

1
2
3
4
5
6
7
8
9

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
COSTA MESA JUSTICE COMPLEX

In re Trial Setting Conferences and Trials
Scheduled in Department CM06

PRETRIAL ORDERS

Judge: Hon. Megan Wagner
Dept: CM06

10
11

**TO ALL ATTORNEYS AND SELF-REPRESENTED PARTIES ASSIGNED FOR TRIAL
IN DEPARTMENT CM06**

12
13
14
15

The basic function of an independent, impartial, and honorable judiciary is to maintain the utmost integrity in decision making. (*Supreme Court's Advisory Committee on the California Code of Judicial Ethics; California Judicial Conduct Handbook, Fourth Edition, Section 1:1.*)

16
17
18
19
20
21
22

In the pursuit of the above listed basic function, it is well settled that the trial court has inherent and statutory discretion to control the proceedings to ensure the effective administration of justice. (*People v. Gonzalez* (2006) 38 Cal.4th 932, 951.) The trial court has the duty to keep the trial within the bounds of the issues and not to stray into collateral and irrelevant matters. (*People v. Alfaro* (1976) 61 Cal.App.3rd 414, 421–425.) The trial court also has the duty to see that both sides receive a fair trial, and that justice is done. (*Id.* at p. 427; *People v. Williams* (2009) 170 Cal.App.4th 587, 615.)

23
24
25
26
27

The below listed orders and expectations are intended to assist attorneys and self-represented parties in presenting their cases in a professional and welcoming environment in Department CM06, while at the same time ensuring that proper procedures are followed.

1 **1. Expectations of Counsel and Self-Represented Parties.**

2 The Court expects all attorneys and self-represented parties to act at all times in
3 a professional manner, and to follow the Orange County Bar Association Civility
4 Guidelines. A copy of the Civility Guidelines is posted outside Department CM06, and
5 on counsel table in Department CM06. The Civility Guidelines may also be found at
6 https://www.ocbar.org/Portals/0/pdf/docs/civility_guidelines.pdf.

7
8 **2. Pre-Trial Responsibilities of Attorneys and Self-Represented Parties.**

9 ***All pretrial documents are to be filed at least five court days before trial.***

10 Attorneys and/or self-represented parties are ordered to comply with Civil Local Rule
11 317 and all Probate Hearing and Trial Guidelines. Civil Local Rule 317 is posted on the
12 Orange County Superior Court’s Public Website under Local and State Rules of Court,
13 Division 3, Chapter 4, and may also be found using this link:

14 <https://www.occourts.org/system/files/hr/div3.pdf>. The Probate Hearing and Trial
15 Guidelines are posted on the Orange County Superior Court’s Public Website under
16 Probate Courtroom Schedule & Requirements, and may also be found using this link:
17 <https://www.occourts.org/system/files/trial-hearing-rules-probate.pdf>.

18 In addition to complying with the above-listed rules and requirements, the
19 attorneys and/or self-represented parties shall deliver to the clerk in Department CM06,
20 ***no later three (3) court days prior to the first day of trial***, one physical paper copy,
21 ***three-hole punched*** but not stapled, ***of each the following documents***:

- 22 a. Joint Trial Exhibit List;
23 b. Joint Trial Witness List, including names, a brief description of relationship to
24 the parties or the issues, and time estimate for direct examination;
25 c. Joint Trial List of Stipulated Facts;
26 d. Joint Trial List of Controverted Issues for all issues that are to be determined
27 by the Court.

1 **3. Motions in Limine**

2 Motions *in limine* must be exchanged and discussed no later than the Issue
3 Conference required under Local Rule 317. The attorneys and/or self-represented
4 parties must meet and confer in a good faith effort to resolve before trial as many
5 motions *in limine* as reasonably possible. Meeting and conferring in good faith should
6 be conducted consistent with more than one side attempting to persuade the other side
7 of the error of their ways, because the law requires that attorneys attempt to talk the
8 matter over, compare their views, consult, and deliberate. There must be a *serious*
9 *effort* at informal resolution of the issues raised in the motions *in limine*, which entails
10 *something more than arguing* with opposing counsel because arguing is not the same
11 as informal good faith meeting and conferring. “[A] reasonable and good faith attempt at
12 informal resolution entails something more than bickering with [opposing]
13 counsel....Rather, the law requires that counsel attempt to talk the matter over, compare
14 their views, consult, and deliberate.” (*Townsend v. Superior Court* (1998) 61 Cal.App.4th
15 1431; *Clement v. Alegre* (2009) 177 Cal.App.4th 1277.)¹

16
17 **4. In-Person Trial**

18 All trials in Department CM06 are to be conducted in person. All attorneys and
19 self-represented parties are ordered to be personally present in Department CM06
20 throughout the trial. All witnesses must be present in court in person during their
21 testimony, unless good cause is shown, and this Court authorizes a witness to testify
22 remotely. Any request for a witness to testify remotely must be submitted to the court in
23 writing, in advance of the trial date, and should include good legal cause as to why the
24 witness should not be ordered to testify in person.

25
26
27

¹ Whenever the attorneys and/or self-represented parties are ordered to meet and confer as listed in this Pretrial Order or any of the rules referenced in this Pretrial Order, such meet and confer shall take place consistent with these guidelines.

1 **5. Witnesses**

2 Witness must be lined up and ready to testify so as to avoid any delays.

3 Attorneys and self-represented parties shall advise the Court and opposing side
4 promptly of any additions to their witness list, or problems with witnesses' availability.

