

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

**JUDGE LON HURWITZ
DEPARTMENT CX 103**

Central Justice Center
Complex Civil Panel
751 West Santa Ana Boulevard
Santa Ana, CA 92701
(657) 622-5303

www.occourts.org

Please see the Dept. CX 103 Tentative Ruling Site for additional information about this dept and revised procedures due to COVID -19.

SCHEDULE AND GENERAL INFORMATION

Court Reporters: Official Court Reporters (those employed by the Court) are **not** available in this department for **any** proceedings. A Court-Approved List of Court Reporters Pro Tempore (“List”) that includes the names and contact information of reporters who can be privately retained and appointed as official court reporters pro tempore **without stipulation** of the parties, is posted on the Court’s website. **Alternatively, by stipulation**, parties may privately retain a certified reporter not on the List to serve in a proceeding as a court reporter pro tempore where an official court reporter is not available.

Law and Motion: Fridays at **1:30 p.m.**

Jury Trials and Court Trials: Scheduled to start on Mondays at **9:00 a.m.** Once started they will proceed on Mondays, Tuesdays and Thursdays from 9:00 a.m. to 4:30 p.m. Although the Court is dark for trials on Wednesdays and Fridays, juries may start and continue their deliberations on these days.

CMCs, Status Conferences (SCs), OSCs, ADR Review Hearings: Wednesdays at **1:30 p.m.**

Ex Parte Motions: Monday through Thursday, at **1:30 p.m.** No ex partes will be heard on Fridays. Reservations must be made with the department no later than 10:00 a.m. the day before the hearing. All moving papers must be filed no later than noon the day before the hearing.

COURTROOM GUIDELINES

In addition to these guidelines, please refer to the **Complex Civil Department Guidelines** available on the Court's website at www.occourts.org.

To facilitate the progress of your case, the Court sets forth the following general information and guidance.

A. Ex Parte Matters: Please read California Rules of Court (CRC), Rules 3.1200-3.1207. Ex Parte motions must be for legitimate **emergencies** (see Ex Parte Policies and Procedures posted on the Court's website: www.occourts.org). These rules require the moving party to call and notify the courtroom Clerk no later than 10:00 a.m. the day before the matter is to be heard. All moving papers must be filed no later than noon the day before the matter is to be heard. In addition to notifying all the parties as required by law, the moving party must provide notification that any opposition must be in writing. The Court may, in its discretion, decide the matter in chambers based on the moving papers and any written opposition without oral argument.

Sometimes issues arise that do not present exigent circumstances justifying an *ex parte* motion but, nevertheless, do relate to matters that the parties consider to be important and time sensitive. In such circumstances, by agreement of all counsel, the parties may contact the courtroom Clerk to arrange for an informal telephonic conference with the Court. During the conference, Judge Hurwitz will engage counsel in an interactive discussion designed to promote resolution of the specific dispute.

B. Law and Motion: Except for Summary Judgment and Summary Adjudication Motions, **no** reservations are required for Law and Motion matters. Call the Clerk to reserve a date for a Summary Judgment or Summary Adjudication Motion. With regard to all other motions, the parties shall include a hearing date (Fridays at 1:30 pm.) on their moving papers. The date initially assigned might later be continued by the Court if the assigned date becomes unavailable for reasons related to, among other things, calendar congestion.

The Court will generally post **Tentative Rulings** on the internet by **10:30 AM** on the day of the calendared motion date, and outside the courtroom on the day of the hearing. Tentative rulings may be obtained by visiting the Court website at www.occourts.org. The prevailing party shall give notice of the ruling. Call the Clerk if you intend to submit on the tentative. If no tentative has been posted, please do not call the Clerk to inquire about its absence. If neither party appears at the hearing the Court, in its discretion, will either take the matter off calendar or issue its ruling.

Meet and Confer: This court adopts the view that pre-filing conferences between counsel may be useful in avoiding useless or unnecessary motions. Therefore, prior to the filing of any motion, petition or application, except applications to appear pro hac vice and motions to withdraw as counsel of record, all counsel and parties appearing in

propria persona shall confer in a good faith attempt to eliminate the necessity of the filing and resolve as many disputes as possible.

