

Welcome to Department 13, the Probate Department for San Mateo County as of January 1, 2026. Judge Lisa A. Novak will preside over the Probate assignment until further order of the Presiding Judge. Judge Novak looks forward to creating an atmosphere wherein collaboration, when possible, is achieved, and where respect is given to, and expected from, all litigants, interested parties and attorneys, as well as the Court and Court staff. While most of the previous standing orders will remain unchanged, there are a few subtle changes to scheduling, deadlines and opportunity for remote appearances. The Court retains its discretion to alter these rules and guidelines as may become necessary.

MOTION/PETITION CALENDAR MONDAY-FRIDAY 9:00 A.M.

1. All parties must adhere to the requirements of reviewing the tentative rulings posted by 3 p.m. the day prior to the hearing. Any party wishing to object to a tentative ruling at the hearing must notify the Probate Department [or the department hearing the Probate Calendar on any given day], as well as all interested parties, via email by 4 p.m. the day prior to the hearing.
2. Remote appearance is allowed on this calendar in all matters **BUT FOR** Petitions for Guardianship where there is also a Petition for Special Immigrant Juvenile Findings. In these matters, attorneys are required to appear in person in court with both the proposed guardian and the minor.
3. Anyone making a remote appearance must state their name and whom they represent **each time** they address the Court. This will create a clean record.

ONLINE SUBMISSION OF ORDERS AND REQUESTS

1. All Orders After Hearing may be submitted either in person to the courtroom clerk, or e-filed through the clerk's office.
2. Ex Parte requests that require notice must be filed in-person before they are brought to the Probate Department, and they shall not be electronically filed. Ex Parte requests that have consents by all parties entitled to notice, or require no notice, can be electronically filed.

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2 **PRETRIAL DEADLINES AND REQUIREMENTS**

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- 5 1. A summary of the deadlines established is provided below:

EVENT	DEADLINE
Serve (but <u>not</u> file): 1. Proposed motions in limine; 2. Proposed witness lists; 3. Proposed deposition designations; and 4. Proposed exhibit lists	At least 35 days before the Trial
Meet and confer regarding the Trial – including motions in limine, witness lists, including proposed deposition designations, and exhibit lists	At least 25 days before the Trial
File and serve motions in limine and oppositions to motions in limine	At least 15 days before the Trial
File joint Trial Brief with: 1. Witness lists, including proposed deposition designations; 2. Exhibit lists, including any disputed exhibits; 3. Binders with proposed deposition designations and objections (if any); and 4. Binders with motions in limine, oppositions, and supporting declarations or requests for judicial notice	At least 10 days before the Trial
Deliver set of trial exhibits in binders to the Court	At least 7 days before the Trial Date

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- 21 2. The parties must make every effort to raise and, if possible, resolve pretrial and trial issues early.

22 While the Court understands that trial is not entirely predictable, the parties must frontload all
23 evidentiary and legal disputes to the extent possible. Issues that surface unnecessarily on the eve
24 of trial or during trial waste the Court's time and are strongly disfavored. With this
25 understanding, **ALL DEADLINES AND REQUIREMENTS IMPOSED BY THIS ORDER**
26 **ARE SUBJECT TO MODIFICATION AT THE DISCRETION OF THE COURT.**

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3. Any changes to the deadlines established by this order for filings or submissions to the Court REQUIRE an order from the Court. If the parties agree on the proposed change(s), then they may submit a joint stipulation and proposed order explaining the reasons for the proposed change(s). If the parties do not agree, then the party seeking to change the deadline(s) may seek ex parte relief. In seeking to change any deadlines, please keep in mind that the Court needs enough time to review the parties' filings and submissions.

