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

)	CASE NO. _____
Petitioner,)	
v.)	STANDING ORDER FOR CASES ASSIGNED TO JUDGE HESSELTINE
)	Department L66
Respondent.)	
)	

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

The court ORDERS as follows:

¹ As used in this Order, 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 **I. CIVILITY AND PROFESSIONALISM**

2 The court expects parties to be familiar with and follow the California Guidelines of Civility
3 and Professionalism, as well as the Orange County Bar Association’s Civility Guidelines, available at:
4 http://www.ocbar.org/Portals/0/pdf/news/2017/civility_guidelines.pdf. Uncivil or unprofessional
5 behavior will not be tolerated and may result in sanctions.

6 **II. CONTINUANCES**

7 The court will address continuances pursuant to these guidelines:

- 8 • **Request for Order (“RFO”), Trial Setting Conference (“TSC”), and Mandatory**
9 **Settlement Conference (“MSC”):** The parties may request continuances of RFOs,
10 TSCs, and MSCs either in writing or telephonically. Written requests must be filed
11 directly in the Department. Telephonic continuances will be granted only if both parties
12 agree to the continuance, as confirmed either by (1) being on the phone together or
13 (2) making separate calls to the courtroom clerk. Continuances may be requested at any
14 time **before 12:00 noon the day before the hearing**. After two continuances, the court
15 may require a personal appearance to request any further continuances.
- 16 • **Trial and Specially Set RFO Hearings (those set by the court after consultation**
17 **with the parties, typically on the afternoon calendar):** These matters will only be
18 continued upon written request. Any request, whether by stipulation or motion, to
19 continue these matters must be filed directly in the Department and must be supported
20 by a sufficiently detailed explanation of the grounds for the requested continuance or
21 extension of time. The court will only continue these matters upon a showing of good
22 cause.
- 23 • **Domestic Violence, Contempt, and Judgment Debtor Exams:** Continuances will not
24 be granted telephonically.

25 *Note:* Stipulations and proposed orders extending scheduling dates do not become effective
26 unless and until this court so orders.

1 **III. EXHIBITS**

2 All exhibits – whether for hearing or trial – must be pre-tagged before the hearing or trial. The
3 exhibit tags are available from the courtroom clerk and on the court’s website at
4 <http://www.occourts.org/forms/local/1529.pdf>. For the copy of each exhibit that will be submitted to
5 the courtroom clerk, staple the exhibit tag to the top left corner of each exhibit, or, if the exhibit is an
6 original photograph, tape the exhibit tag to the back.

7 Petitioner’s exhibits shall be marked as 1, 2, 3, etc. (numerical). Respondent’s exhibits will be
8 marked as A, B, C, etc. (alphabetical).³ If there are more than two (2) parties (e.g., minor’s counsel or
9 other joined party), the additional party’s exhibits shall be marked numerically starting at 500 (e.g.,
10 501, 502, 503, etc.). For all exhibits longer than one (1) page in length, each page of the exhibit must
11 be marked sequentially. For example, assuming Petitioner’s Exhibit 1 is more than one (1) page, it
12 must be marked as 1-1 on the first page, 1-2 on the second page, and so on. Likewise, if Respondent’s
13 Exhibit A is more than one (1) page, it must be marked as A-1 on the first page, A-2 on the second
14 page, and so on.

15 At the hearing/trial, the parties must have at least five (5) copies of each exhibit available: one
16 for themselves, one for the courtroom clerk, one working copy for the judge, one for the opposing
17 party, and one for the witness. The parties should anticipate any impeachment exhibits and make sure
18 sufficient copies are available for the courtroom clerk, judge, opposing counsel, and witness. If a party
19 anticipates introducing more than ten (10) exhibits, the exhibit sets for the clerk, the judge, and the
20 witnesses shall be organized into three-ring binders, each of which must be indexed with that party’s
21 exhibit list as a table of contents and shall contain tabs corresponding to the exhibit’s identification. If
22 the hearing or trial is to be conducted remotely via Zoom or another available platform, the parties may
23 elect to lodge exhibit binders directly in Department L66 or electronically through the Orange County
24 Superior Court evidence portal.

25 Before the hearing or trial at which the exhibits will be offered, the parties must (1) exchange
26 all exhibits (other than those used solely for impeachment or rebuttal), (2) meet and confer to identify
27 and attempt to resolve any objections to the admissibility of the exhibits (such as foundation,
28 _____

³ If more than 26 exhibits are anticipated, Respondent shall continue as follows: AA, BB, CC, etc.

