

Superior Court of California County of Orange

HONORABLE LAYNE H. MELZER

DEPARTMENT C12

CLERK: As Assigned
COURT ATTENDANT: As Assigned

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE
SANTA ANA, CA 92701
(657) 622-5212
www.occourts.org

GENERAL INFORMATION

- A. **OSC** – Friday at 8:30 a.m.
- B. **CMC** –Friday at 9:00 a.m.
- C. **MSC** – Friday at 8:30 a.m.
- D. **Post-Arbitration & Review Hearing** – Friday at 08:30 a.m.
- E. **Default Prove-Up Hearing** – Friday at 9:00 a.m.
- F. **Law and Motion** – Thursday at 2:00 p.m.
Please use the Court's online reservation system to reserve your motion date)
- G. **Jury Trial and Court Trial** – Monday, Tuesday and Wednesday at 9:00 a.m.
- H. **Ex Parte** – Monday, Tuesday, Wednesday and Thursday at 1:30 p.m.
(Reservations must be made with the department no later than 10:00 a.m. the day before the hearing. Ex parte applications shall be filed electronically, along with a courtesy copy delivered to the courtroom, by 12:00 p.m. the day before the hearing.)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
GENERAL AND TRIAL PROCEDURES
DEPARTMENT C12
JUDGE LAYNE H. MELZER
CLERK: As Assigned
COURT ATTENDANT: As Assigned
TELEPHONE: 657-622-5212

Welcome to Department C12. In order to facilitate the efficient progress of your case, please pay close attention to these procedures and guidelines.

Department C12 does not provide the services of an official court reporter. If the services of a certified shorthand reporter are desired the parties can stipulate and bring in their own reporter who preferably is proficient in live note.

1. All counsel and self-represented litigants (collectively "Parties") must read and be familiar with Division 3 of the Orange County Superior Court Local Rules, and with all applicable California Rules of Court ("CRC").
2. The Court expects all Parties to cooperate with each other to the fullest extent and to act at all times with civility and courtesy.
3. Ex Parte Motions must comply with CRC 3.1200 through 3.1207, including but not limited to the requirement that: "An applicant must make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte." CRC 3.1202 (c).
4. For Case Management Conferences (CMC), the Parties must be fully familiar with, and comply with as applicable, CC 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.**

TRIAL PROCEDURES

Trials are normally set at 9:00 a.m. on Monday, and normal trial days are Monday through Wednesday 9 a.m. through 4:15 p.m. **The Parties must conduct an Issue Conference in compliance with Orange County Rule 317, and prepare and file all required items pursuant to that Rule** (Statement of Compliance attached). See attached, **Conduct in Jury Trials**.

1. Exhibits

The Parties are to cooperate in preparing a **joint** exhibit list. If there are more than twelve exhibits, two (2) sets of exhibits in 3-ring binders, with the exhibit list identifying each such exhibit, and with number tabs separating each exhibit, shall be submitted to the Court (one for the Court and one for the witness dock). Each tab should bear the corresponding exhibit number. Every exhibit in the witness copy must have an exhibit tag filled out and attached (see attached). In a two party case, Plaintiff shall number its exhibits starting with 1; Defendants shall number its exhibits starting with 200. If in a particular case these numbers are not sufficient to

cover all exhibits, the Parties are to cooperate in agreeing an appropriate number range for each party. If there are more than two Parties, the Parties are to cooperate in agreeing a number range for each party. No two Parties are to use the same number, and duplicate exhibits are to be avoided. Every page of each exhibit must be separately numbered.

Each exhibit should be moved into evidence as soon as admissibility has been established.

If any Party plans to use enlargements of exhibits (“blowups”) or transparencies for use with an overhead projector, such blowups and transparencies should not be used as original exhibits. Instead a normal size paper version of the exhibit should be marked and treated as the official exhibit. Blowups and transparencies are informally marked with the same exhibit number and referred to by the same exhibit number during trial.

If any Party plans to use a video exhibit, or videotaped depositions, the Court should be advised at the earliest opportunity since the Court’s permission is required before videos, tape recordings, overhead projectors and the like may be used in trial. It is each Party’s responsibility to supply the necessary equipment and to have it set up before trial or during a recess.

2. Depositions

Prior to commencement of trial, counsel shall lodge all depositions to be used in trial with the clerk and advise the Court if there are any depositions which are unsigned.

