

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

**JUDGE MELISSA R. McCORMICK
DEPARTMENT C13**

CLERK: Alma Bovard

COURT ATTENDANT: Shanon Howard

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE
SANTA ANA, CA 92701
(657) 622-5213
www.occourts.org

I. GENERAL CALENDAR INFORMATION

- A. Order to Show Cause Hearings:** Thursday at 9:00 a.m.
- B. Case Management Conferences:** Thursday at 9:00 a.m.
- C. Mandatory Settlement Conferences:** Friday at 8:30 a.m.
- D. Post-Arbitration Hearings and Review Hearings:** Thursday at 9:00 a.m.
- E. Default Prove-Up Hearings:** Friday at 9:00 a.m.
- F. Small Claims Appeals:** Thursday at 10:00 a.m.
- G. Law and Motion:** Thursday at 1:30 p.m.
Please use the court's online reservation system to reserve a motion date.
- H. Jury Trial and Court Trial:** Monday, Tuesday and Wednesday at 9:00 a.m.
- I. Ex Parte Applications:** Monday through Thursday at 1:30 p.m.
Reservations must be made with the department no later than 12:00 p.m. the day before the hearing. Ex parte applications shall be filed electronically, with courtesy copies delivered to the courtroom, by 3:00 p.m. the business day before the hearing.

II. GENERAL PROCEDURES

- A. Compliance with Rules:** All counsel and self-represented litigants (Counsel or Parties) must read and be familiar with Division 3 of the Orange County Superior Court Local Rules (Local Rules), as well as all applicable California Rules of Court (CRC).
- B. Cooperation, Civility and Courtesy:** The court expects all Counsel to cooperate with each other to the fullest extent and to act all times with civility and courtesy.
- C. Court Reporters:** Department C13 does not provide the services of an official court reporter. If the Parties desire the services of a court reporter, the Parties should follow the procedures set forth in the Privately Retained Court Reporter Policy on the court's website at www.occourts.org.
- D. Meet and Confer:** Counsel must comply with Local Rule 315, which (among other things) requires an early meet and confer on the enumerated subjects and the filing of a Joint Meet and Confer Statement, all within specified time limits.
- E. Case Management Conferences (CMC):** All Parties must be fully familiar with, and comply with as applicable, CRC 3.720 through 3.734, including but not limited to the requirement that all Parties file a Case Management Statement in compliance with CRC 3.725.
- F. Mandatory Settlement Conference (MSC):** MSCs are conducted on Fridays at 9:00 a.m. To ensure a meaningful MSC, the court requires compliance with Local Rule 316. MSC statements must be e-filed; if properly identified in the e-filing as an MSC statement, the statement will be kept confidential.
- G. Trial Continuances:** A trial continuance will be granted only on motion and on proper showing of good cause. See CRC 3.1332.

III. EX PARTE APPLICATIONS

- A. Ex Parte Hearings:** Ex parte applications are generally heard Monday through Thursday at 1:30 p.m., pending other matters in progress.
- B. Telephonic Notice to Courtroom:** Telephone notice to the Courtroom Clerk must be given by 12:00 p.m. the day before the ex parte hearing.
- C. Filing and Delivery of Ex Parte Papers:** All papers in support of an ex parte application (including the proposed order) must be e-filed – and courtesy copies delivered to the courtroom – no later than 3:00 p.m. the business day before the ex parte hearing. The e-filing transaction number must be written on the first page of the court's courtesy copy. The moving papers must demonstrate with admissible evidence that the moving party gave proper notice and must state whether the other parties to the case will oppose the application. Counsel for the moving party must make good faith efforts to speak with opposing counsel to determine their position(s) on the ex parte application.

D. Content of Ex Parte Applications: Ex parte applications must comply with CRC 3.1200 through 3.1207. Applications must be in writing and include all of the following:

1. A declaration setting forth details of the notice given to opposing counsel of the ex parte hearing and stating whether the application will be opposed;
2. A declaration, based on personal knowledge, describing the irreparable harm that will occur if the relief requested is not granted;
3. A concise memorandum of points and authorities in support of the application; and
4. A separate proposed order in Word format.

