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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE
LAMOREAUX JUSTICE CENTER

_____,
Petitioner,
v.
_____,
Respondent

Case No. _____

**STANDING ORDER FOR CASES
ASSIGNED TO JUDGE COOPER**

Dept. L65

This Order applies to cases assigned for all purposes to Judge Scott B. Cooper. It lays out some of the Court’s rules and expectations for the parties.¹ In addition to this Order, parties are required to follow the California Family Code (“FC”), California Code of Civil Procedure (“CCP”), California Rules of Court (“CRC”), and the Local Rules of Orange County Superior Court (“OCLR”).²

The Court ORDERS as follows:

I. CIVILITY AND PROFESSIONALISM

The Court expects parties to be familiar with and follow the California Attorney Guidelines of Civility and Professionalism (http://www.calbar.ca.gov/Portals/0/documents/ethics/Civility/Atty-Civility-Guide-Revised_Sept-2014.pdf), as well as the Orange County Bar Association’s Civility

¹ As used in this Order, unless otherwise indicated, the term “parties” includes the individual parties and their respective attorneys, if any.

² The most recent version of the CRC and the OCLR are available on the Court’s website at <http://www.occourts.org/directory/local-rules/>.

1 Guidelines (http://www.ocbar.org/Portals/0/pdf/news/2017/civility_guidelines.pdf). Uncivil or
2 unprofessional behavior will not be tolerated and may result in sanctions.

3 **II. CONTINUANCES**

4 The Court will address continuances pursuant to these guidelines:

- 5 • **Requests for Order (“RFO”), Trial Setting Conferences (“TSC”), and Mandatory Settlement Conferences (“MSC”):** The parties may request continuances of RFOs,
6 TSCs, and MSCs either in writing or telephonically. Written requests must be filed
7 directly in the Department. Telephonic continuances will be granted only if both parties
8 agree to the continuance, as confirmed either by (1) being on the phone together or (2)
9 making separate calls to the Courtroom Clerk. Continuances may be requested at any
10 time prior to, but no later than, the day before the hearing at noon. After two
11 continuances, the Court may require a personal appearance to request any further
12 continuances.
- 13 • **Trial and Specially Set RFO Hearings (those set by the Court after consultation with the parties, typically on the afternoon calendar):** These matters will only be continued
14 upon written request. Any request, whether by stipulation or motion, to continue these
15 matters must be filed directly in the Department and must be supported by a sufficiently
16 detailed explanation of the grounds for the requested continuance or extension of time.
17 The Court will only continue these matters upon a showing of good cause.
- 18 • **Domestic Violence, Contempt, and Judgment Debtor Exams:** Continuances will not
19 be granted telephonically for hearings involving these matters.

20 Note: Stipulations and proposed orders extending scheduling dates do not become effective
21 unless and until this Court so orders.

22 **III. EXHIBITS**

23 All exhibits – whether for hearing or trial – must be pre-tagged prior to the hearing or trial.

24 The exhibit tags are available from the Courtroom Clerk and on the Court’s website at:

25 <http://www.occourts.org/forms/local/1529.pdf>. For the copy of each exhibit that will be submitted to
26 the Courtroom Clerk, staple the exhibit tag to the top left corner of each exhibit, or, if the exhibit is an
27 original photograph, tape the exhibit tag to the back.

28 In hearings/trials where there are (1) only two parties and no minor’s counsel and (2) the
number of exhibits is minimal (i.e., no party reasonably anticipates more than 26 exhibits, including
any possible impeachment/rebuttal exhibits), then Petitioner’s exhibits will be marked as 1, 2, 3, etc.
(numerical), and Respondent’s exhibits will be marked as A, B, C, etc. (alphabetical). In all other

1 circumstances, the Court will require that exhibits be numbered only and not lettered. In so doing,
2 the parties shall follow the following format:

- 3 • Petitioner: Exhibit Nos. 1-99;
- 4 • Respondent: Exhibit Nos. 100-199;
- 5 • Minor's counsel or other joined party (if applicable): Exhibit Nos. 201-299.³

6 To the extent an exhibit consists of more than ten (10) pages, each page of the exhibit must be
7 marked sequentially. For example, assuming Petitioner's Exhibit 1 is over ten pages, it must be
8 marked as 1-1 on the first page, 1-2 on the second page, and so on.

