

**Riverside County – Historic  
Department 5  
Judge Sophia Choi**

**DEPARTMENT 5 RULES**

**General Orders**

Unless otherwise directed by written order or stated on the record in open court, the following procedures apply to all matters assigned to Department 5. The term “counsel” includes any self-represented party. Noncompliance with these procedures may result in sanctions, including those authorized under Code of Civil Procedure section 177.5.

These Department rules are in addition to, not in lieu of, California statutes, California Rules of Court, Local Rules-Superior Court of California, County of Riverside (eff. July 1, 2025), and this Court’s Trial Setting Order.

The Court prefers all appearances be made remotely unless the presentation of physical evidence requires in-person attendance. Zoom is the platform used for remote appearances. Participants may join via device or telephone:

- **Call-in Numbers:** 1 (833) 568-8864 (TOLL FREE); 1 (669) 254-5252
- **Meeting ID:** 161 782 8254
- **Instructions:** <https://www.riverside.courts.ca.gov/PublicNotices/remote-appearances.php>

Unless otherwise indicated, the law and motion/case management (FastTrack) calendar in Department 5 will begin at 8:30 a.m. Please check in with the courtroom clerk no later than 8:15 a.m. If appearing remotely, please call between 8:00 a.m. and 8:15 a.m. If you do not timely check in with the courtroom clerk, you risk being unable to appear.

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**I. Civility and General Decorum**

1. Counsel, witnesses, and parties are to be civil and polite at all times towards opposing counsel, parties, witnesses, and all court personnel. Uncivil or unprofessional behavior will not be tolerated.
2. Counsels are to be familiar with and adhere to California Rule of Court, rule. 9.7, and all other California Rules of Court, Local Rules-Superior Court of California, County of Riverside (eff. July 1, 2025), the *California Attorney Guidelines of Civility and Professionalism* (a copy may be obtained on the web at the following: <http://ethics.calbar.ca.gov/Ethics/AttorneyCivilityandProfessionalism.aspx>), these Department 5 Rules, and this Court’s Trial Setting Order.

3. Counsel will not be argumentative with the Court. When a ruling is made, that is not an invitation for further argument. The court does not engage in argument or advocacy.
  4. Matters of trial logistics and common professional courtesy should not be the subject of motions in limine. These are matters of common professional courtesy that should be accorded counsel in all trials. (See, *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659, 671.)
  5. Do not approach the Judicial Assistant when Court is in session.
  6. Do not enter the well without permission from the Court.
  7. Persons in the courtroom, including the parties and counsel, must not indicate, by facial expression, shaking of the head, gesturing, shouts, or other conduct their disagreement with or approval of testimony or other evidence. Counsel must so instruct parties they represent, witnesses they call, and any persons accompanying them.
  8. Opening statements, examination of witnesses, and closing arguments shall be from the lectern. Pacing, roving, etc. is not condoned. Do not approach the bench, the clerk, or the witness box without specific permission.
  9. Counsel, parties, and witnesses should not exhibit by nodding, facial expression, or other conduct, any opinion about testimony or argument given by others. Counsel should strongly admonish clients and witnesses in this regard.
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## **II. Ex Parte Applications**

1. Ex parte applications are heard Monday through Friday at 8:30 a.m. on the law and motion calendar, subject to the Court's availability. Applications set on Fridays may be continued to the next court day. The Court may grant or deny any ex parte request without a hearing.
  2. In addition to complying with the California Rules of Court and applicable Local Rules governing ex parte applications, parties seeking ex parte relief must email a copy of any ex parte application (and all supporting documents) to the opposing party/counsel no later than 4:00 p.m. the day prior to the ex parte hearing. Any opposition to an ex parte application must be served on the moving party/counsel as soon as it is filed with the Court. Absent exceptional circumstances, no hearing will be conducted, and the ex parte application will be denied, if there is inadequate notice or service.
  3. Requests to shorten notice or advance a hearing date will not be considered via ex parte application, or otherwise, unless: (1) the motion is already filed; (2) a hearing date is already set; and (3) the appropriate fee is paid or waived.
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## **III. Counsel Appearing for a Limited Purpose**

1. Counsel appearing in this Department, including those making "special appearances," must be familiar with the case and able to represent their client's

interest as would any other attorney. (*Streit v. Covington & Crowe* (2000) 82 Cal.App.4th 441, 445-446.) For purposes of case management hearings, this means counsel must be prepared to discuss in detail issues listed in California Rules of Court, rules 3.724 and 3.727, Local Rule 3218, and any orders made by this Department, including those pertaining to mandated efforts to “meet and confer.” Absent extenuating circumstances, appearance by counsel unfamiliar with the case may result in an Order to Show cause re sanctions being set, including as against “specially appearing” counsel.

