

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

**INITIAL STANDING ORDER FOR ALL CASES  
ASSIGNED TO JUDGE THOMAS J. LO  
DEPT. C-63 (3<sup>rd</sup> Floor)**

**(The department's Zoom link can be located on the Court's public website)**

This case has been assigned to the calendar of Judge Lo. Whenever a new or existing case is assigned to Judge Lo, the Court issues this Initial Standing Order ("ISO"). This Order sets out the Judge's rules and expectations that all parties<sup>1</sup> must follow. In addition to this ISO, parties are required to follow the California Code of Civil Procedure, California Rules of Court ("CRC"), and the Local Rules of Orange County Superior Court ("OCLR").<sup>2</sup>

**I.**

**GENERAL PROVISIONS**

**Operating Times:** The courtroom doors will open at 8:30 a.m. With some exceptions, matters will be set at 8:45 a.m. Check-ins will be between 8:30 – 8:45 a.m. The Court will make all efforts to call the calendar at 9:00 a.m. Chambers' conferences and late check-in's may delay the start time. The Court is conscious of everyone's time and will make all attempts to call short matters first as a matter of efficiency. Court will break for lunch at **12:00 noon to 1:30 p.m.** Court will end for the day at **4:30 p.m.** These times are strictly enforced. In other words, the Court will not be in session beyond these times.

**Check-ins:** Counsel and parties will check-in with the BAILIFF. ***Do NOT check in with the court clerk. Do not approach the court clerk at any time unless granted permission to do so.*** If you cannot be in court to check in between 8:30 – 8:45, please call the department and give us your estimated arrival time. Note, specially-set hearings (see "Specially-Set Matters," below) begin at 10:00 a.m. so if you arrive to court after 10:00 a.m., you may find that the court engaged in hearing. In other words, you may have to wait to have your matter called.

<sup>1</sup> As used herein, the term "parties" includes individual parties and their respective counsel, if any.

<sup>2</sup> For your convenience, 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 **Communication with the Court:** All appropriate inquiries should be directed to the department at  
2 (657) 622-5263. *Counsel and parties should be aware that communications of a substantive-*  
3 *nature with the clerk may be construed as ex parte communications.* Counsel should not attempt to  
4 contact chambers directly. Counsel should list their email addresses and phone numbers on their  
5 papers to facilitate communication by the Courtroom Clerk.

6 **Specially-Set Matters:** There are many hearings set in C-63 on a given day. Hearings will be heard  
7 depending upon the subject matter and time-estimates. For example, domestic-violence matters have  
8 priority and will be heard earlier rather than later. Some hearings are “**Specially Set**” by the Court,  
9 meaning the Court has set aside other matters and specially reserved court-time for your hearing.  
10 Specially-set matters are set at 10:00 a.m. unless otherwise ordered by the Court. *If your matter is*  
11 *specially set, you are first in line. The Court will expect you to be on time and ready to go if your*  
12 *matter is specially-set.* Do not call and place your matter on “second call” if it is specially-set. If you  
13 request a continuance on a specially-set matter, your case will be bumped to the end of the line. In  
14 other words, your hearing could be continued several months when there is an available date to hear  
15 your case.

16 **Remote Appearances:** All counsel and parties are ordered to appear in court in-person unless  
17 previously granted written permission to appear remotely. For Trial Setting Conferences only (TSC),  
18 the parties may mutually-agree to appear remotely. *The court clerk and the courtroom assistant are*  
19 *not authorized to verbally grant permission to appear remotely unless instructed to do so by the*  
20 *Court.* As a matter of fairness, any counsel or party who is granted permission to appear remotely  
21 shall immediately notify the other party/counsel to give them the opportunity to appear remotely as  
22 well. *Failure to timely notify the opposing party/counsel may result in monetary sanctions due to the*  
23 *other side unnecessarily appearing in-person.* Anyone appearing remotely should ensure they have a  
24 good internet connection.