1 authenticity, etc.), and (3) lodge copies of the exhibits with the court as described above. Parties shall
2 work to eliminate duplicate exhibits. The same document shall only be marked once by the parties. If
3 not resolved by agreement, Petitioner’s numbering shall control, and the duplicate that any other party
4 seeks to use shall be stricken/eliminated in favor of Petitioner’s identical exhibit.

5 The deadlines for the parties to (1) exchange exhibits, (2) meet and confer regarding exhibits,
6 and (3) lodge copies of the exhibits with the court are as follows:

- 7 • **Regularly Set RFOs (those set by the clerk’s office or continued to another**
8 **morning calendar with no time estimate):** Any time before the start of the hearing.
- 9 • **Trials and Specially Set RFOs (those set by the court after consultation with the**
10 **parties, typically on the afternoon calendar):** At least three (3) court days before
11 the date of the hearing or trial.

12 All declarations the parties intend to offer, including income and expense declarations, must be
13 marked separately as exhibits. Except for pay stubs admitted as part of the income and expense
14 declaration, each attachment must be separately identified as an exhibit. Upon request, the declarations
15 may be admitted into evidence subject to cross examination.

16 When first introducing an exhibit at trial or hearing, the party must briefly identify the nature of
17 the exhibit for the record (e.g., Petitioner’s Exhibit 1 is an email dated January 1, 2017, from Jane Doe
18 to John Smith). At the end of the hearing/trial, the court will ask the parties if they will stipulate to
19 have the exhibits returned to them. (Code Civ. Proc., § 1952(a).) If the exhibits are returned, the
20 parties shall retain custody and control of all the exhibits they offered until the period to file an appeal
21 has lapsed.

22 **IV. REQUESTS FOR ORDER**

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

24 The court reminds the parties of the filing and service deadlines that apply to documents and
25 memoranda filed in support of and in response to RFOs. Under Code Civil Procedure § 1005(b):

- 26 • The RFO and any supporting documents must be filed with the court and served on the
27 other parties at least **sixteen (16) court days** before the hearing. If the documents are
28 served by mail, they must be served at least an additional five (5) calendar days before

1 that (or ten (10) calendar days if they are being mailed to or from an out-of-state
2 address). If the documents are served by e-mail, fax, or overnight delivery, they must be
3 served at least an additional two (2) calendar days before the deadline.

- 4 • Any responsive papers must be filed with the court and served on the other parties at
5 least **nine (9) court days** before the hearing and must be served in a manner that
6 reasonably assures delivery to the other parties the next business day.
- 7 • Any reply papers must be filed with the court and served on the other parties at least **five**
8 **(5) court days** before the hearing and must be served in a manner that reasonably
9 assures delivery to the other parties the next business day.

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

13 **B. Witnesses**

14 Any party who wishes to call a witness other than a party to testify at an RFO hearing shall, at
15 the same time they file and serve their RFO or any responsive papers, also file and serve a witness list
16 with the name of each witness they intend to call and a brief description of each witness’s anticipated
17 testimony. (Fam. Code, § 217; CRC rule 5.111(e).) Form FL-321 may be used for this purpose.
18 Typically, non-party witnesses shall be excluded from the courtroom until their testimony is needed.
19 Once their testimony is completed, they may remain in the courtroom, subject to further order of the
20 court.

21 **C. Mediation**

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

25 **D. Proposed Orders**

26 Unless the court orders otherwise or the parties stipulate to the contrary, the moving party (the
27 party who filed the RFO) shall prepare the proposed order after hearing. The parties shall comply with
28 CRC rule 5.125 in preparing and submitting the proposed order (and any objections or alternative

1 proposed order). Alternatively, the court may permit the parties to “waive notice,” in which case the
2 court’s unsigned minute order shall serve as the court’s order.

3 **E. “Specially Set” RFO Hearings**

4 For RFO evidentiary hearings that are specially set by the court (after consultation with the
5 parties and typically on the afternoon calendar), the parties are to comply with the “Trial Documents”
6 requirements in Section VI.E below and file and serve the required documents no later than five (5)
7 court days before the hearing. With respect to spousal support, if the request relates only to temporary
8 (as opposed to permanent) spousal support, the parties do not need to file a Joint Statement of Family
9 Code § 4230 factors, but instead must file proposed DissoMaster™ or XSpouse™ calculations showing
10 their positions on the guideline support amount.

11 At least ten (10) days before the RFO hearing, the parties shall meet and confer in a good faith
12 attempt to resolve as many of the issues as possible. Any resolved issues should be included in the
13 Stipulated Issues/Facts section of the Joint Statement of Issues to be Tried.

