

Superior Court of California
County of Orange County

HONORABLE H. SHAINA COLOVER
Department C34

CLERK: S. Gorman
COURT ATTENDANT: R. Banicki

Central Justice Center
700 Civic Center Drive West
Santa Ana, CA 92701
(657) 622-5234
www.occourts.org

CALENDAR INFORMATION:

- A. **Jury Trial & Court Trial** - Monday, Tuesday & Wednesday - 9:00 a.m. to 4:15 p.m.
(Juries may deliberate on Thursdays and/or Fridays, depending on the Court's calendar.)
- B. **CMC & Status Conferences**– Thursday at 9:00 a.m.
- C. **OSC & Default Prove-Up Hearings**- Thursday at 10:30 a.m.
- D. **Law & Motion** – Thursday at 1:30 p.m.
 - Please use the Court's online reservation system to reserve your motion date. All motion papers must be filed within 24 hours of the reservation, except for summary judgment motions. The court endeavors to post tentative rulings online before commencement of the hearing. If for any reason counsel wish to take a Law and Motion matter off calendar, please advise the Court immediately and e-file the necessary paperwork. Additional information is contained on the Department's tentative rulings page.
- E. **Ex Parte Matters** – Monday, Tuesday, Wednesday, and Thursday at 1:30 p.m.
 - Reservations must be made with the department no later than 10:00 a.m. the day before the hearing. *Ex parte* applications shall be filed electronically by 12:00 p.m. the day before the hearing. Any opposition should be in writing and filed no later than 10:00 am the day of the hearing.
- F. **Mandatory Settlement Conferences** - Friday's at 9:00 a.m.
 - Mandatory settlement conferences will be set for *in-person* appearances, (unless at least two weeks before said MSC, all parties stipulate to a remote MSC, and the Court adopts this stipulation as an order of the Court). (See, OCLR 316.)

Welcome to Department C34

To facilitate the efficient progress of your case, please be mindful of these procedures and guidelines. Please don't hesitate to contact the department with any questions or concerns you may have!

GENERAL PROCEDURES:

1. Remote Versus In-Person Proceedings:

- **Non-evidentiary proceedings:** (meaning those proceedings where live, oral testimony is *not* expected, e.g., Law & Motion, Ex Partes, CMCs, OSCs and the like) will be remote and heard by Zoom videoconference pursuant to CCP §367.75 and Orange County Local Rule (OCLR) 375. Parties can access the Department's virtual courtroom on the date and time indicated by using the following link: <https://www.occourts.org/mediarelations/aci.html>. The Court's "Appearance Procedures and Information--Civil Unlimited and Complex" and "Guidelines for Remote Appearances" (also available at <https://www.occourts.org/media-relations/aci.html>) will be strictly enforced. *** Parties preferring to appear in-person for non-evidentiary proceedings are welcome to do so pursuant to CCP §367.75 and OCLR 375.
- **Evidentiary proceedings:** (such as trials, debtor exams or other hearings where oral testimony will be taken) will be in-person, absent a prior court order. Parties seeking to have all, or any portion of, an evidentiary proceeding handled remotely must make that request by way of a motion.

2. **Court Reporters:** Department C34 does not provide the services of an official court reporter. If the services of a certified shorthand reporter are desired, the parties can stipulate and bring in their own reporter consistent with the OCSC policy for "privately retained court reporters." Such reporters must have the ability to provide "real time" reporting through software which is compatible with the applications utilized in the courtroom. The Court's policy on privately retained court reporters is available on the Court's website at: [Privately-Retained Court Reporter Policy](#).

3. **Compliance with Rules:** All counsel and self-represented litigants must read and be familiar with Division 3 of the Orange County Superior Court Local Rules ("OCLR"), and with all applicable California Rules of Court ("CRC").

4. **Cooperation, Civility and Courtesy:** The Court expects all Parties to cooperate with each other to the fullest extent and to act at all times with civility and courtesy. Please refer to the Orange County Bar Association's Civility Guidelines, which are available online at: http://www.ocbar.org/Portals/0/pdf/news/2017/civility_guidelines.pdf

5. **Ex Parte Applications:** All Parties must comply with CRC 3.1200 through 3.1207, including but not limited to making an "affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief *ex parte*." CRC 3.1202 (c). Papers must also demonstrate appropriate notice and state whether the application will be opposed. Moving

papers must include a declaration of notice of ex parte hearing, a declaration based on personal knowledge, points and authorities, and a proposed order in both PDF format and in editable word-processing format. All moving and opposing papers must be electronically filed, unless you are self-represented, (Local Rule 352). See, Section E, above, for filing times. ***The court may decide *ex parte* matters on the papers without a hearing. (Code Civ. Proc., §166, subd. (a)(1).)