E. Oppositions to Ex Parte Applications: Oppositions to ex parte applications must be e-filed – and courtesy copies provided to the court – no later than the day and time of the hearing.

IV. LAW AND MOTION: Law and motion matters are heard Thursdays at 1:30 p.m.

A. Reserving Motion Dates: Motion dates must be reserved on the court website at www.occourts.org. All motion papers must be filed within 24 hours of the reservation, except for summary judgment motions. *See* ¶ IV.I.1. *infra*.

B. Tentative Rulings: The court endeavors to post tentative rulings by 5:00 p.m. the business day before the hearing. For further information, including information about the court’s tentative rulings and how to submit on a tentative ruling, see the court’s Tentative Rulings page on the court’s website at www.occourts.org.

C. Taking Motions Off Calendar: If for any reason Counsel wish to take a law and motion matter off calendar (e.g., the case settled while the motion was pending or the motion has become moot), Counsel must advise the court immediately.

D. Courtesy Copies of Motion Papers: Courtesy copies of all papers filed in support of or in opposition to motions must be delivered to the courtroom by the party filing the papers no later than the day after the papers are electronically filed with the court.

E. Declarations and Exhibits: The court’s courtesy copies of declarations and exhibits should include exhibit tabs identifying each exhibit.

F. Requests for Judicial Notice: All requests for judicial notice must be set forth in a separate document, must attach a copy of the document(s) of which notice is requested, and must specify (with appropriate legal citation) the legal basis on which judicial notice is sought.

G. Proposed Orders: All proposed orders submitted, or other documents submitted to the court for signature (e.g., proposed form of judgment), must be submitted in an editable word-processing format to enable the court to revise as necessary. *See* CRC 3.1312(c).

H. Evidentiary Objections: All written evidentiary objections submitted in connection with any law and motion matter and any proposed orders regarding the objections must strictly comply with the format set forth in CRC 3.1354.

I. Motions for Summary Judgment and/or Adjudication:

1. **Reserving a Hearing Date:** Motions for summary judgment and/or adjudication are not subject to the 24 hour filing rule (*see* ¶ IV.A. *supra*); consequently, Counsel may reserve a hearing date for a motion for summary judgment and/or adjudication without filing all

papers in support of the motion within 24 hours of making the reservation. Counsel may not, however, reserve more than one date for the same motion.

- 2. Separate Statement:** Separate statements must comply with CRC 3.1350.
- 3. Evidentiary Objections:** Written evidentiary objections must comply with CRC 3.1354.
- 4. Declarations:** Declarations filed in support of or in opposition to a motion for summary judgment and/or adjudication must be separately filed, i.e., not attached to or made part of the notice of motion and motion or the memorandum of points and authorities.

V. TRIAL PROCEDURES

- A. Trial Dates:** Trials are called Mondays at 9:00 a.m. and usual trial days are Monday, Tuesday and Wednesday 9:00 a.m.
- B. Conduct:** Counsel and Parties shall review and comply with the attached "Conduct in Trials."
- C. Trial Notebook for the Court:** In addition to the exhibit binders required for trial exhibits (*see* ¶ V.M.2. *infra*), Counsel shall jointly prepare a trial notebook for the court. The trial notebook is a courtesy copy for the court's use; it does not absolve the Parties of the need to e-file all trial-related documents. The court's trial notebook shall be delivered to Department C13 no later than 12:00 p.m. the Friday before trial. The court's trial notebook shall contain the following double-sided documents, each separately tabbed:
 1. Joint Statement of the Case;
 2. Executed Statement of Compliance;
 3. Joint List of Stipulated Facts;
 4. Joint List of Controverted Issues;
 5. Joint Exhibit List;
 6. Joint Witness List;
 7. Proposed Voir Dire Questions (if any) for court voir dire;
 8. Procedural Stipulations;
 9. Proposed Verdict Form; and
 10. In Limine Motions and Oppositions (*see* ¶ V.E.3. *infra*).