9 At the hearing/trial, the parties must have at least five (5) copies of each exhibit available: one
10 for themselves, one for the Courtroom Clerk, one working copy for the judge, one for the opposing
11 party, and one for the witness. The parties should anticipate any impeachment exhibits and make
12 sure sufficient copies of those are available for the Courtroom Clerk, judge, opposing counsel, and
13 witness. If a party anticipates introducing more than ten (10) exhibits, the exhibit sets for each of the
14 Clerk, judge and witness shall be organized into three-ring notebooks, each of which must be indexed
15 with that party's exhibit list as a table of contents and shall contain tabs corresponding to the exhibit's
16 identification.

17 Prior to the hearing or trial at which the exhibits will be offered, the parties must (1) exchange
18 all exhibits (other than those used solely for impeachment or rebuttal) and (2) meet and confer to
19 identify and attempt to resolve any objections to the authenticity and/or admissibility of the exhibits.
20 Parties shall work to eliminate duplicates. The same document shall only be marked once by either
21 side. If not resolved by agreement, the Petitioner's numbering shall control, and the duplicate that
22 any other party seeks to use shall be stricken/eliminated in favor of the Petitioner's identical exhibit.
23 The deadlines for this exchange and meet and confer are:

- 24 • **Regularly Set RFOs (those set by the Clerk's office or continued to another morning**
25 **calendar with no time estimate):** Any time before the start of the hearing.

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28 ³ This approach/format shall be repeated in similar sequence should either/any side need more than
the initially allocated number of exhibits.

- 1 • **Trials and Specially Set RFOs (those set by the Court after consultation with the**
2 **parties, typically on the afternoon calendar):** At least ten (10) court days before the
3 date of the hearing or trial.

4 All declarations the parties intend to offer into evidence at the hearing or trial, including
5 Income and Expense declarations, must be marked separately as exhibits. Except for pay stubs
6 admitted as part of the Income and Expense declaration, each attachment must be separately
7 identified as an exhibit. Upon request, the declarations may be admitted into evidence subject to
8 cross examination.

9 When first introducing an exhibit at trial or hearing, the party must briefly identify the nature
10 of the exhibit for the record (i.e., “Petitioner’s Exhibit 1 is an email dated January 1, 2017, from Jane
11 Doe to John Smith”). At the end of the hearing/trial, the Court will ask the parties if they will
12 stipulate to have the exhibits returned to them. *See* CCP § 1952(a). If the exhibits are returned, the
13 parties shall retain custody and control of all the exhibits they offered until the period to file an
14 appeal has lapsed.

14 **IV. REQUESTS FOR ORDER**

15 **A. Filing and Service of Papers**

16 The Court reminds the parties of the filing and service deadlines that apply to documents filed
17 in support of and in response to RFOs. Under CCP § 1005(b):

- 18 • The RFO and any supporting documents must be filed with the Court and served on the other
19 parties at least **sixteen (16) court days** before the hearing. If the documents are served by
20 mail, they must be served at least five (5) calendar days before that (or ten (10) calendar days
21 if they are being mailed to an out-of-state address). If the documents are served by e-mail,
22 fax, or overnight delivery, they must be served two (2) calendar days before the deadline.
- 23 • Any responsive papers must be filed with the Court and served on the other parties at least
24 **nine (9) court days** before the hearing and must be served in a manner that reasonably
25 assures delivery to the other parties the next business day.
- 26 • Any reply papers must be filed with the Court and served on the other parties at least **five (5)**
27 **court days** before the hearing and must be served in a manner that reasonably assures
28 delivery to the other parties the next business day.

1 Throughout this Order, “court days” refers to all weekdays that are not court holidays. For a list of
2 California court holidays, see <http://www.courts.ca.gov/holidays.htm>. The Court may refuse to
3 consider any papers filed or served after these deadlines.

4 **B. Witnesses**

5 Pursuant to FC § 217 and CRC 5.113(e), any party who wishes to call a witness other than a
6 party to testify at an RFO hearing shall, upon filing the RFO or any responsive papers, also file and
7 serve a witness list with the names of all anticipated witnesses and a brief description of each
8 witness’ anticipated testimony. California Judicial Council Form FL-321 may be used for this
9 purpose (and can be found at <http://www.courts.ca.gov/documents/fl321.pdf>).

10 **C. Mediation**

11 If the parties have been ordered to mediate with Family Court Services prior to the hearing on
12 the RFO, the Court will not hear the RFO until the parties have participated in that mediation (absent
13 a strong showing of good cause why the Court should waive the mediation requirement).