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#### **IV. Law and Motion**

This Department publishes tentative rulings per California Rules of Court, rule 3.1308(a)(1) and Riverside Superior Court Local Rule 3316.

##### **1. Tentative Rulings**

- Tentative rulings are posted by 3:00 p.m. the court day before the hearing at [Tentative Rulings](http://www.riverside.courts.ca.gov/tentativerulings.shtml) (<http://www.riverside.courts.ca.gov/tentativerulings.shtml>) or by phone at (760) 904-5722.
- To request oral argument, parties must notify Judicial Secretary **Vanessa Siojo** at (760) 904-5722 and inform all other parties by 4:30 p.m. the day prior.
- Tentative rulings become final at the hearing unless a request for oral argument is timely made. If no request is timely made, the tentative ruling is adopted by minute order without a hearing. **Hearings will not be held on law and motion matters if oral argument is not timely requested.**

##### **2. Discovery Motions:**

- Parties must first meet and confer (*by phone, in person, or video*).
- If unresolved, parties may jointly request an Informal Discovery Conference (IDC) by emailing **Dept5@riverside.courts.ca.gov** (cc all parties). If the request is not jointly submitted by **all** counsel and self-represented parties, the Court will not schedule an IDC.
- The joint request must include three proposed dates during which all counsel will be available for a remote conference with the Court. Counsel must stipulate to proposed dates on either a Thursday or a Friday.
- File a **joint IDC brief** (3 pages max) three court days before the IDC.

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#### **V. Case Management Conference**

1. The court expects counsel and self-represented parties to comply with all case management rules set out in the California Rules of Court, including but not limited

to rule 3.700 et seq. Failure to comply with these rules, or other Rules of Court or applicable Local Rules, including Local Rule 3218, may result in an Order to Show Cause why sanctions should not be imposed. Failure to meet and confer in person, by telephone, or on video as required may result in an Order to Show Cause re Sanctions.

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## VI. Trial Setting Conference

1. In advance of any trial setting conference, counsel and self-represented parties are ordered to meet and confer in person, by telephone, or by video, and prepare and file a declaration at least ten (10) days in advance of the trial setting conference addressing all of the following:
    - a. Three available dates for trial **agreed upon** by counsel and self-represented parties, beginning on a Friday at 10:00 a.m., within approximately six (6) months of the Trial Setting Conference, if the Court has available trial dates within that timeframe. Trial dates are “firm” so parties should take care in selecting mutually agreeable dates. (See Rules of Court, rule 3.1332(a).) All counsel and self-represented parties must be available on the dates selected. Providing three available dates for trial **does not** mean providing dates counsel and self-represented parties are **not** available for trial. Do not provide unavailable dates, only three available dates as mutually agreed. Failure to select mutually agreeable dates may result in the Court setting a trial date without input from the parties.
    - b. Whether parties are requesting a bench or jury trial, and the time estimate for the anticipated trial where one day of trial would generally be from 10:00 a.m. to 3:30 p.m. The time estimate must account for and include jury selection to closing arguments and rebuttal. If the trial is anticipated to be bifurcated, the time estimate must further account for and include the second phase of the bifurcated trial.
    - c. Whether the parties have participated, or will be participating, in some form of alternative dispute resolution. This should include information about the last date the parties engaged in any form of ADR, or any scheduled ADR dates, and should include information about whether the parties believe a Mandatory Settlement Conference may be beneficial. The Court will take this information into account when determining whether and when, if at all, to set a Mandatory Settlement Conference.
    - d. The declaration may address any other issues relevant to setting trial.
    - e. Failure to file a declaration or to meet and confer as ordered may result in an Order to Show Cause re Sanctions.
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## VII. Status Conference

1. In advance of any status conference, e.g. status re stay, where the Court has not expressly ordered the parties/counsel to provide a written declaration, counsel and self-represented parties are strongly encouraged to file with the Court at least ten (10) days in advance of the hearing a declaration explaining case status. If the declaration is sufficiently detailed, the Court may act without the need for a hearing, allowing counsel to avoid an unnecessary appearance.
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## VIII. Orders to Show Cause