D. Issue Conference and Statement of Compliance

- 1. Local Rule 317 Compliance:** The Parties must conduct an Issue Conference in compliance with Local Rule 317 and prepare and file all required items pursuant to that rule. Note that Rule 317 requires that the Issue Conference take place at least 10 days before the trial date. *See* Statement of Compliance (attached).
- 2. Statement of Compliance:** A Statement of Compliance and its required attachments shall be e-filed and a courtesy copy provided to the court as part of the court's trial notebook. *See* ¶ V.C. *supra*.

E. In Limine Motions

- 1. Exchange of In Limine Motions:** In limine motions must be exchanged and discussed no later than the Issue Conference. *See* Local Rule 317. Counsel must meet and confer in a good faith effort to resolve as many in limine motions as possible before trial.

- 2. Improper In Limine Motions:** Counsel should avoid broad, general in limine motions, such as motions to exclude “all hearsay evidence,” “all cumulative evidence” or “evidence not disclosed in discovery.” Such motions are disfavored and unlikely to be granted. *See Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659.
- 3. Numbering In Limine Motions:** Each in limine motion shall be assigned a number, which must be set forth on the face page of the motion, along with the identity of the party bringing the motion and a short description of the motion (e.g., “Plaintiff’s Motion In Limine No. 1 to Exclude Reference to Plaintiff’s 2013 Theft Conviction”). Courtesy copies of the in limine motions (including oppositions) shall be included in the court’s trial notebook (*see* ¶ V.C. *supra*) and delivered to the Courtroom Clerk no later than 12:00 p.m. the Friday before trial. If there are several in limine motions, they may be placed in a binder separate from the trial notebook and delivered to the Courtroom Clerk with the trial notebook.

F. Jury Selection

- 1.** The court prefers to use the “seven pack” method (21 prospective jurors) to select 14 jurors, including two non-designated alternates. In this method, alternates are selected by lot after closing arguments. The court will discuss this jury selection method with Counsel before jury selection to determine whether the parties will stipulate to this selection method.
- 2.** The Clerk will call 21 names at random to fill 14 chairs in the jury box and seven chairs in front of the jury box.
- 3.** After the court concludes its voir dire, Counsel will voir dire all 21 prospective jurors for a reasonable period of time, as determined by the court. “For cause” challenges are then made in chambers or otherwise outside the jury’s hearing.
- 4.** After “for cause” challenges have been addressed, Counsel exercise peremptory challenges only on prospective jurors 1 through 14 in the jury box. Jurors from seats 15 through 21 will, in that order, fill empty seats in the jury box. (For example, if seat 5 becomes empty, prospective juror 15 fills seat 5; if seat 10 next becomes empty, prospective juror 16 fills seat 10.)
- 5.** Peremptory challenges continue until no prospective jurors remain in seats 15 through 21 and only 13 prospective jurors remain in the jury box.
- 6.** The Clerk then calls 8 more names to fill the empty seats. Further court and Counsel voir dire will be conducted only as to the 8 new prospective jurors. After any “for cause” challenges have been addressed for the 8 new prospective jurors, Counsel resume peremptory challenges until all peremptory challenges have been exhausted or until both sides pass in succession.
- 7.** Counsel’s voir dire must be in conformance with the Standards of Judicial Administration. Counsel may not ask questions that attempt to precondition the jurors or are repetitive of the Court’s questioning. *See* Standards of Judicial Administration, Standard 3.25(f).

