

TRIAL SETTING RULES – DEPARTMENT L53
JUDGE PAUL T. MINERICH
EFFECTIVE JULY 1, 2024

Phone: (657) 622-5553

Clerk: Kathleen McDonald
Courtroom Assistant: Yesenia Munguia
Court Reporter: Dixie Lynch
Bailiff: Miguel Calvillo

TRIAL SETTING CONFERENCES, LONG CAUSE HEARINGS

At the time of the initial hearing on a RFO or at the initial setting of a Trial Setting Conference (TSC) following the filing of an At Issue Memorandum, any time estimate of two (2) hours or more will require that the matter be set for a Mandatory Settlement Conference (MSC) before a hearing date will be set. The case will be continued and a further TSC hearing date set for purposes of completing the MSC and filing of a Joint Statement of Disputed and Undisputed Facts and Issues.

The MSC should be conducted between the parties outside court using the Voluntary Settlement Program or Human Resources Mediation, however the parties may request an MSC date to conduct a settlement conference in court without Court's involvement. Upon written agreement of the parties, Judge Minerich will also consider serving as the parties' settlement officer and conduct an MSC via Zoom after regular court hours. Following completion of a meaningful MSC/VSC that is not dispositive of the matter, the parties will be required to meet and confer and also prepare and file a Joint Statement of Disputed and Undisputed Facts and Issues prior to the next hearing date. It is the intent of the Court that in most cases, a hearing/trial date will not be held or set until the Joint Statement is received. If the parties are unable to communicate to complete a Joint Statement, each party shall file a separate Statement of Disputed Facts and Issues. It is the Court's position that if the parties are unable to meet and confer and/or prepare a Statement of Disputed Facts and Issues, they are not ready for a trial/hearing date.

JOINT STATEMENT REQUIREMENTS

The Joint Statement shall include:

- (a) Undisputed facts
- (b) Disputed facts,
- (c) Undisputed issues
- (d) Disputed issues
- (e) Time estimate for trial/hearing
- (f) List of witnesses, including a short statement of anticipated testimony and time estimates for direct and cross-examination
- (g) If spousal support is an issue, the Joint Statement must include each party's proposed findings on all Family Code §4320 factors.

The parties are encouraged to use Orange County local form L0966 for the Joint Statement. A spreadsheet addressing the FC 4320 factors may be prepared by the parties or a copy obtained from Dept. L53 by calling the department at the above phone number.

If a trial/hearing date is set, the court will also set the matter approximately 30-45 days ahead of the trial/hearing date for a Trial Readiness Conference (TRC).

TRIAL SETTING CONFERENCES SHORT CAUSE HEARINGS

For all hearings with a time estimate of less than 2 hours, a written Joint Statement shall not generally be required unless ordered by the Court, but the issues needing to be addressed will be discussed. Although a Trial Readiness Conference (TRC) will not necessarily be set on a short cause matter, the parties will be required to meet and confer prior to the trial/hearing date to discuss narrowing issues, and to exchange exhibits to be used and to file those exhibits with the court as more fully explained herein under the section TRIAL READINESS CONFERENCE AND MEET AND CONFER and TRIAL PREPARATION.

TRIAL READINESS CONFERENCE AND MEET & CONFER

Prior to the TRC date, the parties are to update and serve on each other the following:

- (a) Current Income and Expense Declarations (FL-150), including all required attachments
- (b) Two most recent tax returns, including personal and corporate (if applicable)
- (c) An attorney's fees declaration and all billing invoices (if applicable)
- (d) Unless otherwise ordered by the Court, all exhibits, except for rebuttal on impeachment, are to be exchanged on or before the TRC date. Any exhibit not exchanged will *not* be admitted except for good cause.
 - Petitioner is to use numbers starting with 1
 - Respondent is to use letters starting with A
 - Other parties are to use numbers starting with 201
 - Multi page exhibits shall have each page numbered sequentially or Bates stamped
- (e) Transcriptions of any audio or audio/video recording as required by California Rule of Court (CRC) 2.1040
- (f) Copies of any text messages or e-mails from any electronic devices intended to be used at trial/hearing
- (g) Copy of a Proof of service of Final Declaration of Disclosure as required by Family Code 2105 (for

Dissolution trials only).

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. Parties are to meet in person, telephonically or through a video-conferencing program.

For financial issues, parties are to attempt to agree and/or narrow down areas of disagreement as to the various inputs relevant to any required Dissomaster calculation/submittals and/or Family Code Section §4320 factors.

CRC 5.98 likewise requires parties to exchange all documentary evidence (other than rebuttal or impeachment documents) that will be relied upon to prove a material fact related to the issues. The Court may decline to consider documents that were not exchanged prior to the hearing. This requirement does NOT apply to cases involving domestic violence in which an active restraining order exists and the protected party is self-represented. However, once at court, the Court will require the exchange of non-rebuttal/impeachment documents. ***Under no circumstances may a restrained party communicate directly with a protected party under the guise of complying with any meet and confer requirements.***

TRIAL PREPARATION

Electronic Evidence Portal for Department L53 is now live. Exhibits are to be uploaded in the Electronic Evidence Portal unless otherwise ordered by the court. If the Court orders hardcopies of exhibits to be prepared, then original exhibits for the Court and copies of the exhibits for the witness stand must be organized and tabbed in binders to be submitted to the department the day of the trial. The Exhibit List only is to be filed and correspond with the tabbed exhibits in the binders. If changes are made to the exhibits prior to the hearing, an amended Exhibit List *must* be filed.

Electronic Evidence Portal and instructions are available on the court's public website:

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

Any trial/hearing briefs shall be exchanged and filed with the court no later than five (5) court days prior to the trial/hearing.

The Court generally prefers to hear the case issue by issue.

WITNESSES

Pursuant to Family Code Section §217 and CRC 5.113(e), any party who wishes to call a witness other than a party to testify at the hearing, upon filing the Request for Order or any responsive documents, also file and serve a witness list with the names of all anticipated witnesses, time estimate for their testimony, and a brief description of each witness' anticipated testimony. California Judicial Council Form FL-321 may be used for this purpose, and the form is available on the court's public website.

NON-COMPLIANCE WITH RULES

Any violation of and/or failure to comply with these rules may result in the Court declining to set a trial date, vacating the trial, and/or issuing sanctions pursuant to Civil Code of Procedure 128.5, 177.5, Family Code §271 and/or California Rules of Court 5.14.

PROPOSED JUDGMENTS/ORDERS

Unless the Court orders otherwise or the parties stipulate to the contrary, the moving party (i.e. the party who filed the Request for Order) shall prepare the proposed order after hearing or Judgment. The parties shall comply with CRC 5.125 in preparing and submitting the proposed order (and any objections or alternate proposed order). Alternatively, the Court may from time to time permit the parties to "waive notice," in which case the Court's unsigned minute order will serve as the order of the Court.

This Court does NOT accept judgments via e-mail in the Department. Any Judgment shall be submitted via the regular course of business through the clerk's office, unless specifically authorized otherwise directly by the Court or clerk.

To guarantee return of a filed order after hearing (FOAH), parties are to mail or deliver the order and two copies with self-addressed stamped envelopes to the Department.