MOTIONS IN LIMINE

4. The parties are encouraged to resolve as many trial issues by stipulation as possible. The parties shall meet and confer no later than 20 days before the Trial to determine whether any evidentiary issues may be resolved by stipulation. No party may file a motion in limine without first making a good-faith effort to resolve the evidentiary issue with the opposing party.
 5. Motions in limine and their oppositions must be filed no later than 14 days before the Trial. No replies will be permitted without leave of the Court.
 6. Each party must submit a tabbed binder with its motions in limine in numerical order with the opposition immediately behind the motion within the same tab. Any declarations or requests for judicial notice submitted by the parties in support of or in opposition to the motions in limine along with any attached exhibits must be submitted in a separate tabbed binder. The binders must be submitted to the Court with the Trial Briefs or no later than seven (7) days before the Trial Date.
 7. Each motion in limine should address a single, separate topic and shall be limited to five (5) pages in length unless otherwise permitted by the Court. Each motion should be clearly identified as “_____’s Motion in Limine No. ___ Re: _____.”
 8. Each opposition is also limited to five (5) pages in length unless otherwise permitted by the Court.
 9. Each party shall file only one (1) declaration and/or one (1) request for judicial notice to support all motions in limine and one (1) declaration and/or one (1) request for judicial notice to support all oppositions to motions in limine. The parties do not have to include a copy of the operative complaint.
 10. Each party shall also submit a hard copy of the proposed order. Each proposed order must provide enough specificity so that a witness will be able to understand what testimony is prohibited.

11. The motions shall be heard on the first day of Trial.

WITNESS LISTS

Each party must file a list of all the witnesses that the party intends to call at trial with the Trial Brief.

12. The witness list must be in tabular form and contain the following:

- a. Name of the witness;
 - b. Title of the witness, if any;
 - c. Brief description of the subject matter of the witness' anticipated testimony;

13. If any party wishes to designate deposition testimony in lieu of live testimony for any witness, then that party must provide its/his/her/their proposed designations to the opposing parties at least 35 days before the Trial. The parties are encouraged to resolve as many disputes over the designations by stipulation as possible.

14. The parties must file a joint pleading with their proposed deposition designations, any objections to those designations, and any responses to those objections. Objections or responses may be no longer than one page.

15. The parties must also submit to the Court tabbed binder(s) with the proposed deposition designations. Each tab should represent the testimony of a single witness. The proposed deposition designations must be highlighted in yellow with any objections bracketed in red.

16. Absent good cause, the deposition testimony of each witness shall be introduced only once. In other words, all deposition designations shall be presented together all at once rather than as part of each party's case.

17. Any witness who is not identified on a party's witness list or any deposition designation that was not submitted to the Court is subject to exclusion in the reasonable exercise of the Court's discretion.

TRIAL EXHIBITS

18. Each trial exhibit shall be clearly pre-marked with the trial exhibit number. The defendant's exhibit numbers shall be sequenced to begin after the plaintiff's exhibit numbers.

19. Exhibits shall be numbered. NO letters may be used. The parties must agree on a block of numbers to fit the needs of the case (e.g., the plaintiff has exhibits 1-100; the defendant has exhibits 101-200), and make a good faith effort to avoid marking the same exhibit in their respective blocks. If the exact same exhibit is marked by more than one party, then the defendant shall withdraw the duplicative exhibit (but should not renumber its portion of the exhibit list). If

1 there is any dispute over which portions of an overlapping exhibit should be introduced into
2 evidence, the parties shall meet and confer in an attempt to informally resolve the issue. If the
3 parties are unable to informally resolve the dispute, then each party shall submit its disputed
4 exhibit with the Trial Brief and explain, in no more than one double-spaced page, why the Court
should use its proposed exhibit.

5 20. Each party must file an exhibit list identifying all the exhibits that the party intends to introduce
6 at trial.

7 21. The exhibit list must be in tabular form and contain the following:

- 8 a. Exhibit number;
9 b. Brief description of the exhibit (with any bates numbers if they exist);
10 c. Sponsoring witness;
11 d. Date marked for identification (left blank); and
12 e. Date admitted into evidence (left blank).