Counsel for the moving party shall arrange the conference to meet and confer at least 3 calendar days before the filing and file with the court a statement entitled “Meet and Confer,” summarizing the issues remaining in dispute and the respective positions taken.

Electronic Service

All documents must be e-served in accordance with Code of Civil Procedure section 1010.6 (d), California Rules of Court, rule 2.251 (c) and Orange County Local Rule 352.

Bookmarking of exhibits to motions and supporting declarations - The court requires strict compliance with CRC, rule 3.1110 (f) (4) which requires electronic exhibits to include **electronic bookmarks** with the links to the first page of each exhibit, and with bookmarked titles that identify the exhibit number or letter and briefly describe the exhibit. CRC, rule 3.1110 (f) (4).

Proposed Orders – In most law and motion matters, the Court’s minute order will constitute the order of the court unless specifically required by the court in a particular instance or where a formal order is required by law. Where the Court does require a party to file a proposed order, it must be filed in accordance with CRC, rule 3.1312 (c) which requires the submission of two versions of the proposed order, one in Portable Document Format (PDF,) and another in an editable word-processing format. The failure to do so may result in the proposed order not being brought to the attention of the Court.

Guidelines for Commonly Filed Motions - The Court has published guidelines to assist parties in the preparation of certain motions and submissions that are commonly filed in the Civil Complex Courts such as, Motions for Preliminary and Final Approval of Class Action Settlements, Motions for Approval of PAGA Settlements and Requests for Dismissal of PAGA claims. Please consult the guidelines to assist in the preparation of these documents. The guidelines are published on the Court’s Tentative Rulings Site.

C. Status Conference (SC) and Case Management Conference (CMC):

Wherever possible, parties should submit **joint** CMC and Status Conference Statements. Judicial Council form CM-100 must **not** be used. In the Statement, Counsel should include a discussion of the subjects set forth in CRC Rules 3.727 and 3.750, including a summary of the status of the pleadings and parties, and should advise the Court of any issues which need to be addressed by the Court. Pursuant to CRC, rule 3.727 (1) and rule 3.300 (b), the parties must inform the Court of any **related cases**. A related case is one which falls within the definition set forth in CRC, rule 3.300.

The Statement should contain a statement by counsel indicating that they have met and conferred regarding mediation and arbitration (ADR). The Statement should not reveal

the content of any settlement discussions but should advise the Court if the parties are willing to use one or more forms of ADR to aid in the resolution of all or part of the case.

Pursuant to CRC 3.724 (8), prior to the case management conference, counsel must meet and confer regarding any anticipated issues related to the discovery of electronically stored information (ESI). The Statement should confirm that this conference has taken place.

The SC and CMC Statements must be submitted **5 court** days prior to the CMC unless otherwise ordered by the Court. After the initial CMC, subsequent joint statements must provide an update on the subjects set forth in CRC 3.727 including the status of attempts to identify and serve parties, anticipated amendments to the pleadings, anticipated law and motion, and any progress toward resolution, without divulging the content of settlement discussions. Counsel should inform the Court as to their efforts to exchange information informally or by way of formal discovery. If formal discovery is contemplated, counsel should confirm that they have met and conferred regarding a timeline for conducting and completing discovery, including a timeline for depositions. Before filing a Motion to Compel, counsel should arrange an Informal Discovery Conference with the Court pursuant to Code of Civil Procedure section 2016.080. To arrange for an IDC call the courtroom for further instructions, (657) 622-5303.

In multiparty cases, counsel are encouraged to set up a web page for the case, for counsels use, through a third-party provider to host a bulletin board for communications about the case. Document depositaries are also encouraged in such cases. **All documents must still, however, be filed electronically with the Orange County Superior Court.**

Additional case management conferences or status conferences will be set as determined by the Court.

