

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse, Department 17

JUDICIAL OFFICER: HONORABLE FRANK ROESCH

Courtroom Clerk: Param Bir

CSR: None

23CV029813

August 11, 2023

9:00 AM

RAMOS

vs

**WILMINGTON TRUST NATIONAL ASSOCIATION,
SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS
TRSTUTEE FOR MERRILL LYNCH MORTGAGE ..., et al.**

MINUTES

APPEARANCES:

Plaintiff Renee Shizue Ramos represented by Stephen Francis Lopez.

Defendant Wilmington Trust National Association, Successor Trustee to Citibank, N.A., as Trsutee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, and Series 2006-HE5, a business entity form unknown represented by Andrea Hicks.

Defendant Nationstar Mortgage LLC, dba Mr. Cooper, a Texas Limited Liability Corporation represented by Andrea Hicks.

Defendant Aztec Foreclosure Company, Inc., a California Corporation not appearing.

Defendant Breckenridge Property Fund 2016, LLC, a Delaware Limited Liability Company represented by Brandon Trout.

Defendant Champery Real Estate 2015, LLC a California Limited Liability Company represented by Brandon Trout.

NATURE OF PROCEEDINGS: Initial Case Management Conference

ORDER RE: CASE MANAGEMENT AND TRIAL SETTING ORDER WITH NOTICE

The Court has ordered the following at the conclusion of a judicially supervised Case Management Conference.

TRIAL SETTING ORDERS

Court Trial is scheduled for 04/22/2024 at 09:00 AM in Department 17.

The parties are ordered to comply with the Standing Pre-Trial Orders for Civil Cases, Local Rule of Court 3.35.

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FURTHER CONFERENCE

A Pre-Trial Conference is scheduled for 04/12/2024 at 10:00 AM in Department 17.

This Conference (noted in e-court under "Pre-Trial Conference") is not a Readiness Conference but rather the first day of trial for the purposes of applying Local Rule 3.35, the discovery cut-off periods prescribed in the Code of Civil Procedure and all other deadlines derived from the date set for trial, including the calculation of the last day to file a motion for summary judgment. This means, among other things, that the parties must have served their witness lists, exhibit lists, and motions in limine on all other parties prior to the Pretrial Conference.

At least ten (10) days prior to the Conference, the parties are ORDERED to meet-and-confer regarding the following subjects:

- (1) the reservation of exhibit number ranges for each party;
- (2) which of the parties' exhibits can be admitted without objection and the elimination of duplicative exhibits;
- (3) whether there are any evidentiary issues that will require pre-trial hearing;
- (4) whether any issue in the trial should be bifurcated;
- (5) the length of the trial;
- (6) any outstanding discovery and completion dates;
- (7) deposition designations and counter-designations and any objections thereto;
- (8) arranging for a court reporter if desired, and as set forth below.
- (9) the benefit of additional alternative dispute resolution prior to trial;
- (10) the need for an interpreter for any witness (Gov't Code §68560; Evid. Code §§750-755.5);
- and
- (11) any other trial readiness issues.

The court may inquire of the date, time, method, and duration of the parties' meet and confer efforts.

The parties must bring to the Pretrial Conference the following:

- (1) All motions in limine each party wishes to present.
 - (2) The Trial Brief of each party who believes a trial brief is necessary or appropriate in this matter.
 - (3) A comprehensive list of all witnesses the parties intend to call in the case.
 - (4) Each Party's List of Exhibits. The Exhibit List shall be styled in the following column format:
Ex. No. Description Admit/Stip Witness Date
 - (5) The Exhibits. They must be contained in a 3-ring binder and collated in the order the party wishes them to be marked and a second 3-ring binder containing a "bench copy" of the Exhibits.
- The motions in limine may be heard and determined at the Pretrial Conference.

Note that the following in limine motions shall not be filed but will be deemed to have been ORDERED:

- (a) exclude all witnesses until testimony completed;
- (b) no reference to or evidence of settlement discussions or mediation;
- (c) no reference to or evidence of insurance;
- (d) no reference to or evidence of other claims/suits/actions against a party; and

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(e) no reference to or evidence of wealth or lack thereof of any party except in the punitive damage phase of a case.

Exceptions to the foregoing must be raised at the Pretrial Conference.

It is further ordered that as of the first day of trial, all DOE parties will be dismissed.

The parties are advised pursuant to Rule of Court 2.956(b) that a Court Reporter is not provided by the court for general civil proceedings, including the Pretrial Conference, motions in limine, specially set trial hearings, or any other proceedings. A party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter. It will be the responsibility of the litigant(s) to pay the reporter's fee for the attendance at the proceedings, but the expense may be recoverable as part of the costs of suit. (See Cal. Rules of Court, Rule 2.956(c).)