1. Counsel and self-represented litigants must comply with Local Rule 3116. Failure to respond in writing to the OSC may result in the Court vacating the hearing on the OSC and making orders in chambers, including orders imposing sanctions on parties and counsel.
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## IX. Trials

### 1. Pre-Trial Filings

All parties must comply with Local Rule 3401 and *Reales Investment, LLC v. Johnson* (2020) 55 Cal.App.5th 463. The following documents are due by **9:30 a.m. on the date set for trial**:

- Joint Statement of the Case
- Joint Exhibit List (noting any stipulations as to authenticity, admissibility, or both; exchange all exhibits 14 days before trial; excludes impeachment evidence)
- Joint Witness List (with time estimates as to each witness's direct, cross, and re-direct)
- Jury Instructions (Joint; Plaintiff's; Defendant's)
- Joint Verdict Form(s)
- Motions in Limine Binder (with oppositions)

Failure to comply delays voir dire and may incur **\$250 per missing document per day**.

### 2. Trial Schedule

- Unless otherwise provided by the Court, trial schedule is as follows:

- Trial is held and evidence is heard Monday through Wednesday, 10:00 a.m.–12:00 p.m. and 1:30 p.m.–4:00 p.m. (4.5 hours/day), with mid-morning and mid-afternoon breaks as needed.
- Counsel must be available each day of trial from 9:00 a.m.–4:30 p.m. and Thursday from 9:00 a.m.–4:30 p.m. The court may utilize Monday through Wednesday, 9:00 a.m. to 9:45 a.m. Monday through Wednesday 4:00 p.m. to 4:30 p.m., and/or Thursday from 9:00 a.m.–4:30 p.m. to go over jury instructions, verdict forms, or other matters related to the trial that are to occur outside the presence of the jury.
- During jury deliberations, counsel must remain within 5 minutes of the courtroom.

### **3. Trial Call and Mediation**

- Trials are called Fridays at 10:00 a.m. Parties must be prepared for a pretrial conference.
  - Settlements must be reported immediately per Rule 3.1385. The Court will then: (1) Vacate the trial and (2) Set an OSC re: Dismissal After Settlement.
- If Department 5 is unavailable, the case may be reassigned, trailed, or continued.

### **4. Motions in Limine**

- General motions in limine regarding evidence not produced in discovery will not be granted. Where parties expect a dispute regarding the admission of evidence, they should advise the court at the earliest opportunity. Each party must be prepared to share with the Court the actual discovery record at all times.
- The parties may move in limine to exclude evidence before the evidence is offered at trial, on grounds that would be sufficient to object to or move to strike the evidence. The parties shall not move in limine to exclude all evidence pertaining to all or part of a cause of action based on an argument that plaintiff lacks evidence to support the cause of action, because that is in substance an untimely motion for summary adjudication. (*Johnson v. Chiu* (2011) 199 Cal.App.4th 775, 780.)

### **5. Visual Aids in Opening Statement and Closing Argument**

- No demonstrative evidence, digital slides presentation, or other visual aid (collectively, “visual aids”) will be allowed without prior stipulation of the parties and court approval.
- No visual aids may contain evidence that has not been admitted.
- All visual aids intended to be used in opening or closing must be shared with the opposing side. Any objections will be handled outside the presence of the jury.
- Requests to use visual aids for opening statement must be made in the Motion in Limine and included within the Motions in Limine Binder (with oppositions) required under “Pre-Trial Filings.” An exchange of visual aids is subject to the same

requirement for Exchange of Documents of any motions in limine that the party intends to bring under Local Rule 3401 as a request to use visual aids must be part of any party's motions in limine.

- All approved visual aids must be pre-marked for identification.
- Failure to comply with these rules will result in prohibition of use of visual aids.