6. **Case Management Conferences (CMC):** Parties must be fully familiar with, and comply with as applicable, CRC 3.720 through 3.734, including but not limited to the requirement that all Parties file a Case Management Statement in compliance with CRC 3.725.
7. **Continuances:** Hearing dates will not be continued by telephone. Trial dates are considered firm; therefore, continuances are disfavored. Both Trial and Law and motion matters may be continued by written stipulation of the parties, subject to approval by the court. Even if a continuance is unopposed, counsel must submit a supporting declaration stating facts that constitute good cause for a continuance. A proposed order is to be submitted with the request, stipulation, and supporting declaration. Said stipulations must be signed by **ALL** appearing parties. Said matter will not be continued unless and until the Court signs an order to continue. All other motions and applications for a continuance must comply with California Rules of Court, rule 3.1332.

TRIAL PROCEDURES:

A. Trial Dates:

Trials are called Mondays at 9:00 a.m. and usual trial days are Monday, Tuesday, and Wednesday, 9:00 a.m. through 4:30 p.m. (Juries may deliberate on Thursdays and/or Fridays, depending on the Court's calendar.)

B. Pre-Trial Procedures- Rule 317:

The Parties must fully comply with OC Local Rule 317, including conducting an Issue Conference and filing all required items pursuant to Rule 317 by **noon the Wednesday before trial**, including a Statement of Compliance (L-0081, attached) and a Joint Trial Notebook.

Failure to comply with Local Rule 317 will be deemed by the Court that the case is **NOT READY** for trial, and/or as a basis for sanctions pursuant to Local Rule 381

C. Exhibits/Demonstratives:

- The parties are to cooperate in preparing a joint exhibit list and joint exhibit notebooks (see attached optional form). Two (2) complete sets of exhibits in 3-ring binders with the exhibit list identifying each such exhibit, and with number tabs separating each exhibit, shall be submitted to the Court (one for the Court and one for the witness stand). Each tab should bear the corresponding exhibit number. Every exhibit in the witness copy must have an exhibit tag filled out and attached.
- Each exhibit should be moved into evidence as soon as admissibility has been established. **No exhibit shall be published to the Jury prior to being admitted.**

- If any party plans to use enlargements of exhibits, such “blow-ups” should not be used as original exhibits. Instead, a normal size paper version of the exhibit should be marked and treated as the official exhibit. Blowups are informally marked with and referred to by the same exhibits number during trial.
- If any party plans to use a video exhibit, Power Point, demonstrative, videotaped depositions (see also below) or audio recording, the Court must be advised in advance. Court permission is required before such demonstratives or presentations may be used. It is each party’s responsibility to supply the necessary equipment and to have it set up before trial or during a recess.
- Video tape or audio tape evidence may not be introduced unless accompanied by a separately marked audio transcript and/or “still picture” representation of what the proponent seeks to present as evidence.
- Exhibits may not be shown to the jury in opening statements unless counsel have stipulated in advance that the exhibit is admissible and have advised the court of their stipulation on the recording before opening statements.

D. Joint Trial Notebook for the Court: In addition to the exhibit binders required for trial exhibits, counsel shall jointly prepare a trial notebook for the court. The Court’s trial notebook shall contain the following documents, each separately tabbed:

1. Table of contents
2. Copies of operative pleadings
3. Joint Statement of the Case (Jury Trials)
4. Executed Statement of Compliance
5. Joint Witness List
6. Stipulations of Fact, exhibit admissibility and/or foundation
7. Joint List of Controverted Issues
8. Joint Exhibit List
9. Proposed Voir Dire Questions (if any) for Court voir dire
10. Proposed Jury Instructions (Jury Trials)
11. Proposed Verdict Forms (Jury Trials)
12. Any Trial Briefs

the need to e-file all trial-related documents.

E. Depositions:

13. Prior to commencement of trial, counsel shall lodge all depositions to be used in trial with the clerk and advise the Court if In Limine Motions and Oppositions

*** The trial notebook is a courtesy copy for the Court’s use; it does not absolve the parties of there are any depositions which are unsigned. A Party that expects to present one or more witnesses at trial by deposition shall, no later than the Issue Conference, provide opposing counsel with its written deposition designations. This shall be done by providing a hard copy of the deposition transcript with that Party’s designations highlighted. The other Party shall, on the same hard copy of the document, mark its counter- designations (by highlighting them in a different color) and also indicate, in the margin next to any testimony designated by the other side, any objections to the admissibility of the designated testimony. Once both sides have annotated the transcript with their designations

and counter-designations and objections to the other side's designations, the transcript shall be submitted to the court prior to commencement of trial. Where the deposition testimony will be presented by videotape, the Parties shall promptly seek a ruling resolving objections and counter-designations so that the videotape can be edited to remove objections and attorney argument.

