Judge Fineman offers the following suggestions for cases assigned to her.

OVERVIEW

- Judge Fineman tries to be efficient and practical in presiding over her cases while making sure that all parties have their rights protected, and are treated equally and fairly. If the parties agree to a different procedure than the rules require, if the law allows and Judge Fineman has the resources, Judge Fineman will generally approve the parties' stipulation. If the parties cannot agree on issues, then Judge Fineman requires strict adherence to the Code of Civil Procedure, California Rules of Court and other applicable law.

- Judge Fineman encourages the parties to work together to make the litigation more efficient. If there are legal issues that will help resolve the case, Judge Fineman encourages the parties to think of a procedure to bring the issue before her.

- Judge Fineman's courtroom is located in the Hall of Justice, 400 County Center, Courtroom 4C, Redwood City, CA 94063.

LAW AND MOTION

- Is your motion or opposition really necessary? The law favors the granting of different type of motions, *e.g.* motions to amend and motions for relief from default. Try to obtain a stipulation to these motions and, if appropriate, negotiate the terms. For example, a defendant may be able to agree to a motion to amend a complaint as long as there is the ability to obtain certain discovery. For motions where the opposing party wants discovery, *e.g.* summary judgment motions or motions to quash, work out what discovery will be done and the timeframe, and then, at least three days before the hearing, continue the motion. (See Local Rule 3.404.)

- Have you complied with all the requirements of the motion? Regrettably, the court often must deny motions without prejudice on procedural grounds. For example, counsel in motions to be relieved as counsel fail to use the mandatory Judicial Council forms and fail to demonstrate that the client's address is current. For demurrers and motions to strike, often the meet-and-confer requirements of Code of Civil Procedure § 430.41(a)(3) have not been met. For motions that seek both summary judgment and adjudication, often times the requirements for summary adjudication are not met. There

are many excellent practice guides which provide a straight-forward explanation of the required elements of a motion. Use these guides; the Court does. Also, motions are denied when there is no proof of service in the Court file showing service to all parties at the address that is in the Court's records.

- Is your discovery motion really necessary? Most issues can be resolved with meaningful meet and confer. The scope of civil discovery is broad, Code of Civil Procedure § 2017(a), but it is not limitless. (*Calcor Space Facility, Inc. v. Superior Court* (1997) 53 Cal.App.4th 216.) "The statute requires that there be a serious effort at negotiation and informal resolution. . . . Argument is not the same as informal negotiation; that attempting informal resolution means more than the mere attempt by the discovery proponent to persuade the objector of the error of his [or her] ways; and that a reasonable and good faith attempt at informal resolution entails something more than bickering with opposing counsel. Rather, the law requires that counsel attempt to talk the matter over, compare their views, consult, and deliberate." (*Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1294 (cleaned up).) Judge Fineman encourages informal discovery conferences. (See Local Rule 3.700.)

- Can you provide more explanation for your objections to evidence? It would be helpful to the court if counsel would provide more explanation for each objection rather than file objections with citations only to the Evidence Code. Further, counsel must comply with the rules governing the format for objections and motions to strike. For example, counsel should quote and provide the page and line number of the material subject to the objection, rather than simply referring to the paragraph in which it appears. (See California Rule of Court 3.1354.)

- Can you submit a proposed order that the court can use as a tentative? Counsel should submit a proposed order with their filings, and it is helpful to the court when the proposed order contains, in a neutral way, the legal authority and facts that the party would like the court to include in an order. Critically, when a motion is ruled upon and the prevailing party is ordered to prepare the order, that party must comply with California Rule of Court 3.1312, which requires that the party send the proposed order to the other side, provide the other side with five days to respond, and then submit the order to the court and include the other side's response or lack of response. (See also Local 3.402 (b)(iv) [requiring tentative ruling to be repeated verbatim].). Judge Fineman will deny without prejudice proposed orders where the party submitting the order does not inform her of the opposing party's position.

- Is your oral argument just going to repeat the facts and arguments that you made in your brief and lost? Judge Fineman, often with the assistance of legal research attorneys, has read, analyzed and considered all the arguments you raised in your briefs. Your briefs then are critically important and should contain all the information, including relevant legal authorities, which you need to prevail. Judge Fineman welcomes oral argument, but your argument should respond to the tentative and focus on issues found significant by the court.

- Make sure to cite check your briefs to make sure that all authority actually exists, has not been reversed, and it cited properly. AI has created many benefits, but there are increasing incidents regarding misuse of AI.

EX PARTES

- Ex partes applications may be brought in person or appearance may be by Zoom. Local Rule 3.500 provides additional requirements for these appearances in addition to the requirements of the California Rules of Court.

- Make sure that the issue may be raised on an ex parte basis and that there is good cause for the request. "Mere lack of time for statutory notice is not a sufficient showing." (*Cal. Prac. Guide Civ. Pro. Before Trial* § 9:364 (TRG June 2025 update) [citing Cal. Rules of Court, rule 3.1202(c); *Eliceche v. Federal Land Bank Ass'n* (2002) 103 Cal.App.4th 1349, 1369.)

TRIALS

- At the trial setting conference, the court discusses with counsel when the case will be ready for trial and when the parties are available. She sets trials based upon this information. Trial dates are firm, and trial continuances are disfavored. (Cal. Rules of Court, rule 3.1332(a).) She will only grant trial continuances if the parties demonstrate good cause as set forth in California Rules of Court, rule 3.1332(c) and (d). There have only been rare occasions since she started this assignment in January 2021 where Judge Fineman has had to continue trials because of a conflict in the court's calendar.

- Judge Fineman will be holding substantive Pre-Trial Conferences so that surprises at trial are minimized. Her process is similar to the ones required by most federal judges and requires the parties to begin meeting-and-conferring well in advance

of trial. Joint submissions are required for most pretrial documents, e.g. voir dire statement, jury instructions, verdict forms. (See Judge Fineman's Pretrial Order, a sample of which is posted on her webpage.)

- Judge Fineman will only be holding trials three days per week (Wednesday, Thursday, and Friday). Thus, brevity and efficiency are critical. Judge Fineman highly recommends stipulations regarding the admissibility of evidence and undisputed facts. Judge Fineman may impose time limits for trials. (See *People v. ConAgra Grocery Products Co.* (2017) 17 Cal.App.5th 51, 148-151.)