

**Superior Court of California
County of Orange**

HONORABLE GASSIA APKARIAN

POLICIES AND PROCEDURES - DEPARTMENT C25

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Please be sure to read and be familiar with Orange County Superior Court (OCSC) Rules, Division 4. In order to facilitate the progress of your case and assure its timely disposition, the court has set forth the following procedures:

I. GENERAL CALENDAR

- A. **Ex parte** matters – Monday through Thursday at 1:30 p.m. Reservations for ex partes **MUST** be made by calling the department. Application (*including the proposed order*) and Opposition must be viewable in the Court's Public Website no later than 2:00 p.m, the day before the hearing. Any opposition brief should be filed as soon as possible. The Court *may* rule on Ex Parte requests in chambers. See Code Civ. Proc. § 166(a)(1). See Code Civ. Proc. §166(a)(1). Attorneys should heed in particular California Rules of Court, Rule 3.1200-3.1207. The Court also suggests that you read the case of Mission Power Engineering Company vs. Continental Casualty Company (1995), 883 F. Supp. 488. Although this is a Federal case decision, it expresses the Court's views on ex parte matters.
- B. **Law and Motion** – Tuesdays at 10:00 a.m. If you would prefer to submit the matter on your papers without oral argument, please advise opposing party, then the clerk by calling (657) 622-5225. If no appearance is made by either party, the Tentative Ruling will be the final ruling. Rulings are normally posted on the Internet by 12:00 p.m. on the day before the hearing.

Generally, motions will not be continued or taken off calendar after the tentative has been posted. The moving party shall give notice of the ruling.

- C. **MSC - Thursday and Fridays at 8:30 a.m.** The MSC will be held by a Temporary Judge (*remotely or in person*). Please review and comply with Local Rule 316. MSC Statements must be e-filed no later than **five (5) court days** prior to the Mandatory Settlement Conference. *If properly identified in the e-filing as an MSC statement, the statement will be kept confidential.*
- D. **Jury and Court trials** – Trial call Mondays at 9:30 a.m. Trial days are **Monday, Wednesday, and Thursday** at 9:30 a.m. Any request for continuance, either by motion, application, or stipulation, must demonstrate good cause as that is defined in the California Rules of Court, Rule 3.1332(c).
- E. **Case Management Conferences, OSCs, and Post-Arbitration Hearings** – Tuesdays at 9:30 a.m.
- F. **Default Prove-up hearings** - Tuesdays at 11:00 a.m.

II. ISSUES CONFERENCES:

This Court permits the Issues Conference to be conducted by "phone and fax" so long as there is full compliance with Rule 317 of the OCSC — **PLEASE READ IT.**

III. TRIAL PROCEDURES:

Good advocacy requires that personality differences remain outside the courtroom unobserved by the jury, court and staff. Courtesy to all is required.

ELECTRONIC EVIDENCE PORTAL: For bench trials, the Court requires hard copies of exhibits. The Court may ask you to submit your exhibits through the [Electronic Evidence Portal](#).

- A. FILING OF TRIAL DOCUMENTS: A Statement of Compliance and its required attachments, motions in limine and oppositions, exhibit list and witness lists shall be e-filed with a courtesy copy to Department C25 no later than 12:00 p.m. the Friday before trial. *Court will not accept or store exhibits prior to the Trial date.* *****Do not deliver trial binders, exhibit binders or deposition transcripts unless instructed to by Department C25, until further notice.***
- B. IN LIMINE MOTIONS: In limine motions must be exchanged at the Issue Conference. The Court expects counsel to meet and confer and resolve as many of these motions as feasible before trial, and before discussing them with the Court.
- C. VOIR DIRE: This Court will use the six-pack method of jury selection to select 14 jurors. All challenges will be conducted in sidebar outside the presence of the jury. Counsel will be asked if they waive their client's presence 1) For Cause 2) Peremptory Challenges. In all jury trials the following rules and procedures are followed:
1. In accordance with the Standards of Judicial Administration, Standard 3.25(c), the Court will normally conduct the initial voir dire of prospective jurors using applicable questions contained in these standards.
 2. Counsel is then permitted liberal and probing voir dire in conformance with the Standards of Judicial Administration. Counsel may not, however, ask questions that attempt to precondition the jurors. For a more complete description of improper questions, see Standards of Judicial Administration, Standard 3.25(f).
- D. JURY INSTRUCTIONS AND VERDICT FORMS:
- Each counsel should deliver courtesy copies of proposed jury instructions complying with California Rules of Court rule 2.1055, a jury instruction list, and proposed verdict forms to Dept. C25 on the Friday before the trial date and e-filed prior to Trial date. The Court generally favors the exclusive use of CACI. Be sure to give careful attention to special verdict forms. *The verdict form must not contain the identity or*

address of any attorney, nor shall Doe defendants be listed thereon.

***Court requires a Witness List**

*** In Limine Motions**

*** Jury Instructions**

*** Exhibit List**

*** Verdict Forms**

E. EXHIBITS:

1. Careful attention should be given to exhibits, exhibit lists and the Court's list of exhibits. Before the first day of trial counsel should jointly prepare an exhibit list. Each exhibit should be listed by exhibit number together with a very brief description, including the date of the document or a notation that the document is undated. Copies of the exhibit list should be made for the Court, and each counsel.
2. If there are more than six exhibits, and to the extent that exhibits are standard size and not too bulky, they should be placed in 3-ring binders with tabbed dividers. Each tab should bear the corresponding exhibit number and should be placed in front of the corresponding exhibit. The original exhibits, with tabs and exhibit tags, will be given to the clerk. Another set of such binders, similarly tabbed, should be prepared for the Court. **Multiple page exhibits should be numbered separately.**
3. Each exhibit must have a *green* court exhibit tag attached (This is for the original exhibits only). *Please make copies of Exhibit page tags.*

F. GUIDELINES DURING TRIAL ON & OFF THE RECORD:

1. Stay out of the well. No exceptions. Parties to remain behind the counsel tables unless permitted to do otherwise by the Court.

Do not touch the jury box rail; stay at counsel table when examining witnesses, making opening

statements, closing arguments and during jury selection. Request permission to approach a witness and then return to counsel table at the earliest opportunity.

Assist the reporter by having only one person speaking at a time. (It's your record)

CONDUCT IN JURY TRIALS
The Honorable Gassia Apkarian
Department C25

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. Permission to approach a particular witness need only be requested once for that 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.
10. The Court uses a "six-pack" method (18 prospective jurors) to select 14 jurors, including two designated alternates. Initial voir dire is directed at the panel of 18 prospective jurors. "For cause" challenges are then made or waived as to the 18 prospective jurors (out of their presence) followed by peremptory challenges directed only toward the 14

prospective jurors “in the box.” Any additional voir dire is directed only toward “new” prospective jurors who fill seats of those previously excused.