

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF ORANGE

3 CENTRAL JUSTICE CENTER

4  
5 Case Number: \_\_\_\_\_

6 \_\_\_\_\_  
7 Petitioner,

**INITIAL STANDING ORDER FOR  
ALL CASES ASSIGNED TO  
JUDGE DE LA CRUZ**

8 v.

9  
10 Dept. C65

11 \_\_\_\_\_  
12 Respondent.

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

18 The Court hereby ORDERS as follows:

19 **I. CIVILITY AND PROFESSIONALISM**

20 The Court expects parties to be familiar with and follow the California Guidelines of Civility and  
21 Professionalism, *available at:* [http://www.calbar.ca.gov/Attorneys/Conduct-](http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Attorney-Civility-and-Professionalism)  
22 [Discipline/Ethics/Attorney-Civility-and-Professionalism](http://www.calbar.ca.gov/Attorneys/Conduct-Discipline/Ethics/Attorney-Civility-and-Professionalism), as well as the Orange County Bar  
23 Association’s Civility Guidelines. Uncivil or unprofessional behavior ***will not be tolerated*** and may  
24 be met with sanctions. The Court expects parties to resolve all disputes regarding scheduling or time  
25 extensions without the necessity of Court involvement.

26 \_\_\_\_\_  
27 <sup>1</sup> As used herein, the term “parties” includes litigants and their respective counsel, if any.

28 <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           **II.        CONTINUANCES AND EXTENSIONS OF DEADLINES**

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

- 5           • Request for Order (“RFO”) and Trial Setting Conference (“TSC”): only two (2)  
6           continuances will be freely granted. Telephonic continuances may be requested at any  
7           time prior to, but no later than, *the day before the hearing at 4:00 PM*. Telephonic  
8           continuances will be taken only if both sides are on the line at the time a request is  
9           received. After two (2) continuances, telephonic or not, appearances by both sides will be  
10          required and there will be ***no further continuances without a showing of good cause***.  
11          • Trial, Mandatory Settlement Conference (“MSC”), Pretrial Conference (“PTC”) and  
12          Specially Set Matters: these dates set by the Court are ***firm*** and will rarely be changed.  
13          Therefore, any request, whether by motion or stipulation, to continue the date of any  
14          matter before this Court must be supported by a ***detailed*** explanation of the grounds for  
15          the requested continuance or extension of time. If the parties are not prepared to go  
16          forward, then the Court reserves the option to vacate all pending dates and set an Order to  
17          Show Cause re Sanctions.  
18          • Domestic Violence Matters: continuances will not be granted telephonically.

19          ***Note: Stipulations extending scheduling dates do not become effective unless and until this***  
20          ***Court so orders. DO NOT ASSUME OTHERWISE.***

21           **III.        EXHIBITS**

22           Effective April 12, 2021, all exhibits ***must*** be submitted using the Court’s electronic evidence  
23           portal (available at: <https://ww.occourts.org/online-services/EvidencePortal.html>), **and** emailed to the  
24           opposing party/counsel, at least 72 hours prior to the hearing. ***Please note, if you are a NEW portal***  
25           ***user, you MUST create a portal account prior to attempting to upload evidence.*** To create an  
26           account, access the above link and navigate to user instructions at the bottom of the page.

27           The first party to upload their exhibits will receive numbers 001 – 100. The second party to  
28           upload exhibits will receive numbers 101 - 200. To the extent the proffered exhibit comprises  
multiple pages, each page of the exhibit ***must be marked sequentially, i.e., Bates stamped***. For  
example, in reference to Petitioner’s Exhibit 100, it ***must be paginated*** as 100-1 on the first page,  
100-2 on the second page, and so on. No exhibit tag will need to be provided as the system will

1 automatically create a tag. During trial/hearing, exhibits may be marked and received out of order.

2 There is **NO REASON** to lodge or submit any hard copies of any exhibits for the Court's  
3 convenience. The Court will exclusively rely on electronic submissions of evidence.

4 **IV. OBJECTIONS AT HEARINGS/TRIALS**

5 Speaking objections *shall be avoided*. Proper objections should be made as follows:

- 6 1. State the word "Objection";
- 7 2. State the legally recognized basis for the objection; and
- 8 3. Remain silent and await the Court's ruling on the objection.

8 The Court's ruling on an objection is not an invitation to a conversation. If the Court requires  
9 additional input on an objection, then the Court will request additional input. Following an objection,  
10 parties may request to be heard and the Court may grant or deny that request.

11 **V. MEDIATION**

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

16 **VI. GETTING TO TRIAL**

17 Trials must be requested by filing an "At Issue Memorandum for Trial Setting" (Orange County  
18 Form L-0031). *See* OCLR 709. The parties must have complied with Family Code § 2104 requiring  
19 exchange of Preliminary Declarations of Disclosure ("PDDs") prior to filing the "At Issue  
20 Memorandum." Once the "At Issue Memorandum" is filed, a Trial Setting Conference ("TSC") will  
21 be automatically set. As set forth below, the TSC will set in motion a series of events designed to  
22 bring the case, in whole or in part, to a resolution by way of agreement or trial.

