

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

**JUDGE MICHAEL J. STRICKROTH
DEPARTMENT C15**

CLERK: S. MARTINEZ

COURT ATTENDANT: B. ESCHBERGER

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE
SANTA ANA, CA 92701
(657) 622-5215
www.occourts.org

COVID-19 PANDEMIC UPDATES

- A. Modifications of Policies and Procedures:** Some of the following policies and procedures may be modified due to the COVID-19 pandemic (e.g., jury selection). Modifications will be discussed with Counsel and Parties as applicable to specific cases.
- B. Remote Versus In-Person Proceedings:** Non-evidentiary proceedings, meaning those where live, oral testimony is not expected (e.g., Law & Motion, Ex Partes, CMCs, OSCs and the like) will be set (and should be so noticed) for a remote hearing/appearance. Parties can access the Department's virtual courtroom on the date and time indicated by using the following link: <https://www.occourts.org/media-relations/civil.html>. Check-in instructions and instructional video are available at <https://www.occourts.org/media-relations/aci.html>. *MSCs will be remote as scheduled by the assigned settlement judge unless otherwise ordered by the court.* Evidentiary proceedings (such as trials, or other hearings where oral testimony will be taken) will be in-person absent a prior court order. Parties are expected to review the Court's "Appearance Procedures and Information-Civil Unlimited and Complex" ("Appearance Procedures") and "Guidelines for Remote Appearances" ("Guidelines") also available at <https://www.occourts.org/media-relations/aci.html>. These requirements will be strictly enforced. Parties preferring to appear in-person for proceedings designated as remote may do so by providing a timely notice of in-person appearance. (see Appearances Procedures, section 3(c)1.)

I. GENERAL CALENDAR INFORMATION

- A. Order to Show Cause Hearings:** Monday at 8:30 a.m.
- B. Case Management Conferences:** Monday at 8:30 a.m.
- C. Mandatory Settlement Conferences:** Friday at 8:30 a.m.
- D. Post-Arbitration Hearings and Review Hearings:** Monday at 8:30 a.m.
- E. Default Prove-Up Hearings:** Friday at 10:00 a.m.
- F. Law and Motion:** Monday at 1:45 p.m.
Please use the court's online reservation system to reserve a motion date.
- G. Jury Trial and Court Trial:** Tuesday, Wednesday and Thursday at 9:00 a.m.
- H. Ex Parte Applications:** Tuesday through Thursday at 8:30 a.m.
Reservations must be made with the department no later than 10:00 a.m. the day before the hearing. Ex parte applications shall be filed electronically before 1:30pm the day before the hearing. **Please do not submit courtesy copies to the courtroom.**

II. GENERAL PROCEDURES

- A. Compliance with Rules:** All counsel and self-represented litigants (Counsel or Parties) must read and be familiar with Division 3 of the Orange County Superior Court Local Rules (Local Rules), as well as all applicable California Rules of Court (CRC).
- B. Cooperation, Civility and Courtesy:** The court expects all Counsel to fully cooperate with each other and to act all times with civility and courtesy. Counsel should review the State Bar of California Attorney Guidelines of Civility and Professionalism and the Orange County Bar Association Civility Guidelines.
- C. Court Reporters:** Department C15 does not provide the services of an official court reporter. If the services of a certified shorthand reporter are desired the parties can stipulate and bring in their own reporter consistent with the OCSC policy for "privately retained court reporters" which can be found at www.occourts.org. Such reporters must have the ability to provide "real time" reporting through software which is compatible with the application utilized in the courtroom.
- D. Meet and Confer:** Counsel must comply with Local Rule 315, which (among other things) requires an early meet and confer on the enumerated subjects and the filing of a Joint Meet and Confer Statement, all within specified time limits.
- E. Case Management Conferences (CMC):** All Parties must be fully familiar with, and comply with as applicable, CRC 3.720 through 3.734, including but not limited to the requirement that all Parties file a Case Management Statement in compliance with CRC 3.725.

F. Mandatory Settlement Conference (MSC): MSCs are conducted on Fridays at 8:30 a.m. To ensure a meaningful MSC, the court requires compliance with Local Rule 316. MSC statements must be e-filed; if properly identified in the e-filing as an MSC statement, the statement will be kept confidential.

G. Trial Continuances: A trial continuance will be granted only on motion and on proper showing of good cause. *See* CRC 3.1332.