14 **D. Proposed Orders**

15 Unless the Court orders otherwise or the parties stipulate to the contrary, the moving party
16 (the party who filed the RFO) shall prepare the proposed order after hearing. The parties shall
17 comply with CRC 5.125 in preparing and submitting the proposed order (and any objections or
18 alternate proposed order). Alternatively, the Court may permit the parties to “waive notice,” in which
19 case the Court’s unsigned minute order will serve as the order of the Court.

20 **E. “Specially Set” RFO Hearings**

21 For RFO evidentiary hearings that are specially set by the Court (after consultation with the
22 parties and typically on the afternoon calendar), the parties are to comply with the “Trial Readiness
23 Conference” and “Trial Documents” requirements (as applicable) in Sections VI.C and VI.D below.
24 With respect to spousal support, if the request relates only to temporary (as opposed to permanent)
25 spousal support, the parties do not need to file a Joint Statement of Family Code § 4230 Factors but
26 must instead file proposed DissoMaster™ or XSpouse™ calculations showing their positions on the
27 guideline support amount.

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F. Financial Issues

In any trial or hearing where financial matters are at issue (i.e., child support, spousal support, attorney’s fees, payment of debts, or calculation/payment of arrearages), both parties must comply with OCLR 702. In sum, the parties must file and serve current⁴ income and expense declarations, and the following supporting documents must be exchanged between the parties and made available at the hearing:

- The three most recent pay records showing year-to-date wages, salaries, overtime, commissions, bonuses, and withholdings;
- Records showing rents, trust income, workers’ compensation benefits, unemployment insurance benefits, disability benefits, social security benefits;
- The most recent W-2, 1099, and K-1 forms;
- A copy of the most recent signed and filed state and federal income tax returns with schedules;
- If self-employed, a current (most recent twelve months) profit and loss statement and balance sheet.

Failure to comply with this requirement may result in the Court drawing an adverse inference against the non-complying party.

In addition, if child support or temporary spousal support is at issue, both parties shall provide the Court with competing (or joint where the parties agree) DissoMaster™ or XSpouse™ calculations (based upon the most recent financial information) supporting their respective positions on the amount of support sought. In those instances where support is not at issue but attorney’s fees (or other similar relief) are sought, which in turn requires a consideration of a party’s financial capacity or needs, the parties shall nonetheless provide DissoMaster™ or XSpouse™ calculations to demonstrate the parties’ respective disposable net incomes after accounting for support obligations and/or tax consequences.⁵

⁴ “Current” is defined as being completed within the last three months provided that no facts have changed. See CRC 5.260(a)(3) (support) and 5.427(d) (attorney’s fees).

⁵ Where retroactivity is sought, and income amounts vary during the retroactivity period in question, separate DissoMaster™ or XSpouse™ calculations shall be provided for each such timeframe.

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G. Meet and Confer

Pursuant to CRC 5.98, all parties and all attorneys are required to meet and confer to resolve as many issues as possible prior to the RFO hearing.⁶ The parties shall likewise exchange all documentary evidence (other than rebuttal or impeachment documents) that will be relied upon to prove a material fact. The Court may decline to consider documents that were not exchanged before the hearing.

This requirement does not apply to cases involving domestic violence in which an active restraining order exists and the protected party is self-represented. Under no circumstances may a restrained party communicate directly with a protected party under the guise of complying with any meet and confer requirement.

V. GETTING TO TRIAL

To request a trial, either party must file an “At Issue Memorandum for Trial Setting” (Orange County Form L-0031, found at <http://www.occourts.org/forms/local/131.pdf>). See OCLR 709. Prior to filing the At Issue Memorandum, the parties must have complied with FC § 2104 requiring exchange of Preliminary Declarations of Disclosure (“PDDs”).

Once the At Issue Memorandum is filed, the Court will set a Trial Setting Conference (“TSC”). As set forth below, the TSC will set in motion a series of events designed to bring the case, in whole or in part, to a resolution by way of agreement or trial. At the request of the parties or on its own, the Court can bifurcate (separate) issues for trial, meaning separate trials are conducted on different issues. Trials on bifurcated issues will be subject to the same requirements as trials on multiple issues.

A. Trial Setting Conference (“TSC”)

At the TSC, the Court will (1) confirm compliance with FC § 2104, including the exchange of PDDs where appropriate, and (2) determine whether the parties are ready to be scheduled for trial. Depending on the case status at that time, the Court may set dates for any or all of the following:

⁶ This meet and confer shall include discussing “financial issues” as referenced above, which shall encompass agreeing and/or narrowing areas of disagreement as to the various inputs relevant to any required DissoMaster™ or XSpouse™ calculations/submittals.

