

**Superior Court of California  
County of Orange**

**HONORABLE JOHN C. GASTELUM**

**POLICIES AND PROCEDURES - DEPARTMENT C11**

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Please be sure to read and be familiar with Orange County Superior Court (OCSC) Rules, Division 4. In order to facilitate the progress of your case and assure its timely disposition, the court has set forth the following procedures:

**I. GENERAL CALENDAR**

- A. Ex parte matters - heard Monday thru Thursday at 1:30 p.m. Reservations for ex partes MUST be made by calling the department. Application and Opposition must be viewable in the Court's Public Website no later than 2:00 p.m, the day before the hearing. The court usually decides the matter in chambers on the application/opposition papers, except in rare instances where the Court invites oral argument or other discussion. Attorneys should heed in particular California Rules of Court, Rule 3.1200-3.1207. The Court also suggests that you read the case of Mission Power Engineering Company vs. Continental Casualty Company (1995), 883 F. Supp. 488. Although this is a Federal case decision, it expresses the Court's views on ex parte matters.
- B. Law and Motion - Tuesdays at 2:00 p.m. If you would prefer to submit the matter on your papers without oral argument, please advise opposing party, then the clerk by calling (657) 622-5211. If no appearance is made by either party, the Tentative Ruling will be the final ruling. Rulings are normally posted on the Internet by 4:30 p.m. on the day before the

hearing. Generally, motions will not be continued or taken off calendar after the tentative has been posted. The moving party shall give notice of the ruling.

- C. MSC - Thursdays and Fridays at 8:30 a.m. The MSC will be held by a Temporary Judge. Please review and comply with Local Rule 316.
- D. Jury and Court trials - Any request for continuance, either by motion, application, or stipulation, must demonstrate good cause as that is defined in the California Rules of Court, Rule 3.1332(c).
- E. Case Management Conferences - Everyday at 8:45 a.m. Case Management Conferences may not be continued by telephone.

## II. ISSUES CONFERENCES:

This Court permits the Issues Conference to be conducted by "phone and fax" so long as there is full compliance with Rule 317 of the OCSC — **PLEASE READ IT.**

## III. TRIAL PROCEDURES:

**Good advocacy requires that personality differences remain outside the courtroom unobserved by the jury, court and staff. Courtesy to all is required.**

- A. FILING OF TRIAL DOCUMENTS: A Statement of Compliance and its required attachments, motions in limine and oppositions shall be e-filed with a courtesy copy to Department C11 no later than 12:00 p.m. the Friday before trial.
- B. IN LIMINE MOTIONS: In limine motions must be exchanged at the Issue Conference. The Court expects counsel to meet and confer and resolve

as many of these motions as feasible before trial, and before discussing them with the Court.

C. VOIR DIRE: This Court will use the six-pack method of jury selection to select 14 jurors. Challenges will be addressed to the group of potential jurors in the box and jurors # 13 and 14. In all jury trials the following rules and procedures are followed:

1. In accordance with the Standards of Judicial Administration, Standard 3.25(c), the Court will normally conduct the initial voir dire of prospective jurors using applicable questions contained in these standards.
2. Counsel is then permitted liberal and probing voir dire in conformance with the Standards of Judicial Administration. Counsel may not, however, ask questions that attempt to precondition the jurors. For a more complete description of improper questions, see Standards of Judicial Administration, Standard 3.25(f).

D. JURY INSTRUCTIONS AND VERDICT FORMS:

Each counsel should deliver courtesy copies of proposed jury instructions complying with California Rules of Court rule 2.1055, a jury instruction list, and proposed verdict forms to Dept. C11 on the Friday before the trial date and e-filed prior to Trial date. The Court generally favors the exclusive use of CACI. Be sure to give careful attention to special verdict forms. *The verdict form must not contain the identity or address of any attorney, nor shall Doe defendants be listed thereon.*

E. EXHIBITS:

1. Careful attention should be given to exhibits, exhibit lists and the Court's list of exhibits. Before the first day of trial counsel should jointly prepare an exhibit list. Each exhibit should be listed by exhibit number together with a very brief description, including the

date of the document or a notation that the document is undated. Copies of the exhibit list should be made for the Court, and each counsel.

2. If there are more than six exhibits, and to the extent that exhibits are standard size and not too bulky, they should be placed in 3-ring binders with tabbed dividers. Each tab should bear the corresponding exhibit number and should be placed in front of the corresponding exhibit. The original exhibits, with tabs and exhibit tags, will be given to the clerk. Another set of such binders, similarly tabbed, should be prepared for the Court. **Multiple page exhibits should be numbered separately.**
3. Each exhibit must have a court exhibit tag attached (This is for the original exhibits only). *Please make copies of Exhibit page tags.*

F. GUIDELINES DURING TRIAL ON & OFF THE RECORD:

1. Stay out of the well. No exceptions. Parties to remain behind the counsel tables unless permitted to do otherwise by the Court.

Do not touch the jury box rail; stay at counsel table when examining witnesses, making opening statements, closing arguments and during jury selection. Request permission to approach a witness, and then return to counsel table at the earliest opportunity.

Assist the reporter by having only one person speaking at a time. (It's your record)