III. EX PARTE APPLICATIONS

A. Ex Parte Hearings: Ex parte applications are generally heard Tuesday through Thursday at 8:30 a.m., pending other matters in progress.

B. Telephonic Notice to Courtroom: Telephone notice to the Courtroom Clerk must be given by 10:00 a.m. the day before the ex parte hearing.

C. Filing and Delivery of Ex Parte Papers: All papers in support of an ex parte application (including the proposed order) must be e-filed no later than 1:30 p.m. the business day before the ex parte hearing. The moving papers must demonstrate with admissible evidence that the moving party gave proper notice and must state whether the other parties to the case will oppose the application.

Counsel for the moving party must make good faith efforts to speak with opposing counsel to determine their position(s) on the ex parte application.

D. Content of Ex Parte Applications: Ex parte applications must comply with CRC 3.1200 through 3.1207. Applications must be in writing and include all the following:

1. A declaration setting forth details of the notice given to opposing counsel of the ex parte hearing and stating whether the application will be opposed.
2. A declaration, based on personal knowledge, describing the irreparable harm that would occur if the relief requested is not granted.
3. A concise memorandum of points and authorities in support of the application; and
4. A separate proposed order in Word format.

E. Oppositions to Ex Parte Applications: Oppositions to ex parte applications must be e-filed no later than 3:00 p.m. the day before the hearing.

IV. LAW AND MOTION: Law and Motion matters are heard Mondays at 1:45 p.m.

A. Reserving Motion Dates: Motion dates must be reserved on the court website at www.occourts.org. All motion papers must be filed within 24 hours of the reservation, except for summary judgment motions. *See* ¶ IV.I.1. *infra*.

B. Tentative Rulings: The court endeavors to post tentative rulings by 10:00 a.m. the day of the hearing. For further information, including information about the court's tentative rulings and how to submit on a tentative ruling, see the court's Tentative Rulings page on the court's website at www.occourts.org.

- C. Taking Motions Off Calendar:** If for any reason Counsel wish to take a law and motion matter off calendar (e.g., the case settled while the motion was pending or the motion has become moot), Counsel must advise the court immediately via telephonic notice followed up with a notice of withdrawal taking the motion off calendar.
- D. Courtesy Copies of Motion Papers:** C15 does not require courtesy copies.
- E. Declarations and Exhibits:** C15 does not require courtesy copies.
- F. Requests for Judicial Notice:** All requests for judicial notice must be set forth in a separate document, must attach a copy of the document(s) of which notice is requested, and must specify (with appropriate legal citation) the legal basis on which judicial notice is sought.
- G. Proposed Orders:** All proposed orders submitted, or other documents submitted to the court for signature (e.g., proposed form of judgment), must be submitted in an editable word-processing format to enable the court to revise as necessary. *See* CRC 3.1312(c).
- H. Evidentiary Objections:** All written evidentiary objections submitted in connection with any law and motion matter and any proposed orders regarding the objections must strictly comply with the format set forth in CRC 3.1354.
- I. Motions for Summary Judgment and/or Adjudication:**
- 1. Reserving a Hearing Date:** Motions for summary judgment and/or adjudication are not subject to the 24-hour filing rule (*see* ¶ IV.A. *supra*); consequently, Counsel may reserve a hearing date for a motion for summary judgment and/or adjudication without filing all papers in support of the motion within 24 hours of making the reservation. Counsel may not, however, reserve more than one date for the same motion.
 - 2. Separate Statement:** Separate statements must comply with CRC 3.1350.
 - 3. Evidentiary Objections:** Written evidentiary objections must comply with CRC 3.1354.
 - 4. Declarations:** Declarations filed in support of or in opposition to a motion for summary judgment and/or adjudication must be separately filed, i.e., not attached to or made part of the notice of motion and motion or the memorandum of points and authorities.