14 **F. Financial Issues**

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

- 20 • The three (3) most recent pay records showing year-to-date wages, salaries, overtime,
21 commissions, bonuses, and withholdings;
- 22 • Records showing rents, trust income, workers’ compensation benefits, unemployment
23 insurance benefits, disability benefits, and social security benefits;
- 24 • The most recent W-2, 1099, and K-1 forms;
- 25 • A copy of the most recent signed and filed state and federal income tax returns with
26 schedules; and

27
28 _____
⁴ “Current” is defines as being completed within the last three (3) months provided that no facts have changed. (CRC
rule 5.260(a)(3) [support]; rule 5.427(d) [attorney’s fees].)

- If self-employed, a year-to-date profit and loss statement and balance sheet, and a profit and loss statement and balance sheet for the prior calendar or fiscal year.

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 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. 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.

G. Meet and Confer

As required by CRC rule 5.98, all parties and all attorneys must meet and confer to resolve as many issues as possible before the RFO hearing. The parties likewise shall exchange all documentary evidence (other than rebuttal or impeachment evidence) 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>). (OCLR rule 709.) Before filing the At Issue Memorandum, the parties must have complied with Family Code § 2104 requiring exchange of Preliminary Declarations of Disclosure (“PDDs”).

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

6 **A. Trial Setting Conference (“TSC”)**

7 At the TSC, the court will (1) confirm that the parties have exchanged their PDDs as required
8 by Family Code § 2104, and (2) assess whether the parties are reasonably ready for trial. Depending on
9 the case status at that time, the court may set dates for any or all of the following:

- 10 1. Mandatory Settlement Conference
- 11 2. Pretrial Conference
- 12 3. Trial

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

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

19 The parties and/or counsel shall check in with the courtroom clerk when arriving and before
20 leaving for the day. If the case does not settle during the MSC, and the court has not previously set a
21 trial date, the court will set the trial date or a pretrial conference before the parties leave that day.
22 Failure to attend the MSC and/or comply with OCLR rule 707 may result in sanctions.

23 **VI. TRIAL**

24 **A. Trial Time Estimates**

25 When setting a trial date, the court will ask the parties the amount of time it will take to
26 complete the trial (including opening statements, all examinations, and closing arguments). The court
27 will schedule the trial on the court’s calendar for an agreed upon amount of time. Trials not completed
28 on time will, at the court’s discretion, either (1) result in a mistrial or (2) continue day-to-day until

1 completed. If the trial continues, the parties will generally be ordered back each day to Department
2 L66 at a designated time, and the court will hear the matter in any available time it may have each day
3 until the matter has been completed.

4 **B. Final Declarations of Disclosure**

5 Unless the parties file a “Stipulation and Waiver of Final Declaration of Disclosure” (Judicial
6 Council Form FL-144), then they must exchange their Final Declarations of Disclosure (“FDD”) at
7 least 45 days before the date set for trial and file a Declaration Regarding Service of the FDD at least
8 five (5) court days before trial. Failure to timely exchange FDDs and file the required Declaration
9 Regarding Service may result in the trial date being vacated and sanctions being issued against the
10 non-complying party or parties.

11 **C. Trial Readiness Conference**

12 At least ten (10) court days before the schedule trial date, the parties shall meet and confer by
13 way of an *informal* “trial readiness” conference to discuss, complete and/or exchange each of the
14 contemplated “Trial Documents” described below and to exchange and coordinate exhibits as discussed
15 in Section III above. If the trial will involve financial issues (e.g., child support, spousal support,
16 attorney’s fees, payment of debts, or calculation/payment of arrearages), the parties shall ensure
17 compliance with OCLR rule 702 and Section IV.F above in connection with this conference.

18 **D. Pretrial Motions**

19 Any pretrial motions (including motions *in limine*) must be filed and served before the trial date
20 as follows:

- 21 1. Moving papers at least sixteen (16) court days before trial;
- 22 2. Opposition papers at least nine (9) court days before trial; and
- 23 3. Reply papers at least five (5) court days before trial.

24 *Note:* All time extensions set forth in Code of Civil Procedure § 1005(b) based on the different
25 types of service are applicable to these deadlines.