F. Jury Instructions

- 1. Filing and Delivery of Proposed Jury Instructions:** By 12:00 p.m. the Friday before trial, Counsel must (i) e-file and (ii) deliver separately to the Courtroom Clerk: (a) a full copy of the proposed jury instructions on which the Parties agree, as they propose them to be read to the jury, with no blanks or brackets; (b) a copy of the jury instructions (whether CACI or special instructions) Plaintiff proposes on which the Parties do not agree; and (c) a copy of the jury instructions (whether CACI or special instructions) Defendant proposes on which the Parties do not agree.
 - 2. Format of Proposed Jury Instructions:** The format of the jury instructions must comply with CRC 2.1055. Each proposed jury instruction shall be on a separate page and shall not include a disposition table. Each CACI instruction (whether agreed upon or disputed) must include the CACI number and title at the top. Each special or modified CACI instruction shall state at the top of the page "Plaintiff's [or Defendant's] Special Instruction No. ___" or "Plaintiff's [or Defendant's] Modified CACI Instruction No. ___." Special or Modified Instructions must include, at the bottom of the proposed instruction, citation to authority supporting the propriety of the instruction and a short explanation of why the special or modified instruction is necessary and appropriate. Substantively modified CACI instructions must specify exactly what has been modified.
 - 3. Special or Modified Instructions:** Special or modified instructions must be submitted to the Courtroom Clerk in Word format.
 - 4. Jury Instructions re Preliminary Matters:** The court will pre-instruct the jury on preliminary matters immediately before opening statements. The court will generally read CACI 100, 101, 102, 106, 107, 113, 114, 200, 202 and, if applicable, 103 and 104. If Counsel believe any of these instructions is inappropriate or wishes the court to give additional preliminary instructions, they must advise the court, and e-file and provide the court a copy of the proposed preliminary instruction(s), before jury selection concludes.
- G. Verdict Forms:** Counsel must meet and confer about verdict forms at the Issue Conference. Verdict forms should not list Doe defendants or contain the identity or address of any attorney.
- 1. Stipulated Verdict Form:** If the Parties agree on the verdict form(s), they shall e-file the agreed-upon verdict form(s) and include a copy in the court's trial notebook.
 - 2. Disputed Verdict Form:** If the Parties cannot agree on a verdict form(s), each side shall e-file its proposed verdict form(s) (titled "Plaintiff's [Defendant's] Proposed Verdict Form"), and both versions shall be included in the court's trial notebook. Both disputed verdict forms shall be submitted to the Courtroom Clerk in Word format.
- H. Factual Stipulations:** All factual stipulations must be discussed and agreed upon by all Parties before being called to the attention of the jury. Parties must not offer to stipulate to any matter within the hearing of the jury. All factual stipulations shall be in writing and shall be e-filed, with a copy included in the court's trial notebook.
- I. Procedural Stipulations:** Counsel shall review the attached Procedural Stipulations form and e-file a single, signed copy of the form no later than 12:00 p.m. the Friday before trial, indicating those stipulations to which all Parties agree. A copy also shall be included in the

court's trial notebook. If the Parties have agreed upon other procedural stipulations, they must be in writing and e-filed, with a copy also included in the court's trial notebook.

J. Depositions: On the day of trial, Counsel shall lodge with the Courtroom Clerk all deposition transcripts to be used in trial and advise the court in writing – in an e-filed Notice of Lodging of Deposition Transcripts, with a courtesy copy provided to the court – if any of the deposition transcripts are unsigned.

K. Deposition Designations: A party that expects to present one or more witnesses at trial by deposition shall, no later than the Issue Conference, provide opposing counsel with its written deposition designations. This shall be done by providing a hard copy of the deposition transcript with that party's designations highlighted. The other party shall, on the same hard copy of the document, mark its counter-designations (by highlighting them in a different color) and also indicate, in the margin next to any testimony designated by the other side, any objections to the admissibility of the designated testimony. Once both sides have annotated the transcript with their designations and counter-designations and objections to the other side's designations, the transcript shall be submitted to the court no later than 12:00 p.m. the Friday before trial.

L. Witnesses

1. Joint Witness List: Counsel shall e-file a Joint Witness List and include a copy in the court's trial notebook no later than 12:00 p.m. the Friday before trial. Counsel may, but are not required to, use the attached Joint List of Anticipated Witness Trial Testimony form. Whatever form Counsel selects, the Joint Witness List must include a realistic schedule of when each witness will be called, the estimated total time for direct and cross-examination of each witness, and the total number of hours the examination of all witnesses is expected to consume. Pursuant to Local Rule 317, the Joint Witness List need not include impeachment or rebuttal witnesses.