V. TRIAL PROCEDURES

- A. Trial Dates:** Trials are called Monday at 9:00 a.m. and usual trial days are Tuesday, Wednesday and Thursday at 9:00 a.m. through 4:30 p.m.
- B. Conduct:** Counsel and Parties shall review and comply with the attached "Conduct in Trials."
- C. Trial Notebook for the Court:** In addition to the exhibit binders required for trial exhibits (*see* ¶ V.M.2. *infra*), Counsel shall jointly prepare a trial notebook for the court. The trial notebook is a courtesy copy for the court's use; it does not absolve the Parties of the need to e-file all trial-related documents. The court's trial notebook shall be ready by 12:00pm the

Wednesday prior to trial call and delivered to Department C15 **ONLY** after counsel have contacted the courtroom to see if they need to deliver it or hold onto it until trial call. The court's trial notebook shall contain the following double-sided documents, each separately tabbed:

1. Joint Statement of the Case;
2. Executed Statement of Compliance;
3. Joint List of Stipulated Facts;
4. Joint List of Controverted Issues;
5. Joint Exhibit List;
6. Joint Witness List;
7. Proposed Voir Dire Questions (if any) for court voir dire;
8. Factual Stipulations;
9. Proposed Verdict Form; and
10. In Limine Motions and Oppositions (*see* ¶ V.E.3. *infra*).

D. Issue Conference and Statement of Compliance

1. **Local Rule 317 Compliance:** The Parties must conduct an Issue Conference in compliance with Local Rule 317 and prepare and file all required items pursuant to that rule. Note that Rule 317 requires that the Issue Conference take place at least 14 days before the trial date. *See* Statement of Compliance (attached).
2. **Statement of Compliance:** A Statement of Compliance and its required attachments shall be e-filed and a courtesy copy provided to the court as part of the court's trial notebook. *See* ¶ V.C. *supra*.
3. Failure to comply with Local Rule 317 will be deemed by the Court that the case is NOT READY for trial, and/or as a basis for sanctions pursuant to Local Rule 381.

E. In Limine Motions

1. **Exchange of In Limine Motions:** In limine motions must be exchanged and discussed no later than the Issue Conference. *See* Local Rule 317. Counsel must meet and confer in a good faith effort to resolve as many in limine motions as possible before trial.
2. **Improper In Limine Motions:** Counsel should avoid broad, general in limine motions, such as motions to exclude "all hearsay evidence," "all cumulative evidence" or "evidence not disclosed in discovery." Such motions are disfavored and unlikely to be granted. *See Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659.
3. **Numbering In Limine Motions:** Each in limine motion shall be assigned a number, which must be set forth on the face page of the motion, along with the identity of the party bringing the motion and a short description of the motion (e.g., "Plaintiff's Motion In Limine No. 1 to Exclude Reference to Plaintiff's 2013 Theft Conviction"). Courtesy copies of the in limine motions (including oppositions) shall be included in the court's trial notebook (*see* ¶

V.C. *supra*) and delivered to the Courtroom Clerk no later than 12:00 p.m. the Wednesday before trial. If there are several in limine motions, they may place in a binder separate from the trial notebook and delivered to the Courtroom Clerk with the trial notebook.

F. Jury Selection

- 1.** The Court strongly encourages the parties to have a jury of less than 12 to decide a case (i.e., 8).
- 2.** The Court prefers to use a "seven by four" method to voir dire the panel (i.e. 28 prospective jurors) at one time to select the jury and the required alternates. This will be discussed with counsel during the pre-trial conference.
- 3.** The Court also prefers those alternate jurors be selected by random drawing of lots after closing arguments and prior to deliberation. The Court will discuss this method with counsel before jury selection to determine/secure the stipulation of the parties.
- 4.** Counsel's v
- 5.** voir dire must be conformed with the Standards of Judicial Administration. Counsel may not ask questions that attempt to precondition the jurors or are repetitive of the court's questioning. *See* Standards of Judicial Administration, Standard 3.25(f).

G. Exhibits/Demonstratives

The Parties are to cooperate in preparing a **joint exhibit list and joint exhibit notebooks (see attached optional form)**. Two (2) complete sets of exhibits in 3-ring binders with the exhibit list identifying each such exhibit, and with number tabs separating each exhibit, shall be submitted to the Court (one for the Court and one for the witness stand). Each tab should bear the corresponding exhibit number. Every exhibit in the witness copy must have an exhibit tag filled out and attached (**see attached form**).

In a two-party case, Plaintiff shall number its exhibits starting with 1; Defendants shall number its exhibits starting with 200. If in a particular case these numbers are not sufficient to cover all exhibits, the Parties are to cooperate and agree to an appropriate number range for each party. If there are more than two Parties, the Parties are to cooperate in agreeing on a number range for each party. No two Parties are to use the same number, and duplicate exhibits are to be avoided. Every page of each exhibit must be separately numbered.

