

# Superior Court of California County of Orange

**Judge Carmen R. Luege**

**DEPARTMENT C16  
CENTRAL JUSTICE CENTER  
700 Civic Center Drive  
SANTA ANA, CA 92701  
(657) 622-5216**

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[www.occourts.org](http://www.occourts.org)

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](http://www.occourts.org). If you do have to call the court, please have your case name and number available.

## **CONTINUANCES:**

Hearing dates will not be continued by telephone. Law and motion matters may be continued once by written stipulation of the parties, subject to approval by the Court.

Trial continuance may be permitted by written stipulation pursuant to Code of Civil Procedure section 595.2, provided the stipulation shows good cause for the continuance. Absent a stipulation, trials may be continued by a noticed motion to continue or ex parte application. 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).)

## **REMOTE VS. IN-PERSON PROCEEDINGS**

Parties shall comply with Orange County Superior Court Local Rule 375 on Remote and In-Person Proceedings. Individuals appearing remotely by video must test the video and audio capabilities **before** the hearing to ensure they are **seen and heard** by the Court. (Rule 375(c).)

*Non-Evidentiary Proceedings* - The Court offers remote appearances for all non-evidentiary proceedings meaning any proceeding at which oral testimony is not expected, such as Law and Motion, Case Management Conferences (CMC), Status Conferences, Mandatory Settlement Conferences (MSC), and hearings on Order to Show Cause (OSC). Remote appearances will be

via the Civil Remote Check-In Program. To access the Civil Remote Check-in Program, visit the court's public website at [www.occourts.org](http://www.occourts.org). Parties preferring to appear in-person may do so.

For **Mandatory Settlement Conferences**, parties and their counsel, as well as the Temporary Judge, shall appear remotely at C16, at 8:30 a.m. Judge Luege will take the bench to make sure the parties and counsel have complied with the requirements of Local Rule 316. Sanctions may be imposed if the parties fail to comply with Local Rule 316, as authorized by Local Rule 381. The Temporary Judge will make appropriate arrangements to conduct the Conference. At the conclusion of the Conference counsel shall remotely return to Department C16 to report on the status of the Conference and discuss the upcoming trial if needed.

**No filming, broadcasting, photography, or electronic recording is permitted of video sessions pursuant to California Rules of Court, rule 1.150 and Orange County Superior Court rule 180.**

*Evidentiary Proceedings* - Evidentiary proceedings, such as trials, or other hearings where oral testimony will be taken, **will be in-person**, unless the parties file a stipulation **10 court days** prior to the trial/hearing **or** files and serves a motion, pursuant to California Rules of Court, rule 3.672(h), and the request for remote appearance is approved by the Court.

*Media and public access to proceedings* – Access will be in person in the courtroom where the hearing is scheduled. In the event any proceeding is conducted entirely remotely, the press and public can obtain public access by contacting the courtroom at (657) 622-5216.

#### **GENERAL CALENDAR:**

- Trial days: Monday-Wednesday 8:30 a.m. to 4:00 p.m.
- Mandatory Settlement Conferences: Thursdays at 8:30 a.m.
- All other hearings are on Fridays, as follows:
  - At 8:30 a.m.: CMCs, OSC, status conferences, and default prove-ups.
  - At 10:00 a.m.: Law and Motion.
- Ex-Partes: Monday, Wednesday and Fridays at 1:30 p.m.

#### **EX PARTE PROCEDURES:**

Reservations must be made with the department, and notice given to all parties, no later than 10:00 a.m. the court day before the hearing. Notice to opposing parties shall be given pursuant to California Rules of Court 3.1200 to 3.1207.

Ex parte applications shall be e-filed and electronically served on all parties by noon 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 in both PDF format and an editable word-processing format. The application shall state the irreparable harm that would occur if the relief requested is not granted.

Oppositions to ex parte applications shall be e-filed and electronically served on all parties no later than 4:00 p.m. the court day before the hearing. The Court usually decides the matter in chambers on the application/opposition papers, except in rare instances where the Court invites oral argument in which case the court will notify the parties.

**Please do not send the Court courtesy copies.**

## **LAW AND MOTION**

***Tentative Rulings:*** The court endeavors to post tentative rulings the day prior to the hearing. However, ongoing proceedings, such as jury trials, may prevent posting by that time. **Please do not call the department for tentative rulings if tentative rulings have not been posted.** The Court will not entertain a request to continue a hearing or the filing of further documents once the tentative ruling has been posted.