3. Witnesses

It is the responsibility of all Parties to arrange the appearance of witnesses to avoid delay, to confer among themselves during the trial as to when witnesses will be needed, to advise the Court at the earliest opportunity of any anticipated problems with the presence of witnesses, and to advise witnesses of the appropriate manner of testifying.

4. Stipulations

All stipulations must be discussed and agreed upon by all Parties before being called to the attention of the jury. A Party must not offer to stipulate to any matter within the hearing of the jury.

As to **procedural stipulations**, see attached.

5. Jury Instructions

All proposed jury instructions, special findings and verdict forms must be submitted to the clerk prior to commencement of the trial.

CONDUCT IN JURY TRIALS
The Honorable Layne H. Melzer
Department C12

1. Attorneys are to advise their witnesses of rulings that will apply to their testimony.
2. Do not make speaking objections. Simply state the Objection and the legal grounds.
3. Except for appropriate transitional comments, do not make any editorial comments prior to posing a question. (For example, "*We have heard about the defendant's negligent driving, did you see him change lanes without signaling?*")
4. Except for *voir dire*, opening and closing, do not address the jury directly. Ask the Court to do so on your behalf. If you have concerns about the jurors' comfort, inform the Court of those concerns outside the presence of the jury.
5. Stipulations must be reduced to writing.
6. Sidebars will be kept to a minimum. Ensure that anticipated objections are dealt with *in limine* or otherwise outside the presence of the jury.
7. Challenges for cause, all motions, and arguments concerning evidentiary objections will be discussed at sidebar or otherwise outside the presence of the jury. Generally sidebars will not be on the record. Counsel can make their record later at a break to ensure jurors are not kept waiting by lengthy sidebars.
8. Attorneys are to speak from behind the counsel table or lectern unless the court has given permission to approach a witness. Permission to approach a particular witness need only be requested once for that witness.
9. The Court will conduct a Pretrial Conference on the scheduled trial date, at which the following issues, among others, will be discussed; jury selection, unusual evidentiary or instruction issues, scheduling, witness problems, summary of expected facts and defenses, pretrial motions.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (Name): _____ 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	_____ (NAME OF PARTY)	_____ (DATE)
_____, Attorney for Plf/Def/X-Compl/X-Def	_____ (NAME OF PARTY)	_____ (DATE)
_____, Attorney for Plf/Def/X-Compl/X-Def	_____ (NAME OF PARTY)	_____ (DATE)
_____, Attorney for Plf/Def/X-Compl/X-Def	_____ (NAME OF PARTY)	_____ (DATE)

**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.

STATEMENT OF COMPLIANCE

PROCEDURAL STIPULATIONS

Case Number: _____

Case Name: _____

It is hereby stipulated between counsel for the respective parties in the above titled action:

Please initial boxes
Counsel for Plaintiff Counsel for Defendant

1. That the jury instructions and the Exhibits may go into the jury room during the deliberations

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2. That counsel and the parties need not be present when, during jury deliberations, the jurors are excused for recesses, return from recesses and/or are discharged in the evening and resume in the morning.

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3. That, during jury deliberations, the jury may recess without further admonition and without assembling in the jury box, and that they may resume their deliberations upon the determination that all jurors are present.

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4. That in the absence of the trial judge, the verdict may be received by any judge of this court.

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5. 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.

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6. That after giving the admonition required by Code of Civil Procedures section 611, the court need not repeat or remind the jury of the admonition at each subsequent recess or adjournment.

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7. 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.

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8. That at the conclusion of the trial, all juror questionnaires, if any, may be destroyed.

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9. Counsel stipulate that jury voir dire and the Court's reading of the jury instructions to the jury need not be reported by the Court Reporter.

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10. Counsel stipulate to the return of all depositions lodged once the verdict or decision has been rendered unless ordered filed by the Court.

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11. Counsel stipulate that copies of the exhibits may be used in lieu of originals.

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X _____
Counsel for Plaintiff

X _____
Counsel for Defendant

Date

Date

EXHIBIT NO.

ID only (Date)

IN EVIDENCE (Date)

Plaintiff/People Defendant Joint
 Petitioner Respondent Court
 (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)

Plaintiff/People Defendant Joint
 Petitioner Respondent Court
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

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EXHIBIT LIST

Case Number:	
Case Name:	
Court Clerk:	
Department:	
Type of Hrg:	
Exhibit List of:	

<i>For Court Use Only</i>

EXHIBIT NUMBER	DESCRIPTION	ADMITTED DATE

EXHIBIT LIST
[Continued from previous page]

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