25 **Speaking on the Record:** *Everyone will get an opportunity to be heard in court.* But it is a priority  
26 of the Court to make a clear and complete record of the proceedings. In order to do this, two people  
27 cannot speak at the same time. Please do not talk over one another or interrupt a person who is  
28 speaking. Our court reporter can only take down one person speaking at a time. During examination

1 of witnesses, the witness shall wait until the examiner's question is completely asked before  
2 answering. Likewise, the examiner shall wait until the witness has completely answered the question  
3 before asking another question. When reading on the record, please make a conscious effort to slow  
4 down. People have a tendency to read fast. When answering yes or no questions, parties and counsel  
5 should answer "yes" or "no" rather than "yeah," "uh-huh" or "nu-huh." None of these rules apply if  
6 the Court and counsel are speaking "off the record."

7 **Dress and Behavior in Court:**

- 8 • Silence all cell phones while in court.
- 9 • When court is in session and you are not speaking on the record, please keep the volume of  
10 your voice to a whisper.
- 11 • No hats or sunglasses are permitted to be worn in court. Accommodations will be considered  
12 for medical reasons.
- 13 • No eating, drinking or gum-chewing in court. Counsel may have non-alcoholic drinks at  
14 counsel table during a hearing, so long as the drink container has a cover or lid.
- 15 • No shorts or sleeveless shirts.
- 16 • No blue jeans or denim pants.
- 17 • Counsel should be dressed professionally. Men should be in a suit or sportscoat and tie. With  
18 some exceptions, counsel appearing remotely shall also be dressed professionally.
- 19 • When standing before the Court, refrain from placing your hands in your pockets.

20 **Domestic-violence:** All domestic-violence matters will be on the record (including continuances).

21 All domestic-violence evidentiary-hearings shall be in-person.

22 **Contempt:** All contempt matters will be on the record and in-person. All citees shall appear in-  
23 person in court unless counsel has been granted authority to appear pursuant to Penal Code, section  
24 977(a). No 977(a) authority shall be granted for contempt-trials.

25 **Court Reporter Fees:**

26 Prior to the start of any trial or hearing with a time estimate of one (1) hour or more, the parties  
27 must report to the Clerk's Office to pay their fees. *See* OCLR 709(D).

28 **Civility and Professionalism:**

The Court expects counsel to be courteous and professional to each other. The Court realizes the  
nature of these cases are contentious and emotional. But the Court encourages the parties to be calm,  
courteous and mature when dealing with each other. If this cannot be done, the Court will take all  
necessary measures to ensure courtroom decorum.

1 II.

2 **NEGOTIATIONS AND SETTLEMENT OF ISSUES**

3 The parties and counsel are encouraged to try to resolve any or all issues before the case is  
4 called. If a party or counsel would like the Court's assistance, please let the court clerk know. The  
5 Court will hold chamber conferences for counsel only. If financial issues are discussed, i.e., child  
6 support or spousal support, the Court will expect counsel to have some numbers in mind. It is  
7 preferred if one or both counsel have a computer-program printout (DissoMaster or Xspouse) on  
8 hand, and current Income & Expense Declarations.

9 III.

10 **MEDIATION**

11 If child custody or visitation is at issue and the parties have not attended mediation with Family  
12 Court Services within the past 120 days, the parties are ordered to attend mediation prior to their  
13 hearing date. Pursuant to OCLR 703(c)(1), the Court may impose a \$100 sanction on the parties for  
14 failure to appear at mediation or for failure to cancel the appointment upon reaching an agreement.

15 ***Parties must be on time for mediation.***

16 IV.

17 **EX PARTE (EMERGENCY) REQUESTS**

18 The Court strictly enforces the requirement that a party seeking an *ex parte* (emergency) order  
19 must make a factual showing based on personal knowledge of irreparable harm, immediate danger,  
20 exigent circumstances, or other statutory basis for granting *ex parte* relief. Ex parte requests are  
21 disfavored and will rarely be granted if they relate to financial matters (support, property and  
22 attorney's fees) or situations that involve harm that is not immediate and can be repaired (visitation  
23 matters). *Ex parte* requests to change custody must satisfy Family Code, section 3064.