23 **a. Trial Setting Conference ("TSC")**

24 At the TSC, the Court will confirm that the parties have exchanged their PDDs, as required by  
25 statute, and the Court will assess whether the parties are *reasonably* ready for trial. If the PDDs have  
26 been exchanged and the parties are reasonably ready for trial, then the Court will set a date for a  
27 Mandatory Settlement Conference. *No other dates will be set.*

1                   **b. Mandatory Settlement Conference (“MSC”)**

2                   The Court expects full and complete compliance with OCLR 707. Moreover, the parties shall  
3 check in with the Court before leaving for the day.

4                   **c. Pretrial Conference (“PTC”)**

5                   All pretrial motions must be filed and served *prior to the PTC* as follows:

- 6                   1. Moving papers at least twenty-one (21) court days prior to the PTC;  
7                   2. Opposition papers at least nine (9) court days prior to the PTC; and  
8                   3. Reply papers at least five (5) court days prior to the PTC.

9                   *Note:* All time extensions set forth in Code of Civil Procedure § 1005(b) for parties outside the  
10 State of California or outside the United States are applicable.

11                   No later than five (5) court days before the PTC, the parties *must file and serve* on all other  
12 parties, the following:

- 13                   1. *Joint* Statement of Issues to be Tried, including:  
14                   a. Identification of issues resolved between the parties with specificity; and  
15                   b. Identification of each issue left unresolved to be determined and ruled upon at trial  
16                   or hearing with *detailed* legal and factual specificity in support of each party’s  
17                   position.  
18                   2. Witness List, including:  
19                   a. time estimate for direct examination; and  
20                   b. brief description of anticipated testimony.  
21                   3. Expert Reports<sup>3</sup>  
22                   4. If property is at issue, the parties are to prepare a *jointly* executed SCHEDULE OF  
23                   PROPERTY “FREDMAN FORM” (FL001 – San Luis Obispo). The Courtroom Clerk  
24                   will provide you with a copy upon request, if necessary.  
25                   5. If spousal support is at issue, the parties are to prepare a *jointly* executed stipulation of  
26                   Family Code § 4320 factors that the parties agree upon. *Parties are to obtain a blank*  
27                   *§ 4320 Worksheet from the Court Clerk at your MSC to fulfill this requirement. DO NOT*  
28                   *file in pleading form! Sections of the worksheet upon which the parties agree and*  
                      *stipulate, should be **filled in** with the wording upon which counsel agree. Sections on*  
                      *which the parties are unable to reach stipulation are required to be **left blank**, thus,*  
                      *identifying the specific findings still left to be determined at trial or hearing.*  
                      6. 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 twenty-five (25) pages absent leave of Court to file a Trial  
                      Brief in excess thereof.

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<sup>3</sup> If experts are involved, then parties *must* file a stipulation as to undisputed and disputed issues.

7. **Current** Income and Expense Declarations<sup>4</sup>
8. *Proposed* DissoMaster® calculation for child support, if at issue

At the PTC, the parties must:

1. Bring and exchange all trial exhibits
2. If the parties have not filed a “Stipulation and Waiver of Final Declaration of Disclosure” (Judicial Council Form FL-144), then the Court will confirm that Final Declarations of Disclosure (“FDDs”) have been exchanged at least 45 days prior to the date set for trial and that a Declaration Regarding Service has been filed. Failure to timely exchange FDDs and file the required Declaration Regarding Service may result in the PTC being taken off-calendar.
3. Meet and confer regarding stipulations to exhibits
4. Provide time commitments for trial, including opening statements, all examinations, and closing arguments

**d. Trial**

The dates set for trial are firm. Continuances will be granted only upon an affirmative showing of good cause requiring a continuance. *See* CRC 3.1332.

Trials set for the same day will be prioritized by issue, age of case, state of readiness, and time commitment. Trials not completed on the date set for trial shall continue day-to-day until completed. The parties, including counsel, are ordered back each day to Dept. C65 at 10:00 AM for trial, and the Court will hear the matter in any available time it may have each day until the matter has been completed.

**VII. OTHER ISSUES**

**a. Court Reporter Fees**

Prior to the start of any trial or hearing with a time estimate of one (1) hour or more, the parties must report to the Clerk’s Office to pay their fees. *See* OCLR 709.D. Please check in to Dept. C65 and obtain the Referral Sheet, which will expedite this process.

**b. Communication with the Court**

All appropriate inquiries should be directed to Judge De La Cruz’s Courtroom Clerk at (657) 622-5265. Counsel *should not* attempt to contact chambers directly. Counsel should list their email addresses and phone numbers on their papers to facilitate communication by the Courtroom Clerk.

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<sup>4</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 For assistance with determining the status of a proposed Stipulation and Order, proposed Order  
2 and/or proposed Judgment that has been submitted to the Court for signature, you may contact the  
3 courtroom by phone between the hours of 3:00 PM and 4:00 PM.

4 **c. Notice of this Order**

5 Petitioner's counsel or Petitioner (if appearing on his or her own behalf) shall immediately serve  
6 this Order on all parties, including any new parties to the action.

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8 **Failure to comply with this Order may subject the litigant in non-compliance to sanctions of**  
9 **up to \$1,500 pursuant to Code of Civil Procedure § 177.5.**

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11 **IT IS SO ORDERED:**

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13 DATED: \_\_\_\_\_

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14 Judge Andre De La Cruz  
15 Superior Court of California, Orange County  
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