2. Witness Availability and Scheduling: It is the responsibility of all Parties to arrange the appearance of all witnesses to avoid delay, to confer and cooperate with one another during trial regarding when witnesses will be needed and are expected to testify, and to advise the court at the earliest opportunity of any anticipated problems with the presence of witnesses. The court expects the Parties to have their witnesses "stacked" so that each witness is available immediately following the conclusion of the prior witness' testimony.

3. Witness Conduct: Counsel shall advise their witnesses of the appropriate manner of testifying and the impact of the court's rulings, if any, on the witnesses' testimony.

M. Exhibits

1. Joint Exhibit List and Exhibit Numbering

a. At or before the Issue Conference, the Parties must cooperate in preparing a Joint Exhibit List for trial. The parties may, but are not required to, use the attached Joint Exhibit List form. The Joint Exhibit List shall include the exhibit number and a brief description of each exhibit, including the date of the document or a notation that the document is undated (e.g., "Exhibit 100, Letter from J. Jones to C. Clark dated 1/12/2000"). Pursuant to Local Rule 317, the parties need not exchange or include

on the Joint Exhibit List those exhibits contemplated to be used for impeachment or rebuttal.

- b.** The Joint Exhibit List shall be e-filed, with a copy included in the court's trial notebook, no later than 12:00 p.m. the Friday before trial.
- c.** In a two-party case, Plaintiff shall number its exhibits starting with 1. Defendant shall number its exhibits starting with 200. If, in any given case, these numbers are not sufficient to accommodate all exhibits, the Parties shall cooperate in agreeing on an appropriate number range for each party. If there are more than two parties, the Parties shall cooperate in agreeing on a number range for each party, so that no two parties use the same exhibit numbers. Duplicate exhibits are to be avoided. Only exhibit numbers (not letters) are to be used. Each page of each exhibit must be separately numbered.

2. Exhibit Binders and Exhibit Tags for Trial

- a.** If there are more than six exhibits on the Joint Exhibit List, the Parties shall prepare two sets of exhibits – one for the witness stand and one for the court – and place them in 3-ring binders with tabbed number dividers. Each tab shall bear the corresponding exhibit number and shall be placed in front of the corresponding exhibit. A copy of the Joint Exhibit List shall be placed in the front of each exhibit binder. Both exhibit binders shall be provided to the Courtroom Clerk on the first day of trial.
- b.** If a Party proposes to use an exhibit that is not a standard-sized document, it shall discuss exhibit protocol with the Courtroom Clerk before trial commences and before the Exhibit Binders are due to the court.
- c.** All exhibits in the exhibit binder on the witness stand shall have exhibit tags filled out and attached to the exhibit in the upper right hand corner of the first page of the exhibit. *See attached Exhibit Tags.*

3. Video Exhibits, Videotaped Depositions, and Trial Presentation Equipment

- a.** Please advise the court at the earliest opportunity if any Counsel plan to use a video exhibit, videotaped deposition, overhead projector, or any other kind of equipment. The court's permission is required before videos, tape recordings, overhead projectors, or other equipment may be used in trial.
- b.** It is each Counsel's responsibility to supply the equipment necessary to present its evidence and to ensure it is set up and working properly before trial. Counsel desiring to use the court's evidence presentation equipment should contact the Courtroom Clerk in advance of trial to determine what equipment is available and whether it will meet Counsel's needs, and to familiarize themselves with the equipment. If court equipment is used, it remains Counsel's responsibility to ensure it is set up and working properly before trial. Trial will not be delayed while Counsel attempt to remedy technical difficulties.