24 ***Domestic-violence ex parte requests are taken very seriously by this Court and will be***  
25 ***thoroughly examined in accordance with Family Code, sections 6203 and 6320. The Court will***  
26 ***consider attorney's fees to the prevailing party per Family Code, section 6344.***

V.

**CONTINUANCES AND EXTENSIONS OF DEADLINES**

This Court has a ***strong interest*** in adhering to scheduled dates. Changes in dates are generally disfavored absent a showing of good cause. Accordingly, the Court will address continuances pursuant to these guidelines:

- **Request for Order (“RFO”) and Trial Setting Conference (“TSC”)**: only **TWO** continuances will be freely granted. Telephonic continuances may be requested at any time prior to, but no later than, *the day before the hearing at 12:00 PM*. Telephonic continuances will be granted only if both parties agree to the continuance, as confirmed either by (1) being on the phone together or (2) making separate calls to the Courtroom Clerk or (3) a representation by one counsel as an officer of the court that the opposing side does not object to the continuance date.<sup>3</sup> After two continuances, telephonic or not, appearances by both sides will be required to request any further continuances unless otherwise instructed by the Court.
  - **Note:** Stipulations to continue court dates do not become effective ***unless and until this Court so orders***.
  - **Note:** ***Continuances of Specially-Set matters places you at the back of the line. You must return in-person to court to request another Specially-Set setting. The court clerk will not give you another Specially-Set date. The court has the discretion to re-set any matter as a status conference only with the request for a continuance.***
- **Trial, Mandatory Settlement Conference (“MSC”), and Specially Set Matters**: these dates set by the Court are ***firm*** and will rarely be changed. Any request, whether by stipulation or motion, to continue these matters must be filed directly in the Department and must be supported by a sufficiently detailed explanation of the grounds for the requested continuance or extension of time. The Court will only continue these matters upon a showing of good cause. If the parties are not prepared to go forward, then the Court reserves the option to vacate all pending dates.
- **Domestic Violence Matters**: continuances will not be granted telephonically. All matters (including continuances) relating to domestic-violence must be heard on the record.  
**\*Domestic-violence evidentiary-hearings must be in-person.**
- **Meet and Confer**: Pursuant to CRC 5.98, all parties and all attorneys are required to meet and confer to resolve as many issues as possible prior to the hearing. This meeting shall be conducted in person, telephonically or through a videoconferencing platform. This meet and confer shall include discussing “financial issues” as referenced below, which

<sup>3</sup> Any misrepresentation or misunderstanding of the continuance will subject the requesting party to sanctions.

1 shall encompass agreeing and/or narrowing areas of disagreement as to the various inputs  
2 relevant to any required DissoMaster™ calculations/submittals. The parties shall likewise  
3 exchange all documentary evidence (other than rebuttal or impeachment documents) that  
4 will be relied upon to prove a material fact.

- 5 ○ Meet and Confer does not apply to cases involving domestic violence in which an  
6 active restraining order exists and the protected party is self-represented. ***Under  
7 no circumstances may a restrained party communicate directly with a protected  
8 party under the guise of complying with any meet and confer requirement.***

## 9 VI.

### 10 GETTING TO TRIAL

11 Trials must be requested by filing an “At Issue Memorandum for Trial Setting” (Orange County  
12 Form L-0031). *See* OCLR 709. The parties must have complied with Family Code § 2104 requiring  
13 exchange of Preliminary Declarations of Disclosure (“PDDs”) prior to filing the “At Issue  
14 Memorandum.” Once the “At Issue Memorandum” is filed, a Trial Setting Conference (“TSC”) will  
15 be set automatically. The scheduling of events leading up to trial are as follows:

- 16 a. **Trial Setting Conference (“TSC”)**
- 17 b. **Mandatory Settlement Conference (“MSC”)**
- 18 c. **Trial**

#### 19 A. **TSC:**

20 At the TSC, the Court will set an MSC date. The parties may either continue the TSC or set an  
21 MSC. *The Court will NOT set both an MSC date and Trial date at the TSC.* Parties and counsel may  
22 appear remotely at the TSC upon mutual agreement.