F. Motions In Limine:

Motions in limine must be in writing, comport with the purposes of such motions, and identify specifically the evidence to be excluded. (See *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659. Counsel must meet and confer in a good faith effort to resolve as many in limine motions as possible before trial.

G. Witnesses:

Parties are required to submit a joint witness list. It is the responsibility of all parties to arrange the appearance of witnesses to avoid delay, to confer among themselves during the trial as to when witnesses will be needed, to advise the Court at the earliest opportunity of any anticipated problems with the presence of witnesses and to advise witnesses of the appropriate manner of testifying.

H. Stipulations:

All stipulations must be discussed and agreed upon by all parties before being called to the attention of the jury. A party must not offer to stipulate to any matter within the hearing of the jury. **Parties are expected to have already attempted to stipulate to admissibility and/of foundation for all exhibits with those agreements reflected on the joint exhibit list.**

I. Jury Instructions/Verdict Forms:

All proposed jury instructions and verdict forms must be submitted to the clerk as part of the "Joint Trial Notebook".

Prior to the commencement of trial, the parties shall also provide the Court with a separately indexed joint compendium identifying all agreed upon and contested instructions or verdict forms, with all instructions attached and organized by proponent and competing verdict forms appended collectively (e.g., attachment A consists of jointly requested instructions, attachment B consists of instructions requested by Plaintiff but disputed by Defendant, attachment C consists of instructions requested by Defendant but disputed by Plaintiff, attachment D consists of the parties competing verdict forms).

*The Parties shall comply with these Department procedures, including attached **Conduct in Jury Trials***

CONDUCT IN JURY TRIALS

The Honorable H. Shaina Colover

Department C34

1. Attorneys are to advise their witnesses of rulings that will apply to their testimony.
2. Do not make speaking objections. Simply state the Objection and the legal grounds.
3. Except for appropriate transitional comments, do not make any editorial comments prior to posing a question. (For example, "We have heard about the defendant's negligent driving, did you see him change lanes without signaling?")
4. Except for voir dire, opening and closing, do not address the jury directly. Ask the Court to do so on your behalf. If you have concerns about the jurors' comfort, inform the Court of those concerns outside the presence of the jury.
5. Stipulations must be reduced to writing.
6. Sidebars will be kept to a minimum. Ensure that anticipated objections are dealt with in limine or otherwise outside the presence of the jury.
7. Challenges for cause, all motions, and arguments concerning evidentiary objections will be discussed at sidebar or otherwise outside the presence of the jury. Generally, sidebars will not be on the record. Counsel can make their record later at a break to ensure jurors are not kept waiting by lengthy sidebars.
8. Attorneys are to refrain from entering the well. If you need to enter the well for technical reasons, (i.e. to plug in electronic equipment, something fell in the well) please request permission first.
9. Permission to approach a particular witness or piece of evidence need only be requested once for that particular witness/piece of evidence.
10. The Court will conduct a Pretrial Conference on the scheduled trial date, at which the following issues, among others, will be discussed; jury selection, unusual evidentiary or instruction issues, scheduling, witness problems, summary of expected facts and defenses, pretrial motions and proposed verdict forms.
11. The Court uses a "seven-pack" method (21 prospective jurors) to select 14 jurors, including two non-designated alternates. In this method, alternates are selected randomly after closing arguments. Initial voir dire is directed at the panel of 21 prospective jurors. "For cause" challenges are then made or waived as to the 21 prospective jurors (out of their presence) followed by peremptory challenges directed only toward the 14 prospective jurors "in the box." Any additional voir dire is directed only toward "new" prospective jurors who fill seats of those previously excused. Jurors shall be referred to by # only, not names.
12. Counsel shall, at all times, show proper respect to the jurors, witnesses, court staff, parties, opposing counsel and the Court. They shall also instill in their clients and witnesses the same duty of respect. All counsel and witnesses (except children) are to be referred to by their last name.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ e-Mail Address (Optional): _____ Bar No.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE CI Central Justice Center, 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 CI Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
STATEMENT OF COMPLIANCE Unlimited Civil	Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date:

This Statement of Compliance shall be executed by all counsel and filed with the court clerk in the department of the Judge to whom the case has been assigned for trial.

