

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

JUDGE DEBORAH C. SERVINO

DEPARTMENT C21 - POLICIES AND PROCEDURES

The Orange County Superior Court has implemented administrative orders, policies, and procedures noted on the Court's website to address the limitations and restrictions presented during the COVID-19 pandemic at <https://www.occourts.org/media-relations/civil.html>. Due to the fluid nature of this crisis, you are encouraged to frequently check the Court's website at <https://www.occourts.org> for the most up to date information relating to Civil Operations.

Unless otherwise ordered by the Court, trial call and all other proceedings will be conducted via the Civil Remote Check-In Pilot Program. To access the Civil Remote Check-In Pilot Program or for more information regarding the Remote Check-In Pilot Program please visit the Court's website at [The Superior Court of California - County of Orange \(www.occourts.org\)](http://www.occourts.org)

The public may attend the remote court hearings. Members of the public who would like to attend the remote court hearings should contact the Clerk in Department C21 at (657) 622-5221. No filming, broadcasting, photography, or electronic recording is permitted of this video session pursuant to California Rules of Court, rule 1.150 and Orange County Superior Court rule 180.

I. GENERAL CALENDAR

- A. Trials – Mondays from 9:15 am to 4:15 pm; Tuesdays through Wednesdays from 8:45 am to 4:15 pm. Jury deliberation may occur on Thursdays and Fridays.
- B. Law and Motion – Fridays at 10 am.
- C. Order to Show Cause Hearings, Review Hearings, Default Prove-Up Hearings, Status Conferences - Fridays at 9 am.

- D. Mandatory Settlement Conferences – Thursdays at 8:30 am. Mandatory Settlement Conferences will be conducted remotely. Please refer to “Remote Civil MSC Procedure” on the Court’s website (by clicking the COVID-19 box at the top of the home page, and then proceeding to “Civil,” then “Policies, Procedures & General Information for Civil Limited, Unlimited, Complex” and then “Remote Civil MSC Procedure”).
- E. Ex Parte Matters – Every day at 1:30 pm.

II. GENERAL PROCEDURES

- A. To help us process your case and paperwork faster, please limit telephone calls to the court. Most questions can be answered by referring to the relevant California Codes, California Rules of Court, Orange County Superior Court Local Rules, and the Court’s website (www.occourts.org). If you do have to call the court, however, please have your case name and number available.
- B. Ex Parte Matters – Fee and filing information are available on the court’s website. Moving party shall notice Department C21 at (657) 622-5221 by noon the day before the application. Notice to opposing parties is to be given pursuant to California Rules of Court 3.1200 to 3.1207. Please be prepared to give the case name, case number, nature of the application, identity of the moving party, and telephone number.

Ex parte applications shall be filed by 3 pm on the day prior to the hearing. Moving papers must include a declaration of notice of ex parte hearing, a declaration based on personal knowledge, points and authorities, and a proposed order. The application shall set forth the irreparable harm that will occur if the relief requested is not granted. Counsel should read *Mission Power Engineering Company v. Continental Casualty Company* (C.D. Cal. 1995) 883 F.Supp. 488, which although is a federal case, expresses the court’s view on ex parte matters.

The moving party shall submit on the application unless the Court invites oral argument. Any hearing of ex parte matters shall not

interfere with or delay any trial in progress. Counsel may have to wait.

- C. Law and Motion – Tentative rulings and information regarding Law and Motion are available on the court’s website at:
<http://occourts.org/tentativerulings/dservinorulings.htm>
- D. Continuances – Hearing dates will not be continued by telephone. Law and motion matters and review hearings may be continued once for not more than 60 days by written stipulation of the parties and submission of the continuance fee, subject to approval by the court. Even if a continuance is unopposed, counsel must submit a supporting declaration stating facts that constitute good cause for a continuance. A proposed order is to be submitted with the request, stipulation, and supporting declaration. Any additional continuances or continuances for more than 60 days may be requested by ex parte application or a motion to continue.

One 30-day trial continuance will be permitted by written stipulation, as set forth in Code of Civil Procedure section 595.2. Thereafter, trials may be continued only by ex parte application or a motion to continue. Motions to continue trial will be set on the department’s regular law and motion calendar. Trial dates are firm. (Cal. Rules of Court, rule 3.1332(a).)

- E. Cooperation, Civility, and Courtesy – Please refer to the Orange County Bar Association’s Civility Guidelines, which are posted outside of this Department and available online at:
http://www.ocbar.org/Portals/0/pdf/news/2017/civility_guidelines.pdf

III. TRIAL PROCEDURES

- A. On the date scheduled for the first day of trial, counsel/self-represented parties will appear through a remote videoconferencing platform. The court will hold a trial call at 9:00 a.m. in Department C21 to be conducted via the Zoom remote videoconferencing program. Specifically, all trial counsel and self-represented parties shall access the remote trial call by joining the Civil Remote Check-In Pilot Program: <https://www.occourts.org/media-relations/aci.html>

Information regarding use of the Civil Remote Check-In Pilot Program is available on the OC Superior Court public website, www.occourts.org, by clicking the COVID-19 box at the top of the home page, and then proceeding to “Civil,” then click on the gold ribbon that states “Click here to appear for the online Check-In/Zoom Pilot Program”, click on Department C21.

