

**Superior Court of California
County of Orange County**

HONORABLE GLENN R. SALTER

**CLERK: Karen Nordin
COURTROOM ATTENDANT: Fidel Ibarra**

POLICIES AND PROCEDURES - DEPARTMENT C22

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701
(657) 622-5222
www.occourts.org

Welcome to Department C22, where staff is here assist you in any way we are able. Please don't hesitate to contact Karen or Fidel with any questions or concerns you may have – it is the goal of this department to make your court appearance a pleasant and productive one.

In order to facilitate the progress of your case and assure its timely disposition, please be mindful of the following policies, procedures and schedules.

I. CALENDAR

- A. Jury Trials – Monday, Tuesday, Wednesday from 9:00 A.M. – 4:30 P.M, Fridays as indicated
- B. Law and Motion – Thursdays at 1:30 P.M. (cap of 18 motions, including 2 MSJ's)
- C. Case Management Conferences – Thursdays at 8:30 A.M.
- D. Order to Show Cause Hearings –Wednesdays at 8:30 A.M.
- E. Post – Arbitration hearings/ Review hearings –Wednesdays at 8:30 A.M.
- F. Default prove-up hearings – Wednesdays at 8:30 A.M.
- G. Mandatory Settlement Conferences – Fridays at 8:30 A.M. (cap of 6)
- H. Ex Parte matters – Monday, Tuesday, Wednesday and Friday at 1:30 P.M.

II. GENERAL PROCEDURES

- A. CMCs – The Court strictly enforces the timely filing of a CMC statement pursuant to CRC 3.725(a). Failure to comply with CRC 3.725(a), may result in sanctions being levied. Furthermore, the Court expects the parties and counsel to be fully familiar with CRC rules 3.720-3.730. This includes “specially appearing” lawyers that may be hired to attend the CMC. It is not acceptable to simply send a lawyer from your firm, or an “appearance counsel” to “get a date.” That lawyer needs to be prepared to discuss the full range of topics covered in the mandatory Judicial Council Form CM-110.
- B. MSCs – The Court uses temporary judges for MSC's, and reviews all MSC matters prior to the hearing. Failure to comply with OCLR 316 may result in sanctions being levied. MSC Statements are to be E-Filed. (They will be e-stamped “Received” and will be kept confidential.) Failure to timely file an MSC statement, or to meet and confer prior to the MSC, may result in your MSC being ordered off calendar.

- C. Post – arbitration continuances – If all parties stipulate to continue the arbitration hearing and a written stipulation is signed by the arbitrator, the Court will grant the continuance on the basis of the submitted stipulation and order. Counsel must include a declaration for good cause therewith. The order must include a rescheduling of the Arbitration Review hearing.
- D. Law and Motion – Argument/hearings are Thursday at 1:30 P.M. Every effort will be made to post tentative rulings by no later than 4:00 P.M the day prior.
- E. Ex Parte matters – See the attached information sheet re: particulars. Be sure you meet the standards for ex parte relief. Abuse of the ex parte procedure may result in the Court setting an OSC re sanctions against the offending party. The Court also suggests you read the case of Mission Power Engineering Company vs. Continental Casualty Company (1995) 883 F. Supp. 488, which, although a Federal case decision, expresses the Court’s view on ex parte matters.

III. **TRIAL PROCEDURES:**

- A. Voir Dire: This Court uses the eight-pack method of jury selection. Challenges will be addressed to the group of potential jurors in the box. Usually two alternates will be selected during voir dire. In accordance with the Judicial Council’s Standards on voir dire (Cal. Rules of Court Appendix Div 1, Section A), the Court will conduct the initial voir dire of prospective jurors using applicable questions contained in these standards.
- B. The Court requires the filing of a Statement of Compliance, signed by all counsel.
- C. Jury Instructions: Each Counsel should deliver proposed jury instructions (the entire instruction, not just the CACI number) to the clerk by noon the Friday before the trial. The Court generally favors the exclusive use of CACI. Please give special attention to special verdict forms.
- D. Exhibits
 - 1. Before the first day of trial, counsel should jointly prepare an exhibit list. Each exhibit should be listed by exhibit number. The exhibit list should set forth each exhibit number along with a very brief description which includes the date of the document or a notation that the document is undated. A sample exhibit list is attached for reference. Copies of the exhibit list should be made for the Court, the clerk, the reporter, and each counsel.
 - 2. If there are more than six exhibits, and to the extent that the 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. The original exhibits, which shall be provided directly to the Clerk, shall be the only binder with tabs and GREEN exhibit tags; these are the official exhibits. The tag should be attached to the upper right corner of the first page, taking care not to staple in the date area of the tag. A template is attached for your convenience. Another set of binders, similarly tabbed (but not tagged), should be prepared for the court, the witness stand, and for each counsel.
 - 3. If you anticipate any problems with exhibits, please consult with the clerk before trial.
 - 4. Photographs are not to be marked collectively. Each photograph or computer imaged/scanned photographs must bear its own exhibit number and GREEN tag.
 - 5. If you plan 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 video, tape recordings,

overhead projectors and the like may be used in trial. It is counsel's responsibility to supply the necessary equipment and to have it set up before trial or during a recess.