- c. Videotaped depositions must be transcribed and marked as an exhibit. The videotape must be edited before being shown to the jury to remove objections and argument by counsel.
- 4. Exhibit Enlargements or Transparencies:** If Counsel plan to use enlargements of exhibits (“blow-ups”) or transparencies of exhibits (for use with an overhead projector), the blow-ups and transparencies should not be marked as original exhibits. An 8-1/2x11 paper version of the exhibit should be marked and treated as the official exhibit. Blow-ups and transparencies are informally marked with the same exhibit number and referred to by the same exhibit number during trial.
- 5. Moving Exhibits into Evidence:** Exhibits should be moved into evidence as soon as admissibility has been established.
- 6. Exhibits in Opening Statements:** Exhibits may not be shown to the jury in opening statements unless Counsel have (i) stipulated in advance that the exhibit is admissible; and (ii) advised the court of their stipulation on the record before opening statements.
- 7. Demonstratives:** Counsel wishing to use a demonstrative aid at trial shall show the demonstrative to opposing counsel at least 24 hours before it expects the demonstrative to be used, to give opposing counsel an opportunity to review it and, if necessary, raise any issues regarding it with the court.
- N. Judgments:** After the verdict is read and the jury discharged, Counsel for the prevailing party shall prepare a Proposed Judgment, which must include the exact wording of the verdict. Unless the court orders otherwise, the Proposed Judgment must be e-filed, served on opposing counsel, and lodged with the court in Department C13 within seven (7) calendar days of the reading of the verdict. The court will hold the Proposed Judgment for three (3) court days to allow for objections to be filed.

Attachments:

Conduct in Trials
Joint Exhibit List
Exhibit Tags
Statement of Compliance
Procedural Stipulations
Joint List of Anticipated Witness Trial Testimony

CONDUCT IN TRIALS

**Judge Melissa R. McCormick
Department C13**

- 1. Counsel shall advise their witnesses** of proper behavior in the courtroom, the proper manner of testifying, and all rulings that apply to or affect their testimony. Counsel also shall advise witnesses about proper behavior around jurors and potential jurors and warn witnesses not to engage in any conversations or other forms of interaction (verbal or non-verbal) with jurors and potential jurors. Counsel, of course, should not do so either.
- 2. Counsel may not make speaking objections.** Simply state the objection and the legal grounds. If Counsel wish to argue an objection and the court wishes to entertain such argument, it will be done either at sidebar or on the record outside the jury's presence, likely during a recess.
- 3. Counsel must not address the jury or jurors directly,** except for voir dire, opening statements and closing arguments. If Counsel have concerns about the jurors' comfort or conduct, inform the court of the concerns outside the jury's presence.
- 4. Counsel shall not make editorial comments during examinations.** Except for appropriate transitional comments, Counsel should not make editorial comments before posing questions. (For example, "*We have heard about the defendant's negligent driving, did you see him change lanes without signaling?*")
- 5. Counsel must speak from behind counsel table or the lectern** unless the court gives permission to approach a witness or a chart or diagram near a witness.
- 6. Sidebars will be kept to a minimum.** Anticipated objections should be dealt with *in limine* or otherwise outside the jury's presence.
- 7. Challenges for cause, all motions, and arguments concerning evidentiary objections will be made and discussed at sidebar or otherwise outside the jury's presence.** Sidebars generally will not be on the record. Counsel may make their records later, during a recess, to ensure jurors are not kept waiting by lengthy sidebars.
- 8. The court will conduct a Pretrial Conference on the scheduled trial date.** Counsel should be prepared to discuss at least the following issues: jury selection, exhibits, anticipated evidentiary or jury instruction issues, trial and witness scheduling, witness issues (e.g., child witnesses, availability, interpreter needs, ADA needs), summary of expected facts and defenses, and pretrial motions.

EXHIBIT NO. ID only (Date) **IN EVIDENCE** (Date)

| | | |
|---|-------------------------------------|--------------------------------|
| <input type="checkbox"/> Plaintiff/People | <input type="checkbox"/> Defendant | <input type="checkbox"/> Joint |
| <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Court |
| <input type="checkbox"/> (Other) | | |

Signature of Atty/Party Introducing Sensitive Exhibit

Case No.

Vs.