#### 23 B. **MSC:**

- 24 • All MSCs are held on Thursdays.
- 25 • **Both Counsel and both parties are to appear IN-PERSON at the MSC.** The Court may  
26 make exceptions in advance of the hearing for those residing out of state.
- 27 • Temporary Judges: At the request of counsel, the Court will order a Temporary Judge (TJ) to  
28 assist the parties at the MSC. If a TJ is ordered, the Court will also set an Order to Show  
Cause (OSC) re on-time, in-person appearance at the MSC. The Court will consider monetary  
sanctions for any party or counsel who is late or fails to appear. The monetary sanction may  
include reimbursing opposing counsel and the TJ for their time spent waiting for the late or  
missed arrival.

- All counsel and self-represented parties shall file, on behalf of their respective parties, a 5-page or less MSC brief and updated Income & Expense Declaration (I&E) within 5 court days of the MSC. The MSC brief should describe the items in dispute and what each party is requesting for each item. If one party is represented by counsel and the other party is not, counsel shall meet and confer with the self-represented party before the MSC. Counsel may incorporate the self-represented party's input in the MSC brief prepared by counsel. If the case resolves prior to the MSC, no brief or I&E are needed so long as the court clerk is notified by telephone that the case has resolved.
- **The MSC is the last meaningful opportunity to resolve issues before trial. Counsel and parties should expect to give and take, and meaningfully discuss the issues while making a good-faith attempt to resolve some, or all of the issues. Parties should consider the time and expense of trial preparation, trial and post-judgment work, compared to the cost-saving benefits of settling the case TODAY. If the Court can be of any assistance, please inform the bailiff.**

C. **Trials and Evidentiary-Hearings:**

- All trials are "Specially-Set." This means your trial is a "go date." There are no soft-settings for trial.
- Time-estimates shall be given ahead of time and are strictly enforced.
- All trial briefs, Joint Statements of Issues, Joint Statement of Family Code, section 4320 factors, exhibit lists and any other trial documents other than exhibits and motions in limine, shall be filed and exchanged **10 court days** before the scheduled hearing.
- **Joint** Statement of Issues to be Tried, including:
  - a. Identification of issues resolved between the parties with specificity; and
  - b. Identification of each issue left unresolved to be determined and ruled upon at trial or hearing with **detailed** legal and factual specificity in support of each party's position.
- Admission of Reports: Counsel and parties should be aware that prior to the preparation of any reports, i.e., CCI, CCE or Evidence Code, section 730 Evaluations, the Court will ask for a stipulation that the report shall be received into evidence for all purposes. If the parties stipulate, both parties waive any objection to case-specific hearsay facts under *People v. Sanchez*, (2016) 63 Cal.4<sup>th</sup> 665.
- Witnesses: Witnesses shall remain outside the courtroom until called to testify. If a party wishes to call a witness to testify, including a CCI/CCE investigator, psychologist, monitor or therapist, it is the proponent's responsibility to ensure the witness' on-time appearance. *A witness' failure to appear or unavailability will not be excused absent proof of a properly served subpoena.* Witnesses shall appear in person unless authorized by the court in advance to appear remotely. Once again, any party, counsel or person appearing remotely shall make sure they have a good internet connection.
- Witness List, including:
  - a. time estimate for direct examination; and
  - b. brief description of anticipated testimony.