26 **E. Trial Documents**

27 No later than five (5) court days before the date set for trial, the parties must file and serve on
28 all other parties the following:

- 1 1. **A Joint Statement of Issues to be Tried**, which shall include:
- 2 a. Stipulated Issues/Facts: Identification, with specificity, of all issues
- 3 resolved between the parties; and
- 4 b. Contested Issues/Facts: Identification of each issue left unresolved to be
- 5 decided at trial, including both parties’ legal and factual contentions
- 6 regarding each disputed issue.
- 7 2. **Witness Lists**, including the for information for each witness:
- 8 a. The witness’s name;
- 9 b. A time estimate for direct examination; and
- 10 c. A brief description of the anticipated testimony.
- 11 3. **Exhibit Lists**, including:
- 12 a. The number or letter of each exhibit;
- 13 b. A brief description of each exhibit; and
- 14 c. Columns for indicating whether each exhibit has been marked for
- 15 identification and admitted into evidence.
- 16 *Note:* All exhibits must be exchanged and lodged with the court at least three
- 17 (3) court days before the trial as stated in Section III above.
- 18 4. **Expert Reports** (if expert testimony will be presented) and either a stipulation
- 19 that such report may be received in evidence or a statement of objections to each
- 20 report.
- 21 5. If property division is at issue, the parties shall file and serve:
- 22 a. A jointly prepared **Schedule of Property “Fredman Form”** (San Luis
- 23 Obispo County form FL001, available at
- 24 <http://slocourts.net/downloads/forms/civil/fl001.pdf>.) If the parties are
- 25 not able to download the form on that site, they can request one from the
- 26 courtroom clerk.
- 27
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1 b. **A Joint Chart of Credits and Reimbursements.** In this chart, each
2 request for credit or reimbursement shall be listed in a separate row, and
3 the chart shall have the following three columns:

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

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

- 13 a. Section 4320 Factor;
14 b. Petitioner’s Position; and
15 c. Respondent’s Position.

16 To the extent the parties agree to the findings on any of the factors, those
17 findings shall be included in the Petitioner’s Position column, and Respondent’s
18 Position column shall merely state “Stipulated.”

19 7. If child support is at issue, a proposed **DissoMaster™ or XSpouse™**
20 **calculation** from each party.

21 8. **Current Income and Expense Declarations** (Judicial Council form FL-150 –
22 found at <http://www.courts.ca.gov/documents/fl150.pdf>). All blanks shall be
23 completed (with “zeros” where applicable), and all supporting documentation
24 required by FL-150 shall be attached.

1 9. The parties may, but are not required to, file a **Trial Brief**, setting forth the
2 arguments and legal authority supporting the party’s position on each of the
3 issues identified for trial in the “Joint Statement of Issues to be Tried.” Absent
4 leave of the court, Trial Briefs shall not exceed ten (10) pages.

5 When setting the trial, the court might also set a Pretrial Conference (“PTC”), depending on,
6 among other things, the complexity and anticipated length of the trial. If the court sets a PTC, all
7 deadlines stated above shall apply to the PTC as opposed to the trial.

8 **VII. OTHER ISSUES**

9 **A. Court Reporter Fees**

10 For any trial or hearing over one (1) hour in length, the parties must pay their court reporter fees
11 in the clerk’s office (unless a fee waiver is in place). (OCLR Rule 709(D).) The parties should first
12 obtain a referral sheet from the courtroom clerk, which will expedite this process.

13 **B. Communication with the Court**

14 All appropriate inquiries should be directed to Judge Hesseltine’s courtroom clerk at
15 (657) 622-5566. The parties should not attempt to contact chambers directly. The parties should list
16 their email addresses and phone numbers on their papers to facilitate communication by the courtroom
17 clerk. For assistance with determining the status of a proposed order and/or proposed judgment that
18 has been submitted to the court for signature, contact the courtroom clerk by phone between the hours
19 of 3:00 p.m. and 4:30 p.m.

20 **C. Ex Parte Applications**

21 Ex parte applications (including requests for temporary emergency orders) are governed by
22 CRC rules 5.151, 5.165, 5.167, and 5.169, along with OCLR rule 704, and the parties are instructed to
23 review those rules and comply with all the requirements before filing the application/request. Requests
24 for domestic violence restraining orders are governed by Family Code §§ 6200 et seq., with ex parte
25 orders specifically covered in sections 6320 through 6326.

26 The court will typically decide ex parte matters based on the papers without taking the bench.
27 Nevertheless, in case a hearing is required, the parties should remain available near the courtroom or by
28 phone until the court issues its decision. The court begins its consideration of ex parte matters at the

1 times stated in OCLR rule 704 and will decide the matters as soon as possible given the other matters
2 on the court's calendar that day.

3 **IT IS SO ORDERED.**

4 DATED: _____
5 _____
6 David J. Hesselstine
7 Judge, Superior Court of California, Orange County

8 **SERVICE OF STANDING ORDER**

9 The following parties (or their counsel) were provided a copy of this Order on _____.
10 _____Petitioner _____ Respondent _____Minor's Counsel _____ Other: _____
11

12 If there are any parties who did not receive the Order when it was distributed on the above date, or who
13 appear in the case later, then _____ shall serve the order on those other parties within
14 five (5) days of receipt of the Order or, if the party appears later, appearance of the party.
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