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 public website at [www.occourts.org](http://www.occourts.org).

***Taking Motions Off Calendar:*** If for any reason counsel decides 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 call the department immediately to notify the Court. This does not absolve the parties of the requirement to e-file and serve the Notice of Withdrawal prior to the hearing.

## **TRIAL PROCEDURES:**

On the date scheduled for the first day of trial, the court will hold a trial call at 8:30 a.m. in Department C16. The parties and trial counsel are **ORDERED** to appear **in-person** ready to commence trial. Failure to appear in-person is cause for dismissal of the case.

The Court expects strict compliance with Local Rule 317. The Court deems the failure to comply with Local Rule 317 as the case is NOT READY for trial which may result in sanctions pursuant to Rule 381.

***Court Reporting Services:*** The Orange County Superior Court does not provide the services of an official court reporter for the unlimited civil departments. If the services of a reporter are desired, please review the policy of the Superior Court of California, County of Orange entitled Availability and Unavailability of Official Court Reporters on the court's website.

***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.

***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 and Oppositions:*** The Wednesday prior to the trial date, the parties shall deliver to the Courtroom Clerk in C16 printed copies of the in limine motions, including the oppositions, which shall be placed in a three-ring binder separate from the court’s trial notebook. The Court prefers two-inch binders.

***Jury Selection:*** The Court uses a “seven-pack” method (21 prospective jurors) to select 14 jurors, including two non-designated alternates. The Clerk will call 21 names at random to fill the chairs in the jury box and seven chairs in the front of the jury box. Alternates are selected randomly after closing arguments. Initial *voir dire* is directed at the panel of 21 prospective jurors. “For cause” challenges are then made or waived as to the 21 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.

***Voir Dire*** - The Court will conduct the initial questioning. When the Court has completed its questioning, counsel will question potential jurors for cause, subject to the following limitations: (1) the attorneys must not engage in questioning that violates 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.

***Exhibits and the Electronic Evidence Portal:*** Effective immediately, this Department will pilot the use of the Electronic Evidence Portal (“Portal”) **for all trials**. Absent an exception granted by the Court in advance of trial, all exhibits, including exhibits to be used for impeachment, shall be uploaded using the Electronic Evidence Portal located in the Orange County Superior Court website ([www.occourts.org/online-services/electronic-evidence-portal](http://www.occourts.org/online-services/electronic-evidence-portal)).

Before uploading exhibits to the Portal, if the document is not bates-stamped, page numbers shall be placed on each page of a multiple-page document. If any party plans to use a video or audio exhibit, the video or audio shall be uploaded to the Portal. When using exhibit enlargements, such as “blow-ups,” the party shall upload a normal size paper version of the enlarged exhibit to the Portal which shall be treated as the official exhibit.

Only numbers shall be used to identify an exhibit on the Portal. **No special characters or letters** shall be added to the exhibit number. Please do not designate exhibits as plaintiff’s or defendant’s exhibit. Exhibits shall be uploaded to the Portal **no later than the Wednesday before trial**.

When uploading impeachment evidence you may mark the exhibit as “confidential” as explained in the “Video Instructions to Upload Evidence for Civil Unlimited Cases.”

([www.occourts.org/online-services/electronic-evidence-portal](http://www.occourts.org/online-services/electronic-evidence-portal)). Each impeachment exhibit shall be described as “Impeachment Exhibit 1,” “Impeachment Exhibit 2,” etc. Once the

impeachment exhibit is admitted at trial, the Court will assign an accurate description to the admitted impeachment evidence and will instruct the clerk to modify the description.

Using the Electronic Evidence Portal the parties shall upload their joint exhibits to the **Joint Exhibit Folder** which will allow the parties to view all the joint exhibits in one gallery. The parties are cautioned not to upload to the Joint Exhibit Folder impeachment evidence. At trial, the parties may display electronic exhibits from the Joint Exhibit Folder.

Additionally, the parties shall cooperate to create two (2) sets of **joint** exhibit notebooks by printing the exhibits that have been uploaded to the Joint Exhibit Folder in the Electronic Evidence Portal. Each exhibit printed from the Portal shall bear the yellow ribbon imprinted at the top of each document showing the case number and the exhibit number. Each notebook tab shall bear the corresponding exhibit number. The Court prefers two-inch binders.

