

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

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

Clerk: Julie Almazan
Attendant: Diana Acosta

Please check the [COVID Response](#) and [Civil Panel](#) pages for the latest information and orders.

All appearances will be through ZOOM. Go to <https://www.occourts.org/media-relations/civil.html> and click on the yellow box that reads: "CLICK HERE TO APPEAR FOR THE ONLINE CHECK-IN/ZOOM PILOT PROGRAM." Call the department with any questions.

The public may attend the ZOOM session by telephone. Call the department for a call-in number.

Weekly Schedule	Trial Call	Mon. 9 am	Trial Days	Tue.-Thu. 9-4:30 pm
	OSCs	Mon. 10 am/2 pm	Ex Partes	Mon.-Thu. 1:30 pm
	Motions	Mon. 2 pm	MSCs	Fri. 9 am

Motions. Use the online [reservation](#) system to reserve dates. To expedite a ruling, the parties may [stipulate](#) to file their briefs early and submit on the papers.

You may [retain](#) a court reporter. None is provided without a [fee waiver](#), which you may request [here](#).

The court usually posts [tentative rulings](#) by Friday at 3 pm. Call the other side. If **everyone** will submit 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. Give notice to all parties and the court by 10 AM the court day before the hearing. File the application and a proposed order 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.)

The court may decide the ex parte on the papers. (Code Civ. Proc., § 166, subd. (a)(1).) Any oral argument may have to wait for an opening in the court's regular calendar.

The court does not often advance or specially set hearing dates for motions that have not been filed. Please **file your motion and get a hearing date first**, before applying ex parte to shorten time.

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

DEPT. W-2 PRETRIAL ORDER

COVID Trial Procedure. All bench trials will be conducted by ZOOM.

In jury trials, the trial call and any pretrial conferences/hearings will be conducted by ZOOM. Jury selection and trial itself will be conducted in person. Witnesses may testify remotely by stipulation.

Remember your statutory duty: “all 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.)

Have you considered stipulating to:

- Waiving jury?
- Taking a verdict from 4 of 6 jurors? 6 of 8 jurors?
- Allowing witnesses to testify remotely or by videotaped deposition?
- Offering declarations as direct examination, subject to live or remote cross-examination?

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
 - Contact Dept. W-2 to confirm procedures, anticipate technological needs, etc.
 - 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
 - Exchange all exhibits
 - Exchange all motions in limine
 - 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 Notebook must contain 12 things -- including jury instructions and a verdict form

- **At Monday trial call**
 - Lead trial counsel must appear
 - 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

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

Motions in limine 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.) Motions to exclude “all evidence” or “any evidence” are often overbroad or improper.

Motions in limine are never needed for trial logistics or matters of professional courtesy.

Exhibit Notebooks. Number each page of every exhibit. Attach a numbered exhibit tag to the front of each original exhibit. Notebooks should be no more than 2” thick. (Local Rule 317-C.)

Jury Selection. After the trial call and pretrial conferences, jury trials are conducted in person. Check the [Civil Panel](#) page for updates. In the Before-Times, the court used a 7-pack and recommended choosing alternates randomly after closing argument. Now, counsel should be flexible in exploring options for safe, effective jury selection. (Code Civ. Proc., § 583.130.)

Public Access. The court is committed to ensuring public access. Please check the [COVID Response](#) and [Civil Panel](#) pages for the current procedures. If all else fails, call the department.

Courtroom Expectations.

- Be nice. Consider the [OCBA Civility Guidelines](#).
- Be safe – and keep others safe.
- Avoid surprising the court. Raise issues as soon as possible.
- Sidebars are rarely granted. Raise issues before trial or wait until a break.
- Prepare to have witnesses ready for the full day. (See *Midwest Television, Inc. v. Scott, Lancaster, Mills & Atha, Inc.* (1988) 205 Cal.App.3d 442, 456.)
- Consider preparing junior attorneys to examine a witness or argue a motion. Courtroom experience is hard to get. Our next generation needs it.
- Be nice. Seriously. Someday trial will end. All that will be left is your reputation.

For good cause, it is so ordered.

Aug. 19, 2021



Hon. Nathan Scott

Orange County Superior Court