Each exhibit should be moved into evidence as soon as admissibility has been established. **No exhibit shall be published to the Jury prior to being admitted.**

If any Party plans to use enlargements of exhibits, such "blow ups" should 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 are informally marked with, and referred to

by, the same exhibit number during trial.

If any Party plans to use a video exhibit, Power Point, demonstrative, videotaped depositions (see also below) or audio recording, the Court must be advised in advance. Court permission is required before such demonstratives or presentations may be used. It is each Party's responsibility to supply the necessary equipment and to have it set up before trial or during a recess.

Video tape or audio tape evidence may not be introduced unless accompanied by a separately marked audio transcript and/or "still picture" representation of what the proponent seeks to present as evidence.

Exhibits may not be shown to the jury in opening statements unless Counsel have (i) stipulated in advance that the exhibit is admissible; and (ii) advised the Court of their stipulation on the record before opening statements.

H. Depositions

Prior to commencement of trial, counsel shall lodge all depositions to be used in trial with the clerk and advise the Court if there are any depositions which are unsigned.

A Party that expects to present one or more witnesses at trial by deposition shall, no later than the Pretrial Conference, provide opposing counsel with its written deposition designations. This shall be done by providing a hard copy of the deposition transcript with that Party's designations highlighted. The other Party shall, on the same hard copy of the document, mark its counter-designations (by highlighting them in a different color) and indicate, in the margin next to any testimony designated by the other side, any objections to admissibility of the designated testimony. Once both sides have annotated the transcript with their designations and counter-designations and objections to the other side's designations, the transcript shall be submitted to the court prior to commencement of trial.

Where the deposition testimony will be presented by videotape, the Parties shall promptly seek a ruling resolving objections and counter-designations so that the videotape can be edited to remove objections and attorney argument.

I. Witnesses

Parties are required to submit a joint witness list (**see attached form**). It is the responsibility of all Parties to arrange the appearance of witnesses to avoid delay, to confer among themselves during the trial as to when witnesses will be needed, to advise the Court at the earliest opportunity of any anticipated problems with the presence of witnesses and to advise witnesses of the appropriate manner of testifying.

J. Stipulations

All stipulations must be discussed and agreed upon by all Parties before being called to the attention of the jury. A Party must not offer to stipulate to any matter within the hearing of the jury. *Parties are expected to have already attempted to stipulate to admissibility and/or foundation for all exhibits with those agreements reflected on the joint exhibit list.*

K. Jury Instructions

All proposed jury instructions and verdict forms must be submitted to the clerk as part of the "Joint Trial Notebook" by noon on the Wednesday before trial per OCLR 317.

Prior to the commencement of trial, the Parties shall also provide the Court with a separately indexed *joint compendium* identifying all agreed upon and contested instructions or verdict forms, with all instructions attached and organized by proponent and competing verdict forms appended collectively (e.g., attachment A consists of jointly requested instructions, attachment B consists of instructions requested by Plaintiff but disputed by Defendant, attachment C consists of instructions requested by Defendant but disputed by Plaintiff, attachment D consists of the Parties' competing verdict forms).

Word editable versions of any contested instruction or verdict form must also be emailed to the clerk at the commencement of trial.

Attachments:

Conduct in Trials
Joint Exhibit List
Exhibit Tags
Statement of Compliance
Joint List of Anticipated Witness Trial Testimony

CONDUCT IN TRIALS

Department C15

1. Attorneys are to advise their witnesses of rulings that will apply to their testimony.
2. Do not make speaking objections. Simply state the objection and the legal grounds.
3. Except for appropriate transitional comments, do not make any editorial comments prior to posing a question. (For example, "*We have heard about the defendant's negligent driving, did you see him change lanes without signaling?*")
4. Except for *voir dire*, opening and closing, do not address the jury directly. Ask the Court to do so on your behalf. If you have concerns about the jurors' comfort, inform the Court of those concerns outside the presence of the jury.
5. Stipulations must be reduced to writing.
6. Sidebars will be kept to a minimum. Ensure that anticipated objections are dealt with *in limine* or otherwise outside the presence of the jury.
7. Challenges for cause, all motions, and arguments concerning evidentiary objections will be discussed at sidebar or otherwise outside the presence of the jury. Generally, sidebars will not be on the record. Counsel can make their record later at a break to ensure jurors are not kept waiting by lengthy sidebars.
8. Attorneys are to speak from behind the counsel table or lectern unless the Court has given permission to approach a witness.
9. The Court will conduct a Pretrial Conference on the scheduled trial date, at which the following issues, among others, will be discussed: jury selection, unusual evidentiary or instruction issues, scheduling, witness problems, summary of expected facts and defenses, pretrial motions.