5 Attorneys and self-represented parties must advise their witnesses of rulings that apply
6 to, or affect, their testimony.

7 If a witness or a party needs an interpreter, the attorneys and/or self-represented
8 parties should bring this to the attention of the Court prior to the commencement of trial.

9
10 **6. Objections**

11 Speaking objections are **not** permitted. When objecting, attorneys should state
12 the word "Objection" along with the legal basis for the objection (e.g., "Objection,
13 Hearsay.") Nothing more should be stated by the objecting side. **After** the Court rules
14 on the objection, if any side wishes to be heard regarding the objection and/or ruling, a
15 request to be heard should be made to the Court.

16
17 **7. Interruptions and Discussions during Trial**

18 Attorneys and self-represented parties are **not** allowed to interrupt each other
19 while the Court is in session, other than for raising non-speaking objections as listed
20 above. Attorneys and self-represented parties should never interrupt the Court. While
21 the Court is in session, the attorneys and/or self-represented parties should not engage
22 in a discussion amongst themselves. If such discussion is needed, the attorney and/or
23 self-represented party should ask the Court for a recess, and if appropriate, the Court
24 will declare a brief recess and allow the attorneys and/or self-represented parties to
25 have a discussion between themselves, off the record.

1 **8. Exhibits – Electronic Evidence Portal**

2 All trial exhibits are to be uploaded to the Orange County Superior Court
3 Electronic Evidence Portal. The following is the link to the Orange County Superior
4 Court’s Public Website for Electronic Evidence where information can be found about
5 the Electronic Evidence Portal, including instructions:

6 <https://www.occourts.org/online-services/electronic-evidence-portal>.

7 The following is the link to the Electronic Evidence Portal where attorneys and/or
8 self-represented parties can log into the system and upload trial exhibits:

9 <https://occourts.quetelcloud.com/TraQ7/account/login?returnurl=%2FTraQ7%2F>.

10 All attorneys and/or self-represented parties are ordered to upload ***all exhibits,***
11 ***for all sides, using one singular account.*** The attorneys and/or self-represented
12 parties are ordered to meet and confer to decide which specific account will be used to
13 upload all trial exhibits, for all sides. The requirement to upload exhibits before the trial
14 starts does not apply to impeachment exhibits.

15 If a witness is testifying remotely, attorneys and self-represented parties must
16 meet and confer to ensure that the exhibits to be shown to such witness is consistent
17 with the evidence pre-marked and uploaded to the Orange County Superior Court
18 Electronic Evidence Portal.

19 Attorneys and self-represented parties are expected, before the trial starts, to
20 attempt to reach a stipulation, if reasonably possible, to the admissibility and/or
21 foundation for all trial exhibits, and such stipulations should be reflected on the Joint
22 Trial Exhibit List.

23
24 **9. Transcripts of Audio or Video/Audio Recordings Offered as Evidence**

25 Transcripts must be submitted to the Court, and provided to the opposing side,
26 for any audio recording or sound-and-video recording played during the trial, consistent
27 with California Rules of Court, Rule 2.1040).

1 **10. Deposition Transcripts**

2 The parties shall meet and confer and bring to Court certified copies of any
3 deposition transcripts that any side intends to use during trial.
4

5 **11. Trial Schedule and Trial Time Estimate**

6 When trial starts, Department CM06 will be in trial based on the following
7 schedule: Monday all day, Tuesday afternoon, Wednesday all day, Thursday afternoon,
8 and Friday morning. The morning session starts at 9:00 AM and ends at 11:55 AM. The
9 afternoon session starts at 1:30 PM and ends at 4:25 PM. The Court takes a brief
10 morning break around 10:15 AM, and an afternoon brief break around 3:00 PM.

11 Accordingly, when a trial starts, Department CM06 will be available for trial for a total of
12 3.5 days per week.

13 When agreeing to a trial date, the attorneys and/or self-represented parties are
14 expected to be available continuously from the first day of trial until the trial concludes
15 following the above-listed weekly schedule. Obviously, if an attorney or self-represented
16 party has an unexpected family commitment, or any other commitment, the court will do
17 its utmost best to accommodate any **reasonable** request for a break during the trial,
18 especially to accommodate family/personal commitments.

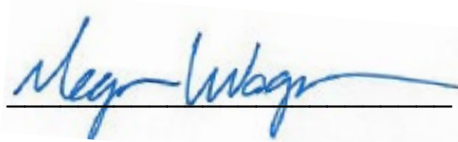
19 As far as the time estimate for trial provided by the attorneys and/or self-
20 represented parties, the court will generally defer to, and respect, such time estimate.
21 The attorneys should be familiar with the case of *California Crane School, Inc. et all v.*
22 *National Commission for Certification of Crane Operators et all* (2014) 226 Cal.App.4th
23 12 regarding the court's authority/discretion when it comes to **unreasonable** trial time
24 estimates and **unreasonable** prolongments of a trial.
25
26
27

1 **12. Failure to Comply with Standing Order**

2 Any violation of, and/or failure to comply with, the orders set forth herein may
3 result in the Court continuing the matter or issuing sanctions pursuant to Code of Civil
4 Procedures sections 128.5 and/or 177.5.

5
6 **IT IS SO ORDERED.**

7
8 DATE: February 3, 2025



9 MEGAN L. WAGNER
10 JUDGE, ORANGE COUNTY SUPERIOR COURT
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27