

GENERAL
Policies and Procedures for
Lamoureux Justice Center Department L53
Judge Nathan Vu (657) 622-5553

Effective February 7, 2022, all matters set before Judge Nathan Vu have been transferred to Department L53, but shall remain assigned to Judge Vu.

All parties and counsel shall read and understand these Policies and Procedures. Counsel shall give a copy of these Policies and Procedures to their clients.

Parties and counsel will find that it is easier to persuade the judge if they act in a calm and reasonable manner, encourage interaction and cooperation between all sides, and remain focused on the best interests of the children and achieving a fair and just result.

EX PARTE (EMERGENCY) REQUESTS

1. **EX PARTE REQUESTS REQUIRE AN EMERGENCY.** The Court strictly enforces the requirement that a party seeking an *ex parte* (emergency) order must make a factual showing based on personal knowledge of irreparable harm, immediate danger, or other statutory basis for granting relief *ex parte*. *Ex Parte* requests are disfavored and will rarely be granted if they relate to financial matters (support, property, and attorney's fees matters) or to situations that involve harm that is not immediate and can be repaired (visitation matters).

BEFORE YOUR HEARING

2. **TRY TO COME TO AN AGREEMENT.** Unless a domestic violence restraining order is being requested or a restraining order is already in place, Rule of Court 5.98 requires that parties attempt to settle the matter before coming to Court. In addition, Family Code section 3170 requires parties to attend mediation with Family Court Services prior to any Request for Order regarding custody and/or visitation.

Parties are almost always happier with an agreement. If you want to discuss the issues with the other party, please let the judge or court clerk know. If you come to an agreement, please let the judge or court clerk know and your matter will be moved to the front of the line.

3. **DETERMINE WHAT ISSUES ARE IN DISPUTE.** Even if you cannot agree on all of the issues, the parties can still agree on some issues or facts. At the hearing, the Court expects both parties to be able to state what matters they can and cannot agree upon.
4. **EXCHANGE DOCUMENTS AND WITNESSES.** If you plan to present documents or evidence in court, you must submit the documents or evidence to the Court and to the other party at least three (3) court days before the hearing. You must also inform the other party of the witnesses that will testify on your behalf at least three (3) court days before the hearing. The Court may disallow documents, evidence, or witnesses if a party fails to follow this rule. Please see the Exhibit Section below for further instructions.
5. **SUBMIT FINANCIAL DOCUMENTS.** If your matter involves financial issues such as child support, spousal support, or property division, you must follow Local Rule 702. At least seven (7) court days before the hearing, you must serve the other party and file with the Court an Income and Expense Declaration, and pay stubs for the two most recent months (if employed), profit & loss statement from the last 12 months or most recent tax return (if self-employed), and other financial documents required by Rules of Court Rule 5.260 and Local Rule 702.
6. **PREPARE SUPPORT CALCULATION PRINTOUT.** In any matter involving child support or temporary (prejudgment) spousal support, counsel must present to the Court a printout from DissoMaster™ or Xspouse™ showing the calculations supporting their client's position on support. The Court may not rule on a Request for Order involving child support or temporary spousal support if counsel for the moving party fails to present this printout. A party who does not have counsel does not need to bring a printout, but must be ready to discuss the information contained on the first two pages of the Income and Expense Declaration for themselves and the other party.
7. **FILE THE PROPER PROOF OF SERVICE.** If you are required to serve the other party (in other words, give them a copy of your Court papers so that they know what you are requesting and when the matter will be heard), then you are also required to file a proof of service with the Court. This is a document that confirms that you have properly served the other party. The Court may not move forward with any matter without a proper proof of service.

8. **CONTINUANCES.** Requests for Order, Motions, and Conferences may be continued telephonically two times by agreement of the parties. Otherwise, the requesting party must make a showing of good cause by written request for a continuance. Continuances after the second continuance and continuances made at the hearing are disfavored.

Continuances of trials and specially-set hearings are heavily disfavored. Parties must request a continuance of a trial or specially-set hearing as soon as they are aware of the need. As such, the earlier a continuance is requested, the more likely the Court is to grant it. A continuance that is requested less than a week before trial or at trial is strongly disfavored and will not be granted absent a showing of an unavoidable and unexpected emergency.