13 22. Each party must provide the Court with a complete set of exhibits that the party intends to
14 introduce at trial in hard copy in tabbed binders at least seven (7) days before the Trial Date. The
15 Court may require additional copies of those exhibits for trial, including separate exhibit binders
for each witness.

16 23. Any exhibit that is not identified on a party's exhibit list is subject to exclusion in the reasonable
17 exercise of the Court's discretion. In exercising this discretion, the Court will consider whether
18 the exhibit is solely being used for impeachment.

19 MEET AND CONFER

20 24. Each party must serve (but NOT file) at least 35 days before the Trial its proposed motions in
21 limine, proposed witness list, including proposed deposition designations, and proposed exhibit
22 list. Anything that is not included in these served documents – i.e., motions in limine, witnesses,
deposition designations, or exhibits – may be subject to denial or exclusion in the reasonable
exercise of the Court's discretion.

23 25. All parties must meet and confer regarding motions in limine, witness lists, including proposed
24 deposition designations, exhibit lists, and any other issues that may arise at trial no later than 25
25 days before the Trial. The meet and confer must include discussions in person or by
26 videoconference. If the parties wish to meet and confer by telephone, they must obtain
27 permission from the Court. The Court expects meaningful meet and confer in accordance with
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1 the following guidelines available at
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3 http://www.calbar.ca.gov/Portals/0/documents/ethics/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf.

4 26. During the meet and confer, the parties must engage in a good faith effort to:

- 5 a. Resolve any issues raised in the motions in limine;
- 6 b. Resolve any disagreements over witnesses, including deposition designations, and
7 exhibits to be introduced at trial; and
- 8 c. Stipulate to any relevant facts that can be incorporated into the record without supporting
9 testimony or exhibits.

10 27. Wherever possible, the parties shall stipulate to the admissibility of any exhibits. If a stipulation
11 is not possible, then the parties shall make every effort to stipulate to the authenticity and
12 foundation for an exhibit absent a legitimate objection.

13 **TRIAL BRIEF**

14 28. The parties shall file a Trial Briefs at least 10 days before the Trial that contains the following:

- 15 a. Substance of the Action: A brief description of the parties, the claims and defenses that
16 remain to be decided (including whether any issues are for the Court to decide rather than
17 the jury), and the operative pleading, including the date of filing, that raises these claims
18 and defenses.
- 19 b. Relief Requested: A detailed statement of all requested relief that itemizes all elements of
20 damages that are claimed.
- 21 c. Undisputed Facts: A plain and concise statement of all relevant facts to which the parties
22 will stipulate for incorporation into the record without supporting testimony or exhibits or
23 that are undisputed.
- 24 d. Estimate of Trial Length: An estimate of the number hours needed for the presentation of
25 each party's case.
- 26 e. Miscellaneous: Any other matters that will facilitate the just, speedy, and efficient
27 resolution of the case.

29. The parties shall include the following documents in accordance with this order with their Trial Brief:

- a. Each party's witness list, including proposed deposition designations;
 - b. Each party's exhibit list, including any disputed exhibits;
 - c. Binder(s) containing the parties' deposition designations, with the testimony to be produced highlighted in yellow and any objections bracketed in red; and
 - d. Binders containing the party's motions in limine, any oppositions, and any supporting motions or requests for judicial notice in support of or opposition to the motions.

30. The parties shall also email the witness lists, exhibit lists, and proposed orders in Word format to the Court.

TRIALS

1. No remote appearances will be allowed, except on rare occasions and with permission of the Court. All attorneys will be required to be present in the courtroom. All witnesses, with rare exception, will be required to testify in person. All litigants, with rare exception, will be required to be personally present in court.
 2. The Court will endeavor to conclude all trial matters in consecutive court sessions. This does not mean that a trial will be in session every day until it is concluded, but rather that once a trial commences, it will proceed on the consecutive designated trial days in the Probate Department until conclusion. This is an effort to avoid trials being interrupted for weeks or months on end. Counsel should prepare their cases and ensure that witnesses are available to meet the Court's schedule.