A court reporter taking testimony during trial must be available during the entirety of the court's schedule as set by the judge. For purposes of guidance only, this typically means that the court reporter should be available at least 15 minutes prior to the scheduled start time for each trial day or session. Generally trial will begin at 9:00 a.m. and conclude by 4:30 p.m. Court reporters should be prepared to report for as long as 90 minutes without interruption. While longer breaks are sometimes provided, the court will provide at least two 15-minute breaks, one in the morning, and one in the afternoon, as well as a lunch break of one hour. If the parties require daily transcripts, counsel should consider whether two court reporters should be provided and available as defined above.

Any court reporter working within the Alameda County Superior Court shall be patient, dignified, and courteous to litigants, witnesses, lawyers, the court and others with whom he or she comes into contact, and shall also refrain from manifesting bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.

The parties are expected to be ready for trial and ready to discuss these topics at the Pretrial Conference. Except in extraordinary circumstances, the actual trial counsel and self-represented parties must personally appear at the Conference. The court looks with disfavor on requests for trial continuance.

MANDATORY SETTLEMENT CONFERENCE (CRC section 3.1380)

The Court orders the parties to a Mandatory Settlement Conference (MSC) on 01/26/2024 at 09:00 AM in Department 303.

Lead negotiating counsel, trial counsel, party representatives, insurance carrier representatives with full settlement authority from each insurance policy implicated by plaintiff's demand, and all other persons necessary to consent to settlement must **PERSONALLY ATTEND** the MSC, unless excused by the court for good cause.

Parties must comply with all applicable rules and code provisions regarding MSCs, including California Rule of Court (CRC) 3.1380. No later than five court days before the MSC, each party

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must serve on opposing parties, and DELIVER DIRECTLY TO THE SETTLEMENT DEPARTMENT a hard copy Settlement Conference Statement (SCS) that includes a detailed discussion of liability and damages. The SCS must also contain a good faith settlement demand or offer as of the date the settlement conference statement is signed.

DO NOT E-MAIL OR FILE, INCLUDING BY FAX, THE SCS WITH THE COURT.

Any person seeking to appear at the MSC by telephone must file with the clerk's office a formal ex parte application with a proposed order and proof of service showing service on all parties. A courtesy copy of the application and proposed order must be delivered directly to the settlement department. The application will not be granted unless the party shows good cause and delivers to the settlement department its SCS that fully complies with CRC 3.1380(c) and includes a good faith settlement demand or offer as of the date the settlement conference statement is signed. If the application is granted, the person appearing by telephone must be immediately available by telephone throughout the conference until released by the court.

FAILURE TO BE IMMEDIATELY AVAILABLE, INCLUDING AFTER BUSINESS HOURS, CONSTITUTES A NON-APPEARANCE BY THAT PERSON.

If the case settles before the MSC, Plaintiff must promptly notify this department and the settlement department.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN SANCTIONS.

Settlement Conference Statements

To comply with Rule 3.1380(c), each party must email the court at least five court days prior to the conference a settlement conference statement no more than five pages in length. Do not file the settlement conference statement. Send the statement to the court clerk's email address. Your statement must include:

- Hearing date for any dispositive motion;
- Summary of remaining discovery;
- Summary of all liability facts and issues;
- List of all economic damages claimed;
- Current good faith settlement offer or demand of each party;
- Name, date, and description of each alternative dispute resolution neutral's attempt to resolve this case.

Because of technical and printing limitations, do not include any attachments or exhibits. Make sure you send a copy of your settlement conference statement to all opposing parties. The statements will not be filed and will be destroyed at the completion of the settlement conference and will be destroyed at the completion of the settlement conference.

Please proceed in sending the required Mandatory Settlement Conference Statement via email to: Dept.301@alameda.courts.ca.gov and rmcginness@alameda.courts.ca.gov at least five days prior

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to your conference or submit directly to Dept. 301's Drop Box located outside of the courtroom.

Please proceed in sending the required Mandatory Settlement Conference Statement via email to: Dept.302@alameda.courts.ca.gov and pherbert@alameda.courts.ca.gov at least five days prior to your conference or submit directly to Dept. 302's Drop Box located outside of the courtroom.

Please proceed in sending the required Mandatory Settlement Conference Statement via email to: Dept.303@alameda.courts.ca.gov and trasch@alameda.courts.ca.gov at least five days prior to your conference or submit directly to Dept. 303's Drop Box located outside of the courtroom.


Please provide all email addresses of all parties/counsels/claims representative etc. that will be active participants at the upcoming settlement conference.

A Compliance Hearing Status re: ADR is scheduled on 02/02/2024 at 09:00 AM in Department 17 at Rene C. Davidson Courthouse.

A Compliance Hearing is scheduled to monitor the parties' compliance with the prescribed Mandatory Settlement Conference. If the process did not timely occur, each party must file their Status Report at least ten court days prior to the hearing date including information informing the court of the reasons the process did not timely proceed. If the MSC concluded without resolution of the case, each party's Status Report must advise the court if any additional ADR process might be helpful to assist the parties to find resolution.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

By:


P. Bir, Deputy Clerk

Minutes of: 08/11/2023

Entered on: 08/11/2023