6. If counsel intends to use documents for bona fide impeachment, copies of such documents shall be delivered to the clerk in a sealed envelope marked "impeachment documents" with the name of the submitting party prior to the commencement of the trial.

E. Motions in Limine:

Read and be thoroughly familiar with the opinion and holding *Kelly v New West Federal Savings* 49 Cal.App.4th 659 [Sept. 1996]. This seminal case sets forth the current law on motions in limine. Motions to exclude "all hearsay evidence" or "evidence not disclosed in discovery" and the like are viewed with the disdain described in *Kelly*. Motions in limine are usually intended to exclude specific items of evidence not broad categories of evidence. Be specific and concrete in what you want excluded.

F. Judgments:

Upon reading of the Verdict and Discharge of the jury, counsel for the prevailing party is instructed to prepare the Judgment, which must include the exact wording of the verdict. This must be served upon opposing counsel and lodged with the court in

Department C-22 within seven days of reading the Verdict. The Court will hold it for three days to allow for possible objections to be filed directly in this Department.

G. Additional Trial "tips"

Counsel shall instruct their clients and witnesses as to proper behavior around jurors and warn them about engaging in any conversation, smiles or other interaction with, or in the vicinity of, jurors or in the areas of the courthouse where jurors are likely to be present. Except when we are in session in open court, the jurors or potential jurors are to be ignored.

1. All witnesses, except children, are to be addressed only by their last name.
2. Counsel must request permission to approach a witness or diagram, etc. near the witness, but must retreat after the purpose has been accomplished.
3. Objections, statements, and arguments are to be addressed to the court rather than opposing counsel or witnesses.

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EX PARTE INFORMATION

Ex Parte applications are heard Monday, Tuesday, Wednesday, and Friday at 1:30 P.M. Requirements pursuant to Rules 3.1200-3.1207, California Rules of Court shall apply. Reservations are required in this department by 10:00 am the day prior to the hearing.

Ex Parte documents are to be E-Filed and courtesy copies must be delivered to Department C22 before 12:00 pm the day prior.

The fee required for each Ex Parte application must be paid in the Civil Clerk's Office (Central Justice Center, Civil and Small Claims) prior to presenting documents in the courtroom.

Ex Parte application must be in writing and include the following:

- A declaration of Notice of Ex Parte hearing.
- A statement that irreparable harm the will occur if the relief requested is not granted.
- A declaration based on personal knowledge.
- A brief and concise Points and Authorities.
- A Separate proposed Order and a copy to conform.

Oppositions to Ex Partes are required to be E-Filed with the Court. (The Court does hear oral oppositions.)

The hearing of Ex Parte matters shall not interfere with or delay the trial in progress. Counsel may have to wait.

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LAW AND MOTION PROCEDURES

Law and Motion matters are heard every Thursday at 1:30 P.M. Motion reservation dates **are required** in this department, and are made through the court's website at www.occourts.org.

While the Court limits MSJ's to two per week, in lieu of filing an ex parte application, if you have concerns about your MSJ being heard before the cut off, you may call the clerk to inquire if your MSJ may be added to a particular week's calendar.

Please check the court's public website at www.occourts.org or telephone (657) 622-5222 for questions about motions or to confirm hearing dates.

Tentative rulings are posted on the internet at: <http://www.occourts.org/directory/civil/tentative-rulings/> by 4:00 P.M. on the day before.

Oral argument is always on the hearing date commencing at 1:30 P.M. as indicated above. No additional papers will be allowed at the time of the hearing.

The moving party shall give notice or prepare the order, if appropriate, per California Rule of Court 3.1312.

NOTICE TO COUNSEL OR OPPOSING PARTY, IF NO COUNSEL

If opposing parties appear unnecessarily because of the failure to give notice of the above procedures, sanctions may be levied.

EXHIBIT NO.		
<input type="checkbox"/> ID only (Date)		
<input type="checkbox"/> IN EVIDENCE (Date)		
<input type="checkbox"/> Plaintiff/People	<input type="checkbox"/> Defendant	<input checked="" 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 Yamasaki, Clerk of the Court		
By <u> K. NORDIN </u> , 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		

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