EXHIBIT NO.

ID only (Date)

IN EVIDENCE (Date)

Plaintiff/People Defendant Joint
 Petitioner Respondent Court
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

Case No.

Vs.

David H. Yamasaki, Executive Officer and Clerk
By _____, 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

EXHIBIT NO.

ID only (Date)

IN EVIDENCE (Date)

Plaintiff/People Defendant Joint
Petitioner Respondent Court
(Other)

Signature of Atty/Party Introducing Sensitive Exhibit

Case No.

Vs.

David H. Yamasaki, Executive Officer and Clerk
By _____, Deputy

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EXHIBIT NO.

ID only (Date)

IN EVIDENCE (Date)

Plaintiff/People Defendant Joint
 Petitioner Respondent Court
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Signature of Atty/Party Introducing Sensitive Exhibit

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David H. Yamasaki, Executive Officer and Clerk
By _____, Deputy

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EXHIBIT NO.

ID only (Date)

IN EVIDENCE (Date)

Plaintiff/People Defendant Joint
Petitioner Respondent Court
(Other)

Signature of Atty/Party Introducing Sensitive Exhibit

Case No.

Vs.

David H. Yamasaki, Executive Officer and Clerk
By _____, Deputy

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If found please contact: Superior Court of California, County of Orange (657) 622-7809

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (Name): _____ Bar No: _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE <input type="checkbox"/> Central Justice Center, 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512 | |
| PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: | CASE NUMBER: |
| STATEMENT OF COMPLIANCE Unlimited Civil | Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date: |

This Statement of Compliance shall be executed by all counsel and filed with the court clerk in the department of the judge to whom the case has been assigned for trial.

1. Counsel has inspected all exhibits and diagrams and the exhibits are ready for premarking by the clerk. All stipulations as to admission into evidence or waiver of foundation are submitted with the exhibits(s).
2. Pretrial motions have been exchanged by all parties.
3. If trial is by jury, proposed jury instructions, proposed special findings and/or general verdict and/or special verdicts will be exchanged before the commencement of trial.
4. Joint Statement of the case and joint witness list has been prepared for submission to the court as required.**
5. Counsel has prepared a joint list of controverted issues.**
6. All counsel have prepared a list of stipulated facts and made a good faith effort to stipulate to as many documents, waiver of foundational requirements, etc., as reasonably possible.**
7. Each party agrees that once the trial commences, witnesses shall be available to utilize to the fullest extent possible every trial day.
8. Parties have agreed on a division of jury fees (if applicable) and reporter fees, which are due each day before trial commences.

| | | |
|---|-----------------|--------|
| _____, Attorney for Plf/Def/X-Compl/X-Def | _____ | _____ |
| (SIGNATURE OF ATTORNEY) | (NAME OF PARTY) | (DATE) |
| _____, Attorney for Plf/Def/X-Compl/X-Def | _____ | _____ |
| (SIGNATURE OF ATTORNEY) | (NAME OF PARTY) | (DATE) |
| _____, Attorney for Plf/Def/X-Compl/X-Def | _____ | _____ |
| (SIGNATURE OF ATTORNEY) | (NAME OF PARTY) | (DATE) |
| _____, Attorney for Plf/Def/X-Compl/X-Def | _____ | _____ |
| (SIGNATURE OF ATTORNEY) | (NAME OF PARTY) | (DATE) |

**Please attach to this Statement of Compliance: Joint Statement of Case, Joint Witness List, Stipulated Facts, Requested Voir Dire Questions and List of Controverted Issues.

STATEMENT OF COMPLIANCE

Approved for Optional Use
L-0081 (Rev. July 1, 2009)

Superior Court of Orange County, rule 317
www.occourts.org

JOINT LIST OF ANTICIPATED WITNESS TRIAL TESTIMONY

| | Witness | Direct Examination Time Estimate | Cross Examination Time Estimate | Total Time |
|-----|---------|--|---------------------------------------|------------|
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