

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

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

Clerk: Johanna Castorena
Attendant: Diana Acosta

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

The court encourages remote appearances to save time, reduce costs, and increase public safety. Go to <https://www.occourts.org/media-relations/civil.html> and click on the yellow box that says: “CLICK HERE TO APPEAR FOR THE ONLINE CHECK-IN/ZOOM PILOT PROGRAM.” For remote public access to remote hearings, call the department.

<u>Schedule</u>	Trial Days	M-T-W 9-4:30	MSCs	Fri. 9 am
	Ex Partes	M-T-W-Th 1:30 pm	Motions	Fri. 10 am
	CMCs	Thu. 2 pm	Trial Call	Fri. 11:30

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

No [court reporter](#) is provided without a [fee waiver](#), which you may request [here](#).

The court usually posts a [tentative ruling](#) the day before the hearing by 3 pm.

Consider calling the other side – if ***everyone*** submits 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 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.) File the opposition as soon as you can. The court may decide the ex parte on the papers. (Code Civ. Proc., § 166, subd. (a)(1).)

Before applying ex parte to advance a motion hearing date, ***file your motion first.***

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

DEPT. W-2 PRETRIAL ORDER

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.)

The court encourages remote bench trials. In jury trials, consider stipulating to (1) taking a verdict from 6 of 8 jurors and (2) examining witnesses remotely or by videotaped deposition

Electronic Evidence Portal. For certain bench trials, the court may ask you to submit your exhibits through the Electronic Evidence Portal. Go to <https://www.occourts.org/online-services/EvidencePortal.html> to learn more.

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. Make sure each page is numbered.
 - 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 Friday 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. *Meet and confer before filing* any motion in limine. Motions 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 “any evidence” are often improper.

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

Exhibit Notebooks. Number each page of every exhibit. Attach a numbered exhibit tag to the front of each original exhibit. Notebooks should be **2” thick or less**. (Local Rule 317-C.)

Jury Selection. The court uses a 7-pack and recommends choosing alternates randomly after closing argument.

Jury Instructions. These are due up front. (Code Civ. Proc., § 607a.) CACI instructions “are the official instructions for use in the state of California.” (Cal. Rules of Court, rule 2.1050(a).)

“Language in an appellate court opinion which may be a good statement of law . . . does not necessarily make a good jury instruction.” (*People v. Adams* (1987) 196 Cal.App.3d 201, 204-205.)

Courtroom Expectations.

- Be safe – and keep others safe.
- Be nice. The [OCBA Civility Guidelines are a preface to the Superior Court local rules](#).
- Avoid surprising the court. Raise issues as soon as possible.
- Sidebars are rarely granted. Raise issues before trial or wait until a break.
- Have witnesses available for the full day. (See *Midwest Television, Inc. v. Scott, Lancaster, Mills & Atha, Inc.* (1988) 205 Cal.App.3d 442, 456.)
- Prepare 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.
Sep. 30, 2022



Hon. Nathan Scott
Orange County Superior Court