

**ORANGE COUNTY SUPERIOR COURT
DEPARTMENT W-2**

Judge: Nathan Scott
Tel.: 657-622-5902

Clerk: Johanna Castorena
Attendant: Katie Castro

The court encourages remote appearances to save time, reduce costs, and increase public safety. Go to <https://www.occourts.org/media-relations/civil.html> and click on the yellow box.

<u>Schedule</u>	Trial Days	M-T-W 9-4:30	MSCs	Fri. 9 am
	Ex Partes	M-T-W-Th 1:30 pm	Motions	Fri. 10 am
	CMCs	Thu. 2 pm	Trial Call	Fri. 11:30

Motions. Use the online [reservation](#) system to reserve dates.

To expedite a ruling, [stipulate](#) to file your briefs early and submit on the papers.

No [court reporter](#) is provided without a [fee waiver](#), which you may request [here](#).

The court usually posts a [tentative ruling](#) the day before the hearing by 3 pm.

Call the other side – if **everyone** submits to the tentative ruling, call the clerk. Otherwise, the court may make a different ruling at the hearing. (*Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442, fn. 1.)

Ex Partes. Call the dept. **by 10 am the court day before** you'd like your ex parte to be set to make a reservation. Then give notice to all parties by 10 am the court day before the hearing. File the application by 3 pm the court day before the hearing.

Opposition should be in writing and e-filed unless you are self-represented. (Local Rule 352.) ***File the opposition as soon as you can.*** The court may decide the ex parte on the papers without a hearing. (Code Civ. Proc., § 166, subd. (a)(1).)

Before applying ex parte to advance a motion hearing date, ***file your motion first.***

Stipulations. Please file a **single** document containing **both** the parties' stipulation and the proposed order. Please leave space for the court to add appropriate terms.

DEPT. W-2 PRETRIAL ORDER

“[A]ll parties shall cooperate in bringing the action to trial or other disposition.” (Code Civ. Proc., § 583.130; accord *Lasalle v. Vogel* (2019) 36 Cal.App.5th 127, 130.)

The court encourages remote and hybrid bench trials to save time and money.

Electronic Evidence Portal. For certain bench trials, the court may ask you to submit your exhibits through the Electronic Evidence Portal. Go to <https://www.occourts.org/online-services/EvidencePortal.html> to learn more.

Pretrial Checklist. (Please follow all statutes, Rules of Court, and local rules.)

- **As soon as possible**
 - ☐ Agree with opposing counsel to an exhibit numbering system -- numbers only
 - ☐ Arrange for [court reporter](#), if desired. None is provided unless you have a [fee waiver](#).
- **10 or more days before trial** (Local Rule 317-A)
 - ☐ Conduct an issue conference – talk to each other.
 - ☐ Exchange all exhibits. Make sure each page is numbered.
 - ☐ Exchange all motions in limine. Discuss resolving them informally.
 - ☐ Prepare joint trial documents: case statement, witness list, exhibit lists, etc.
“Joint” means ***all*** sides agree. You don’t get to make your own.
Witness lists must have time commitments for direct and cross examination.
- **By 12 pm on the Wednesday before trial** (Local Rule 317-B)
 - ☐ E-file all joint trial documents and motions in limine
 - ☐ Deliver a Joint Trial Notebook to Dept. W-2
The Joint Trial Notebook must contain 12 things. ***Read Local Rule 317-B!***
- **At Friday trial call**
 - ☐ Lead trial counsel must appear, in person or remotely
 - ☐ Deliver the Motion in Limine binder to Dept. W-2 (Local Rule 317-C)
 - ☐ Deliver the original, tagged exhibits to Dept. W-2 (Local Rule 317-C)
 - ☐ Deliver depositions transcripts to Dept. W-2 and e-file a notice of lodging
 - ☐ Be prepared to schedule all witnesses and resolve all evidentiary issues.
For complex issues, the court may set a pretrial conference.

Exhibit Notebooks. Number ***every page*** of every exhibit. Attach a numbered exhibit tag to the front of each original exhibit. Notebooks should be 2” thick or less. (Local Rule 317-C.)

Motions in Limine. *Meet and confer before* filing any motion in limine. Motions to exclude “any evidence” are often improper. Motions should identify the **exhibit number** or **specific words** of testimony to be excluded. (*Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659, 670-671.) Reach stipulations on matters of professional courtesy.

Coordinate motion numbering with opposing counsel. There should be only **one** Motion #1, **one** Motion #2, etc. Do not offer both “Plaintiff’s Motion #1” and “Defendant’s Motion #1.”

Motion in limine notebooks should be 2” thick or less. Have a correspondingly numbered tab before each motion. Separate the motion and opposition with a sheet of colored paper.

Jury Selection. The court uses a 7-pack and usually chooses alternates randomly after closings.

Jury Instructions. These are due up front. (Code Civ. Proc., § 607a.) CACI instructions “are the official instructions for use in the state of California.” (Cal. Rules of Court, rule 2.1050(a).)

Exercise professional judgment before proposing special instructions. “Language in an appellate court opinion which may be a good statement of law . . . does not necessarily make a good jury instruction.” (*People v. Adams* (1987) 196 Cal.App.3d 201, 204-205.)

If you cannot agree to all instructions, file three sets: (1) agreed-upon instructions, (2) plaintiff’s proposed instructions, and (3) defendant’s proposed instructions.

Special Verdict Form. The court has discretion to give a general verdict form if the parties cannot agree on a special verdict form. Make sure your proposal is legally correct and logical.

Courtroom Expectations.

- Be nice. The [OCBA Civility Guidelines are a preface to the Superior Court local rules](#).
- Avoid surprising the court. Raise issues as soon as possible.
- Sidebars are rarely granted. Raise issues before trial or wait until a break.
- Have witnesses available for the full day, just in case.
- Prepare junior attorneys to examine a witness or argue a motion.
- Courtroom experience is hard to get. Our next generation needs it.
- Be nice. Seriously.

For good cause, it is so ordered.
July 21, 2023



Hon. Nathan Scott
Orange County Superior Court