AT YOUR HEARING

9. **CHECK IN BEFORE THE HEARING.** You should arrive in the courtroom 10 minutes before the hearing time and check-in with the court clerk.
10. **LET THE COURT CLERK KNOW IF YOU WILL BE LATE.** If you will be late, you must call the court clerk at (657) 622-5553 as soon as you know. If you request second call, you must be present by 10:00 a.m.
11. **BE COURTEOUS DURING THE HEARING.** You are in a court of law. All parties and counsel must act in a dignified and civil manner at all times.
12. **DO NOT INTERRUPT.** When someone is speaking, do not interrupt. If someone is asking a question or answering a question, allow them to finish before speaking. Do not speak over the judge or any other party or counsel.
13. **DO NOT ARGUE WITH THE OTHER PARTY OR COUNSEL.** All requests or arguments should be addressed to the judge. Do not make demands or engage in an argument with the other party or counsel directly.
14. **BRING 3 COPIES OF DOCUMENTS.** If you wish to present documents in court, you must bring 3 copies of each document – one for yourself, one for the other party, and one for the Court. The Court may disallow documents if insufficient copies are provided.

15. **WHEN YOUR CASE IS CALLED**, come to the counsel table in front of the judge. You may bring your paperwork and your cellular phone. Do not move from counsel table without asking the permission of the judge. Do not bring anything else to the counsel table without permission from the judge. If you need to give documents to the judge or a witness on the witness stand, give them to the bailiff. Always follow the instructions of the bailiff.
16. **BE FOCUSED AND EFFICIENT IN YOUR PRESENTATION.** All hearings on motions or requests for orders (which are requests for temporary, preliminary relief pending trial) are limited to one hour unless there is a showing of good cause that more time is needed or the matter is set for trial or a specially-set hearing.
17. **AFTER THE COURT HAS DECIDED**, you may ask the judge questions if you do not fully understand the decision. However, the Court will not answer legal questions or hear further testimony or argument.

AT-ISSUE MEMORANDUM AND TRIAL-SETTING CONFERENCE

18. **FILE AN AT-ISSUE MEMORANDUM TO GET A TRIAL.** Once an At-Issue Memorandum for Trial Setting (Local Form L-0031) is filed, the Court will set a Trial-Setting Conference. At the Trial-Setting Conference, the Court will schedule a Mandatory Settlement Conference and a Trial Readiness Conference.

MANDATORY SETTLEMENT CONFERENCE

19. **LET THE OTHER PARTY KNOW YOUR POSITION AND PROPOSALS FOR SETTLEMENT.** At least seven (7) court days prior to the Mandatory Settlement Conference, each party must file with the Court and serve on the other party a Settlement Conference Brief. The parties may use Local Form L-0966 to prepare the Settlement Conference Brief. Any Settlement Conference Brief must include the information in sections I, II, and III of Local Form L-0966.
20. **BE PRESENT AT YOUR MANDATORY SETTLEMENT CONFERENCE.** All parties must be present at the mandatory settlement conference, unless they obtain a Court order to the contrary. All parties must make a good-faith effort to resolve the case at the mandatory settlement conference and comply with Local Rule 707. The Court will entertain requests for sanctions pursuant to Family Code section 271 against any party who fails to follow Policies #17 and #18.

21. **REQUEST THE ASSISTANCE OF A MEDIATOR.** Particularly for self-represented litigants, the Court encourages the parties to request the assistance of an Orange County Human Relations mediator or a Temporary Judge mediator during the mandatory settlement conference. Please ask the clerk when you schedule the mandatory settlement conference to have an Orange County Human Relations mediator or a Temporary Judge mediate your case.

TRIAL READINESS CONFERENCE

22. **PREPARE FOR THE TRIAL READINESS CONFERENCE.** At least fifteen (15) court days before the trial readiness conference, the parties shall meet and do the following:
- Exchange current Income and Expense Declarations (Form FL-150)
 - Exchange witness lists (See Family Code, § 217; Form FL-321)
 - Exchange exhibit lists
 - Exchange exhibits, including audio/video recordings and transcripts of the recordings
 - Exchange expert witness reports or reports prepared pursuant to Evidence Code sections 730 or 733
 - Discuss what issues need to be decided at trial
 - Discuss which exhibits the parties will stipulate are admissible
 - Discuss which material facts are agreed upon and which are in dispute
 - Confirm that final declarations of disclosure and Local Rule 702 disclosures have been made in trials involving financial issues
 - Exchange other necessary information and prepare the joint statements listed below
23. **FILE PRE-TRIAL DOCUMENTS.** At least seven (7) court days before the trial readiness conference, the parties are required to file with the Court and serve on the other party:
- Trial Brief of no more than 15 pages on pleading paper that conforms to Rules of Court Rule 5.394
 - Joint Statement of Issues (See Local Form L-0966)
 - Witness lists with a description of the subject-matter of the testimony and time estimates for direct examination (See FC § 217; Form FL-321)
 - Exhibit lists with notations of which exhibits have been stipulated to as admissible without objection, but subject to cross-examination