- Expert Reports<sup>4</sup>
- Trial Brief, setting forth the arguments and legal authority supporting the parties' position on each of the issues identified for trial in the "Joint Statement of Issues to be Tried." Trial Briefs shall not exceed fifteen (15) pages absent leave of Court to file a Trial Brief in excess thereof.
- **Current** Income and Expense Declarations<sup>5</sup>
- **Proposed** DissoMaster™ (or Xspouse) calculation for child support, if at issue, or temporary spousal support. calculations (based upon the most recent financial information) supporting their respective positions on the amount of support sought. Where retroactivity is sought, and income amounts vary during the retroactivity period in question, separate DissoMaster™ calculations shall be provided for each such timeframe.
- Spousal Support: If spousal support is at issue, the parties shall file a **JOINT Statement of Family Code, section 4320 Factors**. This document needs to be filed with the court at least ten court days prior to any hearing. Each factor (subdivisions (a) through (n) of section 4320) shall be listed in a separate row, and the chart shall have the following three columns:
  - 1) Section 4320 Factor;
  - 2) Petitioner's Position
  - 3) Respondent's Position

To the extent the parties agree to the findings on any of the factors, those findings shall be included in the Petitioner's Position column, and Respondent's Position column shall merely say "Stipulated."

- Modifications of Spousal Support: For any matters of modification or termination of spousal support post-judgment, the parties must file a single **Joint Statement of Family Code, section 4320 Factors** as detailed above. Additionally, the parties must identify the controlling orders for spousal support by date and amount owed from time of judgment. Lastly, the parties must provide the yearly income for the parties at the time of judgment and each time spousal support was modified thereafter, as well as the current incomes. If the parties disagree as to these amounts, then each party will provide their position on these issues. Again, this is one document filed with the court with input from both parties. This document needs to be filed with the court at least ten court days prior to any hearing. Counsel shall meet and confer with self-represented party's and provide their input in the joint statement of 4320 factors.
- MSOL: If spousal support is requested, the Court will have to make a finding as to the Marital Standard of Living (MSOL), unless stipulated by the parties. A stipulation that the MSOL is "upper," "middle," or "modest," is not helpful. The Court will need more specifics, such as specifics regarding earnings, lifestyle, and assets.

<sup>4</sup> If experts are involved, then parties **must** file a stipulation as to undisputed and disputed issues.

<sup>5</sup> The Court will not consider an Income & Expense Declaration that has blanks or is not supported by all of the required documentation as set forth in Judicial Council Form FL-150, including tax returns and pay stubs, as appropriate.



1 If the parties do not stipulate to the MSOL, the Court will need sufficient evidence  
2 to make a finding as to the MSOL. Because of this, the parties are ordered to  
exchange and bring to court the following if there is no stipulation:

- 3 • *File* and serve current income and expense declarations (within the last  
4 three months);
  - 5 • The three most recent pay records showing year-to-date wages, salaries,  
6 overtime, commissions, bonuses, and withholdings;
  - 7 • Five (5) years of federal and state tax returns by each party which includes  
the following:
    - 8 ▪ Tax returns for the year the parties separated;
    - 9 ▪ Tax returns for two years prior to the year of separation;
    - 10 ▪ Tax returns for the two most recent years preceding trial;
  - 11 • Records showing rents, trust income, workers' compensation benefits,  
unemployment insurance benefits, disability benefits, social security  
12 benefits;
  - 13 • If self-employed, profit and loss statement and balance sheets for the last  
two years.
  - 14 • Motions in Limine must be served on the opposing party and filed with the court no later  
15 than five (5) court days before the trial/hearing date. Reply briefs regarding such motions  
are not permitted.
  - 16 • Remote Testimony: Counsel is responsible for making sure all witnesses appearing  
remotely have access to exhibits referenced by counsel.
  - 17 • It is deemed **STIPULATED** by and between all counsel and parties that unless stated  
18 otherwise on the record, all exhibits will be returned after a ruling has been issued by the  
Court.
  - 19 • Permission to Approach a Witness: Oftentimes, counsel may wish to approach a witness  
20 to reference an exhibit. Counsel shall request permission to approach. Once counsel is  
granted permission to approach a witness, that authority is granted for the remainder of the  
21 court session. In other words, counsel need not ask for permission to approach on  
subsequent approaches that day.
- 22
- 23 1. **EXHIBITS:**
- 24 • **Do NOT bring exhibits to court until the day of the hearing. The court does**  
**not have room to store your exhibits and will NOT accept them.**
  - 25 • **An Exhibit List must be filed for all hearings. The Exhibit List shall include a**  
26 **corresponding description for each exhibit number/letter.**
  - 27 • **Exhibits shall be served on the opposing party no less than ten (10) court days**  
28 **prior to any hearing/trial.**