## 6. Witnesses

- Without prior court approval, no witness may testify, and no questions may be asked about:
  - Excluded or limited evidence;
  - Settlement discussions;
  - Financial status of parties;
  - Race, ethnicity, socioeconomic status, etc.;
  - Other litigation;
  - Insurance (unless the insurer is a party);
  - Retention of counsel by an insurer.
- Counsel shall not:
  - Repeat the witness's answer to a prior question before asking another question;
  - Talk over a witness;
  - Interrupt a witness who has not completed the answer to the previous question;
  - Exhibit familiarity with a witness by using their first name unless they are a child;
  - Ask a witness their opinion as to whether another trial witness told the truth on the witness stand;
  - Indicate approval of, disapproval of, or disagreement with testimony by facial expressions or other conduct or words;
  - Examine a witness from the witness stand.
- Attorney-created demonstrative evidence tracking the answers of witnesses during examination of witnesses is prohibited
- Speaking objections are prohibited. Objections are to be made in legal form **without argument** (e.g., Objection, hearsay). Do not engage opposing counsel in argument-arguments should be addressed to the Court **only** after first asking to be heard. During jury trials, any argument on the objection will occur outside the jury's presence.
- Counsel shall direct their respective witnesses not to refer to or comment on any subject evidence of which has been excluded by a ruling on a motion in limine, by this order, or by any other court order. Counsel shall abide by this same order.
- Non-party, non-expert witnesses are excluded from the courtroom until called to testify.

- No recess will be taken or continuance granted for the failure of a witness to appear absent proof of service of either a subpoena or a notice to appear.
- Counsel must have one backup witness on standby. If a properly subpoenaed or noticed to appear witness fails to appear, counsel must be ready to proceed with the backup witness.
- While a witness is testifying, counsel shall always have another witness in the courthouse (not courtroom), ready to testify.
- At the end of each day of trial, counsel shall advise each other of the identity of the witnesses expected to be called the following trial day, the order in which they are expected to be called, and related exhibits (in order of use) before leaving court.

## 6. Experts

- **Sanchez objections** must be raised via motion in limine unless waived by stipulation.
- By setting a trial date, parties stipulate to making all experts and PMKs available for deposition no later than 90 days before trial.

## 7. Conduct During Trial

- Reading or highlighting unofficial transcripts (“Daily”) to the jury is prohibited.
- Trial continuances require a noticed motion. Ex parte requests require exigent circumstances. Day-of-trial requests require extraordinary circumstances.
- Do not publish any document without first seeking court permission. Asking the Court “permission to publish exhibit X” allows an opportunity to object and the Court to make a ruling before the documents are seen by the jury.
- If a party is represented by multiple attorneys, only a single attorney may perform each of the following tasks: (1) presentation of argument regarding a particular motion in limine, jury instruction, or other issue of law; (b) jury selection; (c) opening statement; (d) direct examination of a particular witness and objections during cross-examination of that witness; (e) cross-examination of a particular witness and objections during direct examination of that witness; or (f) closing argument. However, different attorneys may perform different tasks.
- If there are multiple defendants who are separately represented, defense shall, prior to the first witness taking the stand, advise the Court in writing of which defense counsel will take the lead (a) in cross-examining each of the plaintiff’s witnesses and (b) in examining each defense witness.

## 8. Exhibits and Transcripts

- Materials used solely to refresh recollection may not be shown or otherwise displayed to the jury.
- Deposition transcripts must be lodged (original certified copy) on the first trial day if being read.

- Exhibits must be moved into evidence by the end of the trial day they are referenced.
- At the conclusion of each day of trial, counsel shall confer with the clerk to confirm that counsel’s understanding of the exhibits that have been identified or admitted that day conform to the clerk’s records.
- Lodged transcripts may be returned to counsel post-trial; counsel must retain per CCP § 2025.550(b).
- Exhibits shall be pre-marked in numerical order and, if multiple pages, bates stamped at the bottom of each page. Exhibits must be marked and reviewed by all counsel before testimony begins.
- A copy of an Exhibits binder shall be provided for the witness stand.
- At the conclusion of the trial, the clerk may return the original exhibits marked or admitted at trial to counsel for the party or parties who offered those exhibits. If so, counsel shall retain those exhibits until one of the following events occur:
  - All parties agree in writing that the exhibits may be destroyed;
  - Any appeal from the judgment has been finally decided and, in the event of a reversal, any retrial has concluded; or
  - The time for any appeal from the judgment has passed without any notice of appeal being filed.