- Stipulation of Material Undisputed Facts
- Joint Statement of Critical Disputed Facts, not to exceed 20 facts; if the parties cannot agree then each party shall list 10 critical facts
- If permanent (post-judgment) spousal support is at issue, Joint Statement of Family Code section 4320 Factors that includes a side-by-side summary of the parties' contentions as to each factor
- If the characterization, valuation, or division of assets, debts, or retirement plans are at issue, a Joint Marital Balance Sheet listing all assets, debts, and retirement plans at issue and a side-by-side summary of each party's position as to the characterization, valuation, and division of each asset, debt, and retirement plan at issue
- Dissomaster™ or XSpouse™ printout (See Policy #5 above)
- Current Income and Expense Declarations (Form FL-150)
- Declaration Regarding Service of Final Declaration of Disclosure and Income and Expense Declaration (Form FL-141) or Stipulation and Waiver of Final Declaration of Disclosure (Form FL-144)
- Any expert witness reports or any report prepared pursuant to Evidence Code section 730 or 733, including any child custody evaluation report and responsive report, any forensic accountant report and responsive report, and any vocational evaluator's report and responsive report (these need not be filed; courtesy copies shall be submitted to the Court and opposing party)
- Motions in Limine, if any
- Requests for Judicial Notice, if any

The Trial Briefs shall serve as each party's opening statement. A party that fails to file a trial brief may be deemed to have waived their opening statement.

The Joint Statement of Issues shall only be used to describe the basic case information, the issues to be tried, and a brief summary of each party's position as to each of the disputed issues. The Joint Statement of Issue shall not have any attachments or exhibits. All of the documents listed above shall be filed separately from each other. Only issues listed in the Joint Statement of Issues shall be tried.

The description of the subject-matter of the testimony in a witness list must be specific enough for the Court to determine whether the testimony will be relevant and not redundant. If several witnesses are described as "testifying

regarding issues of custody and visitation”, the Court will consider their testimony redundant and exclude all but one of the witnesses.

The stipulation/joint statement regarding undisputed facts and critical disputed facts shall relate to facts and not issues. An issue is custody or child support. A fact is “Petitioner has not seen the child in 20 months.” Undisputed issues may be addressed in a stipulation for judgment and disputed issues may be listed in the Joint Statement of Issues.

24. **TRIAL WILL NOT BE SET UNTIL ALL TRIAL READINESS REQUIREMENTS ARE COMPLETED.** The Court will set trial dates once all the requirements of Policies #20 and #21 above have been met in full. The Court will not allow presentation at trial of any issue, witness, document, or evidence that is not reasonably disclosed or exchanged during the trial readiness process, unless a party shows good cause (for example, if a party did not have knowledge of and could not have, with reasonable diligence, obtained knowledge of the issue, witness, document, or evidence, or the witness, document, or evidence is used for impeachment purposes only).

TRIAL

25. **FILE OPPOSITIONS TO MOTIONS IN LIMINE AND TO REQUESTS FOR JUDICIAL NOTICE.** Oppositions to Motions in Limine and Oppositions to Requests for Judicial Notice shall be filed at least seven (7) court days before trial. No replies shall be filed.
26. **NO SPEAKING OBJECTIONS.** When objecting, counsel or the party should state the legal basis for the objection only. The Court will inquire if more explanation is necessary. Counsel who are objecting to the witness’ answer (and not to the question itself) should wait for the witness to finish the sentence before objecting.
27. **BE EFFICIENT AND FOCUSED.** The Court has both the authority and the duty to conduct the trial in an efficient manner, focused on the critical facts and issues. The Court will allot each party a set and reasonable amount of time to complete their presentations. The Court may allot additional time to a party that has properly used their allotted time and makes a showing of good cause that more time is needed.