David H. Yamasaki, Executive Officer and Clerk

By _____, Deputy

**NOTE: THIS ITEM IS A PERMANENT COURT RECORD.
DO NOT REMOVE FROM THE COURTROOM**

If found please contact: Superior Court of California, County of Orange (657) 622-7809

EXHIBIT NO. ID only (Date) **IN EVIDENCE** (Date)

| | | |
|---|-------------------------------------|--------------------------------|
| <input type="checkbox"/> Plaintiff/People | <input type="checkbox"/> Defendant | <input type="checkbox"/> Joint |
| <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent | <input type="checkbox"/> Court |
| <input type="checkbox"/> (Other) | | |

Signature of Atty/Party Introducing Sensitive Exhibit

Case No.

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David H. Yamasaki, Executive Officer and Clerk

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| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name & Address</i>): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (<i>Name</i>): _____ Bar No: _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE <input type="checkbox"/> Central Justice Center, 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512 | |
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
| STATEMENT OF COMPLIANCE Unlimited Civil | Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date: |

This Statement of Compliance shall be executed by all counsel and filed with the court clerk in the department of the judge to whom the case has been assigned for trial.

1. Counsel has inspected all exhibits and diagrams and the exhibits are ready for premarking by the clerk. All stipulations as to admission into evidence or waiver of foundation are submitted with the exhibits(s).
2. Pretrial motions have been exchanged by all parties.
3. If trial is by jury, proposed jury instructions, proposed special findings and/or general verdict and/or special verdicts will be exchanged before the commencement of trial.
4. Joint Statement of the case and joint witness list has been prepared for submission to the court as required.**
5. Counsel has prepared a joint list of controverted issues.**
6. All counsel have prepared a list of stipulated facts and made a good faith effort to stipulate to as many documents, waiver of foundational requirements, etc., as reasonably possible.**
7. Each party agrees that once the trial commences, witnesses shall be available to utilize to the fullest extent possible every trial day.
8. Parties have agreed on a division of jury fees (if applicable) and reporter fees, which are due each day before trial commences.

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (DATE)
 (SIGNATURE OF ATTORNEY) (NAME OF PARTY)

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (DATE)
 (SIGNATURE OF ATTORNEY) (NAME OF PARTY)

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (DATE)
 (SIGNATURE OF ATTORNEY) (NAME OF PARTY)

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (DATE)
 (SIGNATURE OF ATTORNEY) (NAME OF PARTY)

**Please attach to this Statement of Compliance: Joint Statement of Case, Joint Witness List, Stipulated Facts, Requested Voir Dire Questions and List of Controverted Issues.

PROCEDURAL STIPULATIONS

Case No. _____

Case Name _____

It is hereby stipulated by and between counsel for the respective parties in the above-entitled action:

| | Plaintiff's Counsel | Defendant's Counsel |
|--|------------------------|------------------------|
| That the jury instructions and exhibits may go into the jury room during deliberations. | | |
| That counsel and parties need not be present when, during jury deliberations, the jurors are excused for/return from recesses and lunch and/or are discharged in the evening and resume in the morning. | | |
| That during jury deliberations, the jury may recess without further admonition and without assembling in the jury box, and they may resume their deliberations upon the determination that all jurors are present. | | |
| That in the absence of the trial judge, the verdict may be received by any judge of this court. | | |
| That unless called to the court's attention, all jurors shall be deemed to be in the jury box and in their proper places upon court reconvening after each recess or adjournment. | | |
| That after giving the admonition required by Code of Civil Procedure § 611, the court need not repeat or remind the jury of the admonition at each subsequent recess or adjournment. | | |
| That upon order of the court, all exhibits will be returned to counsel after the trial is completed for safekeeping until the time for appeal has expired. | | |
| That all juror questionnaires, if any, may be destroyed at the conclusion of the trial. | | |
| That the court reporter will not report the conduct of voir dire or the reading of the jury instructions. | | |
| That all deposition transcripts lodged will be returned once the verdict or decision has been rendered unless ordered by the court. | | |

Plaintiff's Counsel & Date

Defendant's Counsel & Date

Case Name _____

Case No. _____

| JOINT LIST OF ANTICIPATED WITNESS TRIAL TESTIMONY | | | | |
|---|---------|----------------------------------|---------------------------------|------------|
| | Witness | Direct Examination Time Estimate | Cross Examination Time Estimate | Total Time |
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
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