All trial counsel and self-represented parties should connect to the remote videoconferencing program by 9 a.m. on the trial date to enable the courtroom clerk to perform timely check-ins. Counsel/self-represented parties are responsible for ensuring they can connect, speak, hear, see, and be seen with the remote videoconferencing program. If counsel/self-represented parties are unable to appear through the remote videoconferencing program, they should contact the courtroom clerk in Department C21 at (657) 622-5221, so that other arrangements can be made. Likewise, if counsel/self-represented parties encounter any difficulties connecting at the time of the trial call, they should contact the courtroom clerk.

Counsel/self-represented parties should be prepared to announce whether they are ready for trial and whether they would like to proceed with a jury trial (if jury fees have been posted pursuant to Code of Civil Procedure section 631) or court trial.

1. For jury trials, please refer to the “Process to Commence Civil Jury Trial” and "Civil Jury Trial COVID 19 Protocols" on the Court’s website (by clicking the COVID-19 box at the top of the home page, and then proceeding to “Civil,” then “Policies, Procedures & General Information for Civil Limited, Unlimited, Complex” and then “Process to Commence Civil Jury Trial” and "Civil Jury Trial COVID-19 Protocols").

2. Pursuant to California Judicial Council Emergency Rule 3 and Orange County Superior Court Administrative Order No. 20/22, court trials, as ordered by the court, will be conducted by video via a remote videoconferencing platform. Consistent with Administrative Order No. 20/22, a judicial officer may grant a request for an in-court session or proceeding based on a showing of good cause. For court trials, please refer to the Orange County Superior Court public website, www.occourts.org, by clicking the COVID-19 box at the top

of the home page, and then proceeding to “Civil,” then click on the gold ribbon that states “Click here to appear for the online Check-In/Zoom Pilot Program”, click on Department C21.

- B. Counsel shall jointly conduct an Issues Conference at least 14 days before trial, in compliance with Orange County Superior Court Local Rule 317. The statement of compliance with Local Rule 317 must be filed by noon on the Wednesday before the Monday trial date. The Joint Trial Notebook, as set forth in Local Rule 317, must be delivered to the clerk in Department C21 by noon on the Wednesday before the Monday trial date. If the statement of compliance or Joint Trial Notebook are not timely filed or delivered, the court may continue the trial or trail the trial while the parties comply with Local Rule 317.
- C. Court Reporting Services – The Orange County Superior Court will no longer provide the services of an official court reporter in this Department. If the services of a certified shorthand reporter are desired, the parties can follow the steps outlined in the Court’s Availability and Unavailability of Official Court Reporters Policy on the court’s website at:
http://www.occourts.org/media/pdf/Availability_and_Unavailability_of_Official_Court_Reporters0501.pdf
- D. Exhibits
 - 1. Pursuant to Local Rule 317, counsel must jointly prepare an exhibit list. Counsel shall avoid duplicates. Each exhibit should be listed by exhibit number. The exhibit list should set forth each number along with a very brief description which includes the date of the document or a notation that the document is undated. Copies of the exhibit list should be made for the court, the clerk, the court reporter, and each counsel.
 - 2. Only numbers should be used. It is not appropriate to designate plaintiff’s or defendant’s exhibits.
 - 3. Page numbers shall be placed on all pages of multiple-page documents.

4. Counsel must prepare exhibit notebooks pursuant to Local Rule 317. Exhibits should be placed in three-ring binders, not to exceed 3", with tabbed dividers. Each tab should bear the corresponding exhibit number. All original exhibits must have the court exhibit tags filled out and printed on green paper, and attached to the exhibit. Exhibit tags are available on the court's website.
 5. All original exhibits plus a copy of the exhibits will be given to the clerk not less than three days before the date set for trial.
 6. Enlargements of exhibits and transparencies for use with an overhead projector shall 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.
 7. If you plan to use a video exhibit or videotaped depositions, it is counsel's responsibility to supply the necessary equipment and to have it set up before trial or during a recess.
- E. Voir Dire - The court will conduct the initial questioning. When the court has completed its questioning, each counsel will be permitted to do a mini-opening statement of five minutes early in voir dire in order to give the jurors a short "road map" of the evidence and give them a frame of reference for answering your questions. Counsel will question potential jurors for cause, subject to the following limitations: (1) the attorneys must not engage in questioning that violates Standards of Judicial Administration 3.25(f) or Code of Civil Procedure section 222.5; (2) no repetitive questioning; (3) no pre-conditioning of the jury; (4) no hypothetical verdicts; and (5) no questions regarding pleadings, law, or juror comfort without prior permission of the court.
- F. Witnesses – It is counsel's responsibility to arrange the appearance of witnesses in such a manner as to avoid delay of the trial. Counsel are to confer with each other regarding the witnesses' order of appearance and advise the court of any anticipated witness problems before trial commences.

G. Courtroom decorum

1. Counsel shall instruct their clients and witnesses as to proper behavior around jurors and warn against discussing the case in the presence of jurors and against engaging in conversation with a juror until after the case has been concluded.
2. All witnesses, except children, are to be addressed only by their last name. Counsel must request permission to approach a witness or diagram near the witness but must retreat after the purpose has been accomplished.
3. No speaking objections in front of a jury. Opposing counsel should not speak before the court rules unless the court requests input or unless counsel requests to respond and is granted permission. Any substantial discussion regarding objections will be had outside the presence of the jury.
4. Objections, statements, and arguments are to be addressed to the court rather than opposing counsel or witnesses.