There is no requirement for counsel to bring to court any additional exhibit notebooks as counsel will have access to the uploaded exhibits in the courtroom. The trial exhibit notebooks with the printed exhibits shall be delivered to the Department **no later than the Wednesday prior to the trial date**, as required by Local Rule 317.

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

Demonstrative evidence, deposition transcripts, and videotaped depositions **shall not** be uploaded to the Portal. Court permission is required before demonstrative evidence or other illustrative aids, like graphics, animations, or illustrations may be used at trial. If authorized to use demonstrative evidence or video depositions it will be each party's responsibility to supply the necessary equipment and to have it set up before trial or during a recess.

Exhibits may not be shown to the jury in opening statements unless counsel have stipulated in advance that the exhibit is admissible and have advised the Court of their stipulation before opening statements.

**Witnesses:** Parties are required to submit a joint witness list. The list shall identify the name of each witness, include a short proffer of the witness' expected testimony, the proponent's time estimate to complete direct testimony, and the time estimate for cross-examination by the opponent.

Parties are expected to have their witnesses available to testify **in person** and no delays will be entertained for unavailable witnesses. At the end of each trial day, counsel must notify opposing counsel the identity and order of each witness that will be called the following court day. If a party runs out of witnesses, the party rests. If there are circumstances that warrant calling a witness out of order or a unique accommodation is required, like a remote appearance, the parties must comply with California Rules of Court, rule 3.672.

Other than parties and retained expert witnesses, all witnesses are excluded from the courtroom until called to testify. **No motion necessary.**

***Courtroom decorum:*** Counsel shall instruct their clients and witnesses as to proper behavior around jurors. Counsel shall warn against engaging in conversation with any juror and discussing the case in the presence of jurors.

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.

No speaking objections in front of witnesses or jury. Opposing counsel shall not challenge an objection 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

Objections, statements, and arguments are to be addressed to the Court rather than opposing counsel or witnesses.

***Stipulations:*** All stipulations must be discussed and agreed upon by all parties before being called to the attention of the jury. A party shall not offer to stipulate to any matter within earshot of the jurors. Parties are expected to cooperate to reach stipulations as to the admissibility of exhibits with agreements reflected on a signed stipulation filed with the court and included in the Joint Trial Notebook.

***Jury Instructions:*** No later than **Wednesday, prior to the commencement of trial**, all proposed jury instructions and verdict forms must be submitted to the clerk and included in the “Joint Trial Notebook”. The parties shall also provide the Court with a separately indexed joint compendium identifying all agreed upon instructions. The joint instructions shall not leave blank spaces to be filled out later. Rather it shall be written exactly as the parties want the instruction read to the jury.

Instructions requested by one party but opposed by another party, i.e. **not joint**, shall be placed in a three-ring binder separate from the Joint Trial Notebook. This binder will consist of instructions requested by one party but disputed by others. The proponent of a disputed instruction shall include citations in support of the proposed instructions. The party objecting shall include citations that support the objections. Any disputed CACI instruction that has been modified must highlight the specific modifications that were made to the CACI instruction.

The court will pre-instruct the jury immediately before opening statements. The court will generally read CACI 100, 101, 102, 106, 107, 113, 114, 116, 200, 202 and, if applicable, 103, 104, 105, and 108. If the parties have any objections to these instructions, the parties shall notify the Court before the jury is empaneled.

Verdict Forms: Counsel must meet and confer about verdict forms at the Issue Conference. Verdict forms shall not list Doe defendants or contain the identity or address of any attorney. If the Parties agree on the verdict form(s), they shall e-file the agreed-upon verdict form(s), with a copy included in the Joint Trial Notebook, **no later than the Wednesday prior to the commencement of trial**. If the Parties cannot agree on a verdict form(s), each side shall e-file its proposed verdict form(s) (titled “Plaintiff’s [Defendant’s] Proposed Verdict Form”), no later than the **Wednesday prior to the commencement of trial**, and both versions shall be included in the Joint Trial Notebook.

**No later than the Wednesday prior to the commencement of trial file a signed Statement of Compliance (Form L0081)**