1. Counsel has inspected all exhibits and diagrams and the exhibits are ready for premarking by the clerk. All stipulations as to admission into evidence or waiver of foundation are submitted with the exhibits.
2. All relevant motions have been exchanged by all parties.
3. If trials by jury, proposed jury instructions, proposed special findings and/or general verdict and/or special verdicts will be exchanged before the commencement of trial.
4. Joint Statement of the case and joint witness list has been prepared for submission to the court as required.*
5. Counsel has prepared a joint list of controverted issues.
6. All counsel have prepared a list of stipulated facts and made a good faith effort to stipulate to as many documents, waiver of foundational requirements, etc., as reasonably possible.
7. Each party agrees that once the trial commences, witnesses shall be available to utilize to the fullest extent possible every trial day.
8. Parties have agreed on a division of jury fees (if applicable) and reporter fees, which are due each day before trial commences.

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (NAME OF PARTY) _____ (DATE)
 (SIGNATURE OF ATTORNEY)

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (NAME OF PARTY) _____ (DATE)
 (SIGNATURE OF ATTORNEY)

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (NAME OF PARTY) _____ (DATE)
 (SIGNATURE OF ATTORNEY)

_____, Attorney for Plf/Def/X-Compl/X-Def _____ (NAME OF PARTY) _____ (DATE)
 (SIGNATURE OF ATTORNEY)

*Please attach to this Statement of Compliance: Joint Statement of Case, Joint Witness List, stipulated Facts, Requested Voir Dire Questions and List of Controverted Issues.

PROCEDURAL STIPULATIONS

Case Number: _____

Case Name: _____

It is hereby stipulated between counsel
for the respective parties in the above titled action:

Please initial boxes
Counsel for Plaintiff Counsel for Defendant

1. That the jury instructions and the Exhibits may go
into the jury room during the deliberations

--- -- 2. That counsel and the parties need not be present when, during jury
deliberations, the jurors are excused for recesses, return from recesses
and/or are discharged in the evening and resume in the morning.

3. That, during jury deliberations, the jury may recess without further
admonition and without assembling in the jury box, and that they may resume
their deliberations upon the determination that all jurors are present.

4. That in the absence of the trial judge, the verdict may be
received by any judge of this court.

5. That unless called to the court's attention, all jurors shall be
deemed to be in the jury box and in their proper places upon
court reconvening after each recess or adjournment.

6. That after giving the admonition required by Code of Civil
Procedures section 611, the court need not repeat or remind the
jury of the admonition at each subsequent recess or adjournment.

7. That upon order of the court, all exhibits will be returned to counsel
after the trial is completed, for safekeeping until the lime for appeal has
expired.

8. That at the conclusion of the trial, all juror questionnaires, if any, may
be destroyed.

9. Counsel stipulate that jury voir dire and the Court's reading of the jury
instructions to the jury need not be reported by the Court Reporter.

10. Counsel stipulate to the return of all depositions lodged once the verdict
or decision has been rendered unless ordered filed by the Court.

11. Counsel stipulate that copies of the exhibits may be used in lieu
of originals.

X _____
Counsel for Plaintiff

X _____
Counsel for Defendant

Date

Date

EXHIBIT NO. _____

ID only (Date) _____

IN EVIDENCE (Date) _____

Plaintiff/People Defendant Joint
 Petitioner Respondent Court
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

Case No. _____

VS.

David H. Yamasaki, Executive Officer and Clerk
 By _____ Deputy

**NOTE: THIS ITEM IS A PERMANENT COURT RECORD.
 DO NOT REMOVE FROM THE COURTROOM.**

If found please contact: Superior Court of California, County of Orange (657) 622-7809

EXHIBIT NO. _____

ID only (Date) _____

IN EVIDENCE (Date) _____

Plaintiff/People Defendant Joint
 Petitioner Respondent Court
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

Case No. _____

VS.

David H. Yamasaki, Executive Officer and Clerk
 By _____ Deputy

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EXHIBIT NO. _____

ID only (Date) _____

IN EVIDENCE (Date) _____

Plaintiff/People Defendant Joint
 Petitioner Respondent Court
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

Case No. _____

VS.

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EXHIBIT NO. _____

ID only (Date) _____

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Plaintiff/People Defendant Joint
 Petitioner Respondent Court
 (Other)

Signature of Atty/Party Introducing Sensitive Exhibit

Case No. _____

VS.

David H. Yamasaki, Executive Officer and Clerk
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T Joint List of Anticipated Witness Trial Testimony

	Witness	Title and/or Role in Case	Direct Examination Time Estimate	Cross Examination Time Estimate	Total Time
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					