## 9. Jury Instructions

- Jury instructions shall be prepared in accordance with section 8 of Riverside County Superior Court Local Rule 3401. By “fully edited,” the Court means that the instructions shall be prepared in a form suitable to be copied and handed to the jurors. In particular:
  - All blanks shall be filled in. (Cal. Rules of Court, rule 2.1050(c)(3).)
  - All references to the gender of the parties and to the number of parties shall be corrected.
  - All inapplicable alternative language shall be deleted. If the application of any language cannot be determined until the end of testimony, that language should be kept in.
  - All brackets (“[ ]”) surrounding applicable alternative language shall be removed.
  - Other than the text of the instruction and the instruction number, no other information shall appear regarding form instructions. Specifically, the following information shall not appear: the title of the instruction; the party requesting the instruction; and whether the instruction is given, modified, or refused.
  - The instructions shall appear in the following order: Any instructions from CACI Nos. 5000 through 5008 shall be at the beginning; any instructions from CACI No. 5009 et seq. shall be at the end; and all other instructions shall be

in the middle. The text of instructions from CACI 100 series shall also be included.

- Proposed special instructions shall include the text of the instruction, the party requesting that instruction, and a citation to the authority supporting that instruction.
- The final jury instructions, including form and special, as stipulated or otherwise ruled on shall be emailed by the parties to the Court at [dept5@riverside.courts.ca.gov](mailto:dept5@riverside.courts.ca.gov) the day prior to the start of closing argument by no later than 12:00 p.m., unless otherwise ordered by the Court. All instructions shall be combined into a single word-processing file, preferably Microsoft Word. Counsels and self-represented parties must meet and confer and decide amongst themselves who will email the final jury instructions to the Court, with all counsels and self-represented parties included in the email to the Court. Accompanying the instructions but in a separate word-processing file shall be the index of instructions required by California Rules of Court, rule 2.1055(b)(2).

## 10. Verdict Forms

- The final verdict form as stipulated or otherwise ruled on shall be emailed by the parties to the Court at [dept5@riverside.courts.ca.gov](mailto:dept5@riverside.courts.ca.gov) under the same requirements as for jury instructions above, except the index.

## 11. Jury

- Jurors and alternates are deemed present at all necessary times, unless otherwise stated on the record.
- Post-deliberation jury questions or notices: Upon receiving any request, question, or notice from the jury after the jury has begun to deliberate, the Court shall notify counsel for all parties by telephone and will relay the Court's intended response. If all counsel consent to that response, it shall be given without any appearance by counsel. If counsel for any party does not respond within 15 minutes after that notice, the Court may act without their input. If counsel for any party objects to the Court's intended response, all counsel will be notified and will be given an opportunity to address the Court, but only if counsel responded within 15 minutes after that notice.
- The clerk may administer the oath to the bailiff or other officer taking charge of the jury pursuant to Code of Civil Procedure section 613 outside the presence of the Court, counsel, and the parties.

## 12. Additional Rules for Bench Trial

- For bench trials, each side shall provide the Court, at least five (5) days prior to the date set for trial, a detailed proposed Findings of Fact and Conclusions of Law that shall include all elements of each Cause of Action alleged by Plaintiff and the basis

for Defendant's Affirmative Defense(s). Opposing counsel or self-represented party must be served with a copy at least five (5) days prior to the date set for trial.

- Any party that intends to request a Statement of Decision must notify the court, either in writing via declaration filed at least five (5) days prior to the Friday set for trial or orally on the Friday set for trial, of such intent.
  - If either party requests a Statement of Decision, counsels and self-represented litigants for both sides must submit to the court at the end of presentation of all evidence, a Summary of the Evidence introduced during the trial by no later than the day following the conclusion of the presentation of evidence. Failure to provide a Summary of the Evidence may result in an Order to Show Cause re Sanctions.
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## **X. Post-Trial**

At the end of trial, the Court may return exhibits to the offering party's counsel. Counsel must retain them until:

1. All parties agree in writing to destroy them;
  2. Appeals are resolved and any retrial is concluded;
  3. The appeal period expires without a notice of appeal.
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**THESE ARE NOW THE COURT'S ORDERS. THIS CONSTITUTES YOUR NOTICE PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 177.5. FAILURE TO OBEY THESE LAWFULLY ISSUED ORDERS WILL SUBJECT YOU TO ALL AVAILABLE SANCTIONS AND CONTEMPT, PURSUANT TO CODE OF CIVIL PROCEDURE SECTIONS 177.5 AND 1209, RESPECTIVELY.**