- 1 1. Mandatory Settlement Conference
- 2 2. Pretrial Conference (usually reserved for large, complex cases)
- 3 3. Trial

4 **B. Mandatory Settlement Conference (“MSC”)**

5 When preparing for and attending the MSC, the parties must fully comply with OCLR 707.
6 Among other things, at least five (5) calendar days before the conference, each party shall serve on all
7 other parties a “settlement conference/trial brief” containing the information required by OCLR 707
8 (the parties may use local form L-0966 for this purpose, which can be found at
9 <http://www.occourts.org/forms/local/1966.pdf>).

10 The parties and/or counsel shall check in with the Courtroom Clerk when arriving and before
11 leaving for the day. If the case does not settle during the MSC, and the Court has not previously set a
12 trial date, the Court will set the trial date before the parties leave that day. Failure to attend the MSC
13 and/or comply with OCLR 707 may result in sanctions.

14 **VI. TRIAL**

15 **A. Trial Time Estimates**

16 When setting a trial date, the Court will ask the parties the amount of time it will take to
17 complete the trial (including any pretrial motions, opening statements, all examinations, and closing
18 arguments). The Court will schedule the trial on the Court’s calendar for that amount of time. Trials
19 not completed on time will, at the Court’s discretion, either (1) result in a mistrial or (2) continue
20 day-to-day until completed or to the “next available” date(s) for completion. If the trial continues,
21 the parties will generally be ordered back each day to Department L65 at a designated time, and the
22 Court will hear the case in any available time it may have each day until the trial has been completed.

23 **B. Final Declarations of Disclosure**

24 Unless the parties file a “Stipulation and Waiver of Final Declaration of Disclosure” (Judicial
25 Council Form FL-144), then they must exchange their Final Declarations of Disclosure (“FDD”) at
26 least 45 days prior to the date set for trials involving any financial issues and file a Declaration
27 Regarding Service of the FDD at least five (5) court days before trial. Failure to timely exchange
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1 FDDs and file the required Declaration Regarding Service may result in the trial date being vacated
2 and sanctions being issued against the non-complying party or parties.

3 **C. Trial Readiness Conference**

4 At least ten (10) court days prior to the scheduled trial date, the parties shall meet and confer
5 by way of an informal “trial readiness” conference to discuss, complete and/or exchange each of the
6 contemplated “Trial Documents” described below and to exchange and coordinate exhibits as
7 discussed in Section III above. If the trial will involve financial issues (i.e., child support, spousal
8 support, attorney’s fees, payment of debts, or calculation/payment of arrearages), the parties shall
9 ensure compliance with OCLR 702 and Section IV.F. above in connection with this conference.

10 **D. Trial Documents**

11 No later than five (5) court days before the date set for trial, the parties must file and (if not
12 already done pursuant to the above trial readiness conference) serve on all other parties, the
13 following:

14 1. **A Joint Statement of Issues to be Tried**, which shall include:

- 15 a. Stipulated Issues/Facts: Identification, with specificity, of all issues resolved
16 between the parties; and
- 17 b. Contested Issues/Facts: Identification of each issue left unresolved to be
18 decided at trial, including both parties’ legal and factual contentions regarding
19 each disputed issue.

20 2. **Witness Lists**, including:

- 21 a. Name of each witness;
- 22 b. Time estimate for direct examination; and
- 23 c. Brief description of anticipated testimony.

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3. **Exhibit Lists**, including:

- a. The number or letter of each exhibit;
- b. A brief description of each exhibit; and
- c. Columns for indicating whether the exhibits have marked and entered.

(The exhibits themselves shall not be submitted to the Court until the commencement of trial.)