[Please note the distinction between In-Person and Remote Hearings]

a) **In-Person Hearings:**

For *in-person* hearings, all exhibits—*whether for hearing or trial*—must be pre-tagged prior to hearing/trial. The exhibit tags are available on the Court’s website at: <http://www.occourts.org/forms/local/1529.pdf>. Staple the exhibit tag to the **top right** corner of each exhibit.

**Exhibit Binders:** Voluminous exhibits must be placed in binders and labeled. Counsel and parties shall deliver three (3) **sets of exhibits** (or three binders) to the court clerk upon arrival to court for trial or hearing. One set will be for the judge, the second set for the court clerk and the third set for the witness. Petitioner’s exhibits will be marked as 1, 2, 3, etc. (numerical). Respondent’s exhibits will be marked as A, B, C, etc. (alphabetical).<sup>6</sup> To the extent the proffered exhibit comprises multiple pages, each page of the exhibit **must be marked sequentially**. For example, in reference to Petitioner’s Exhibit 1, it **must be paginated** as 1-1 on the first page, 1-2 on the second page, and so on. During trial/hearing, exhibits may be marked and received out of order.

b) **Remote Hearings:**

For *remote hearings only*, the parties do **NOT** have to provide the court with hard copies of exhibits. The parties will be given permission to share their computer screens and publish documents digitally. All documents published digitally shall be emailed directly to the court clerk in Department C63 at the close of the hearing-session each day. Any counsel who wishes to publish documents digitally should be well-versed on the technological capabilities of doing so.

2. **Objections:**

Speaking objections **are not permitted**. Proper objections should be made as follows:

a) State the word “Objection;”

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<sup>6</sup> If more than 26 exhibits are anticipated, Respondent may continue as follows: Respondent’s Exhibit AA, BB, CC, etc.

1 b) State the legally-recognized basis for the objection; and

2 c) Remain silent and await the Court's ruling on the objection.

3 The Court's ruling on an objection is not a request for further comment by counsel. If the  
4 Court requires additional input on an objection, then the Court will request additional input.  
5 Following an objection, parties may request to be heard, and the Court may grant or deny that  
6 request.  
7

8 *Failure to comply with any part of this Order may subject the litigant in non-compliance to sanctions*  
9 *pursuant to Code of Civil Procedure § 177.5.*  
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11 **IT IS SO ORDERED:**  
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13 DATED: 5-2-2023  
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15 Judge Thomas J. Lo  
16 Superior Court of California, Orange County  
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**IMPORTANT RESOURCES**

Department of Child Support Services – 1055 N. Main Street, Santa Ana, CA 92701

(866) 901-3212 or [www.css.ocgov.com](http://www.css.ocgov.com) (to open a child support case), or request a referral at the DCSS desk on the 5th Floor of the Courthouse by the elevators (to open a child support case).

Self-Help Center – 1st Floor of the Lamoreaux Justice Center, Room 101 (for assistance with procedural matters in your case).

Family Court Services – 5th Floor of the Courthouse, Room 507 (for mediations and child custody investigations).

Family Law Clerk's Office – 7th Floor of the Courthouse, Room 706 (to file documents with the Court).