all questionnaires shall be immediately destroyed.	_____	_____

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Counsel for Defendant

Date: \_\_\_\_\_

Date: \_\_\_\_\_