4. **Expert Reports** (if expert testimony will be presented)

5. If property division is at issue, the parties shall file:

a. A jointly prepared **Schedule of Property “Fredman Form”** (San Luis Obispo County form FL001, available at <https://www.slo.courts.ca.gov/documents/san-luis-obispo/fl001.pdf>.) If the parties are not able to download the form on that site, they can request one from the Courtroom Clerk.

b. **A Joint Chart of Credits and Reimbursements.** In this chart, each request for credit or reimbursement shall be listed in a separate row, and the chart shall have following three columns:

- i. Requests for Credits or Reimbursements (each request shall identify the party making the request and, where possible, the specific dollar amount);
- ii. Requesting Party’s Supporting Evidence for the Request
- iii. Opposing Party’s Response and Supporting Evidence

6. If spousal support is at issue, the parties shall file a **Joint Statement of Family Code § 4320 Factors.** Each factor (subdivisions (a) through (n) of § 4320) shall be listed in a separate row, and the chart shall have the following three columns:

- a. Section 4320 Factor
- b. Petitioner’s Position
- c. Respondent’s Position

1 To the extent the parties agree to the findings on any of the factors, those findings
2 shall be included in the Petitioner’s Position column, and Respondent’s Position
3 column shall merely say “Stipulated.”

- 4 7. If child support is at issue, a proposed **DissoMaster™ or XSpouse™ calculation**
5 from each party.
- 6 8. **Current Income and Expense Declarations** (Judicial Council form FL-150 – found at
7 <http://www.courts.ca.gov/documents/fl150.pdf>). All blanks shall be completed (with
8 “zeros” where applicable), and all supporting documentation required by FL-150 shall
9 be attached.
- 10 9. In any case that (1) involves unusual or novel legal issues or complex factual
11 determinations or (2) will last for three or more “trial days” (a “trial day” means a
12 period of no less than two and a half hours of a single day), the parties shall file a
13 **Trial Brief**, setting forth the arguments and legal authority supporting the party’s
14 position on each of the issues identified for trial in the “Joint Statement of Issues to be
15 Tried.” Absent leave of the Court, Trial Briefs shall not exceed ten (10) pages.
- 16 10. **Motions in Limine and any oppositions.** Motions in Limine must be served on the
17 opposing party no later than sixteen (16) court days before the trial date. Reply briefs
18 regarding such motions are not permitted.

19 When setting the trial, the Court might also set a Pretrial Conference (“PTC”), depending on,
20 among other things, the complexity and anticipated length of the trial. If the Court sets a PTC, the
21 above deadlines for the Trial Readiness Conference and the exchange and filing of Trial Documents
22 shall be calculated from the PTC date as opposed to the trial date.

23 **VII. OTHER ISSUES**

24 **A. Court Reporter Fees**

25 For any trial or hearing over one (1) hour in length, the parties must pay their court reporter
26 fees in the Clerk’s Office (unless a fee waiver is in place). *See* OCLR 709.D. The parties should first
27 obtain a referral sheet from the Courtroom Clerk, which will expedite this process.

28 **B. Communication with the Court**

All appropriate inquiries should be directed to Judge Cooper’s Courtroom Clerk at (657) 622-5565.
The parties should not attempt to contact chambers directly. The parties should list their email
addresses and phone numbers on their papers to facilitate communication by the Courtroom Clerk.

1 For assistance with determining the status of a proposed Order and/or proposed Judgment that has
2 been submitted to the Court for signature, contact the Courtroom Clerk by phone between the hours
3 of 3:00 p.m. and 4:30 p.m.

4 **C. Ex Parte Applications**

5 Ex parte applications (including requests for temporary emergency orders) are governed by
6 CRC 5.151, 5.165, 5.167, and 5.169, along with OCLR 704, and the parties are instructed to review
7 those rules and comply with all the requirements before filing the application/request. Requests for
8 domestic violence restraining orders are governed by FC §§ 6200 *et seq.*, with ex parte orders
9 specifically covered in sections 6320 through 6326.

10 The Court will typically decide ex parte matters based on the papers without taking the bench.
11 Nevertheless, in case a hearing is required, the parties should remain available in or near the
12 courtroom until the Court issues its decision. The Court begins its consideration of ex parte matters
13 at the times indicated in OCLR 704 and will decide the matters as soon as possible given the other
14 matters on the Court's calendar that day.

15 IT IS SO ORDERED.

16 DATED: _____

17 _____
18 Scott B. Cooper
19 Judge, Superior Court of California, Orange County

20
21 **SERVICE OF ORDER**

22 The following parties (or their counsel) were provided a copy of this Order on _____:

23 ___ Petitioner ___ Respondent ___ Minor's Counsel ___ Other: _____

24
25 If there are any parties who did not receive the Order when it was distributed on the above date, or
26 who appear in the case later, _____ shall serve the Order on those other parties within
27 five (5) days of (1) receipt of the Order or, (2) if the party appears later, appearance of the party.
28