SPECIALLY-SET HEARINGS

28. FILE PRE-HEARING DOCUMENTS. Specially-set hearings are all hearings that are not trials but have a time estimate longer than 2 hours and are set for times when no other matters will be scheduled, normally 1:30 p.m. At least seven (7) court days before a specially-set hearing, the parties shall file with the Court and serve on the other party all of the documents listed in Paragraph 22 except for the Trial Brief, Joint Statement of Issues, Joint Statement of Critical Disputed Facts, Declaration Regarding Service of Final Declaration of Disclosure and Income and Expense Declaration, Stipulation and Waiver of Final Declaration of Disclosure, and any other document which is not relevant or unnecessary to the issues to be decided in the specially-set hearing. Failing to file the necessary documents may lead to waiver of the matters presented in the document or to a delay in holding the specially-set hearing.

29. TREAT SPECIAL-SET HEARINGS AS TRIALS. Paragraphs 25 - 27 shall apply to all specially-set hearings.

EXHIBITS

30. DO NOT USE THE ELECTRONIC EVIDENCE PORTAL. Effective February 7, 2022, parties and counsel shall not be required to use the Court's Electronic Evidence Portal at <https://www.occourts.org/online-services/EvidencePortal.html>.

31. PRE-MARK ALL EXHIBITS. Petitioner's exhibits shall be pre-marked with numbers starting with 1 and Respondent's exhibits shall be pre-marked with letters starting with A. Exhibit tags may be found as Form L-0529 at <http://www.occourts.org/forms/formslocal.html>.

32. EXHIBITS AND LODGED DOCUMENTS MAY BE SUBMITTED ELECTRONICALLY OR PHYSICALLY. All exhibits and lodged documents must be submitted:

- a. By electronic mail to the Court at L53@occourts.org with a cc: to the opposing party or opposing counsel;
- b. In electronic format on a flash drive or other easily accessible media with copies on identical media to the opposing party or opposing counsel; or

- c. In hard copy format in binders or other suitable holders with copies in identical format for the Court, the court clerk, and the opposing party or opposing counsel.

Exhibits shall be submitted at least seven (7) court days before a specially-set hearing or trial, or at least three (3) court days before any other type of hearing.

- 33. **FORMAT ELECTRONIC EXHIBITS PROPERLY.** All exhibits submitted electronically must be in a PDF format or another widely accessible format used for storing still images, audio, or video. Each exhibit must be a separate electronic file and not combined with other exhibit(s).
- 34. **E-MAILED EXHIBITS MUST BE SENT PROPERLY.** All exhibits submitted by electronic mail shall be sent to L53@occourts.org and not to any other Court e-mail address. The e-mail must use the following Subject line format:

[Party Type – Pet./Resp./Etc.] / [Party Name] / [Date of Hearing] / [Case Number]

For example, a proper subject line would be “Petitioner / John Smith / January 22, 2021 / Case No. 22D000123”.

Parties may not submit exhibits by sending links to websites where the exhibits may be accessed. For security reasons, the Court cannot enter into and download files from external websites. If your exhibits are large, you may send multiple e-mails with the exhibits attached or submit a flash drive or other media.

35. ABIDE BY EXHIBIT LIMITATIONS.

- a. For all trials and specially-set hearings, each side is limited to 50 exhibits per side with a maximum of 100 pages per exhibit, or 100 exhibits per side with a maximum of 50 pages per exhibit.
- b. For all other hearings, each side is limited to 15 exhibits of no more than 15 pages each, unless a party obtains leave of the Court to exceed the limits.
- c. Exhibits that exceed the page limit may be split into separate parts that are less than the limit, but each part shall be counted as one exhibit.

- d. Exhibits that do not abide by the number or page limitations, or are not properly submitted to the Court or opposing counsel (or opposing party if self-represented), may not be admitted into evidence or may not be considered.

36. **PREPARE IMPEACHMENT EXHIBITS AHEAD OF TIME.** If there are any impeachment exhibits that need to be submitted during the hearing or trial, they may be submitted by e-mail, but each side must have them in a proper format and ready for submission prior to the hearing, in order to avoid delay.

IMPORTANT RESOURCES

Department of Child Support Services – 1055 N. Main Street, Santa Ana, CA 92701 (866) 901-3212 or 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 Courthouse, 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).