D. Jury and Court Trials:

- 1. Conduct in Jury Trials:** Please read the Court's comments re **Conduct in Jury Trials** (hyperlinked below). Once trial has commenced, counsel must not file any briefs or motions without the Court's express authorization. The purpose of this procedure is to prevent one party from interrupting the trial preparation of another party by serving non-statutory motions during trial. From time to time the Court may, however, invite pocket briefs or letter briefs on key issues.
- 2. The Filing of Trial Related Documents:** Counsel must comply with all requirements set forth in **Orange County Local Rule 317**. Please see the hyperlinked Documents referenced below. They are samples of the Joint Witness List, Motion in Limine Grid ("MIL Grid) (in Word format to enable the Court to edit the document to insert its rulings), Joint Exhibit List, Exhibit Tags and Procedural Stipulations. The parties must indicate in the MIL Grid which motions are **not** opposed or are the subject of a stipulation. Counsel are directed to Orange County Local Rule 381 Re: Compliance with Rule 317.

3. The **jury instructions and verdict forms** must be jointly submitted in two packets: One package must include all the agreed upon instructions and verdict forms, and the other must include all disputed instructions and verdict forms. Counsel must not separately submit the instructions and verdict forms requested by each party. This leads to unnecessary duplication of undisputed jury instructions.

The required documents including proposed **jury instructions and verdict forms** must be electronically filed with a courtesy copy submitted to the courtroom Clerk in Department CX 103 no later than noon on the Wednesday before trial pursuant to Local Rule of 317 unless an earlier date is set at the Pre-Trial Conference.

In most complex cases, the Court requires a Pre-Trial Conference at least one month prior to the trial date. At that Pre-Trial Conference, the Court will discuss, among other things, voir dire and exhibit presentation.

In accordance with Local Rule 317 (B), copies of the trial related documents described above must be contained in **indexed and tabbed binders**.

In accordance with Local Rule 317 (B) (12), each party's motions in limine must be immediately followed by the opposing party's opposition. Do not file reply briefs.. The Word formatted MIL Grid must be emailed to CX103@occourts.org to enable the Court to insert its rulings into the Grid.

4. Exhibits: Wherever possible, at the outset of the litigation, the parties should agree to use a series of numbers for exhibits **during discovery** which can be maintained throughout the litigation and trial so that deposition exhibits can have the same number as trial exhibits. All trial exhibits must have each page numbered; e.g., a five-page contract marked as Exhibit 12 should have each of its pages marked in sequence as 12.1 through 12.5. Counsel should avoid marking as exhibits documents which are duplicates of exhibits marked by other parties. Presentation of the exhibits in electronic form is encouraged using, for example, thumb drives or a tablet, such as an iPad, which can be updated during the course of the trial, if necessary.

If the numbering system has not been established at the outset of the litigation during the discovery process, then before the first day of trial counsel must jointly agree to a marking system and prepare a JOINT exhibit list. See the Complex Civil Guidelines for further discussion concerning exhibits and the joint exhibit list. Copies of the exhibit list (in a form substantially similar to the sample exhibit list attached hereto) must be made for the Court, the clerk, the reporter and each attorney. The clerk should also receive an electronic copy of the exhibit list so that he can periodically update the list, if necessary.

Please make copies of exhibit tags (attached hereto) preferably printed on green paper. Use the tags to mark the original exhibit to be placed in binders. Pre-tagging

and marking exhibits will result in more efficient use of the jury's time. Mark the document itself with the exhibit number as well.

5. Deposition Transcripts: Lodge all deposition transcripts with the Court. Condensed versions are preferred.

If deposition testimony is designated, the opposing party's objections must be interposed in red ink and the moving party's responses to those objections must be interposed in green ink. The Court will then rule on those objections prior to the testimony being read to the jury. The designations must be provided to the Court in sufficient time for the Court to rule upon them prior to presentation to the jury. This is particularly important if a party wishes to present the designated deposition testimony in video format.

6. Stipulations: Please see the Court's Procedural Stipulations attached hereto. The parties are not obliged to sign these stipulations but are asked to do so.

The following are under [Additional Guidelines for CX103](#):

Conduct in Jury Trials
Statement of Compliance
Joint Witness List
Motion in Limine Grid ("MIL Grid") in Word format
Joint Exhibit List
Exhibit Tags (Preferably print on green paper)
Procedural Stipulations