

Superior Court of California
County of Orange County

JUDGE LEE L. GABRIEL
DEPARTMENT C32

Clerk: Denise Hentschke
Court Attendant: Victoria Nguyen

Central Justice Center
700 Civic Center Drive West
Santa Ana, CA 92701
(657) 622-5232
www.occourts.org

CALENDAR INFORMATION:

- A. **Jury Trial and Court Trial** - Monday, Wednesday, and Thursday's at 9:00 a.m.
- B. **Law and Motion** - Tuesday's at 9:00 a.m.
Motions for Summary Judgment and/or Adjudication are the only Motions that **do not** adhere to the 24-hour rule for e-filing.
- C. **OSC/CMC/MSC/Trial Call** - Friday's at 9:00 a.m.
Mandatory Settlement Conferences are **mandatory in person** unless the Temporary Judge assigned indicates otherwise.
- D. **Post Arbitration & Review Hearing** – Friday's at 9:00 a.m.
- E. **Default Prove-Up Hearing** - Tuesday's at 1:30 p.m.
- F. **Ex Partes** – Monday - Thursday's 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 application shall be e-filed by noon the day before the hearing. Written opposition shall be e-filed by 3:00 p.m. the day before the hearing.

GENERAL PROCEDURES:

EX PARTE APPLICATIONS:

- A. **Ex Parte Hearings:** Ex parte applications are heard Monday through Thursday at 1:30 p.m,
- B. **Telephonic Notice to Courtroom:** Telephone notice to the Courtroom must be given by 10:00 a.m. the day before the Ex parte hearing.
- C. **Filing and Delivery of Ex Parte Papers:** All papers in support of an ex parte application (including the proposed order) must be e-filed no later than noon the business day before the ex parte hearing. The moving papers must demonstrate with admissible evidence that the moving party gave proper notice and must state whether the other parties to the case will oppose the application. Counsel for the moving party must make good faith efforts to speak with opposing counsel to determine their position(s) on the ex parte application.
- D. **Content of Ex Parte Applications:** Ex parte applications must comply with CRC 3.1200 through 3.1207. Applications must be in writing and include the following:
 - 1. Declaration setting forth details of the notice given to opposing counsel of the ex parte hearing and stating whether the application will be opposed.
 - 2. Declaration, based on personal knowledge, describing the irreparable harm that would occur if the relief requested is not granted.
 - 3. Memorandum of Points and Authorities in support of the application.
 - 4. Proposed Order in Word format.
- E. **Oppositions to Ex Parte Applications:** The Court **requires written opposition** as the Court will rule by minute order by 1:30 p.m. the day of hearing unless the court invites further oral argument. Oppositions to ex parte applications must be e-filed no later than 3:00 p.m. the day before the hearing.

LAW AND MOTION:

- A. **Reserving Motion Dates:** Motions dates must be reserved on the Court Public Website at www.occourts.org . All motion papers must be filed within 24 hours of the reservation, except for summary judgment motions.

- B. **Tentative Rulings:** The court endeavors to post tentative rulings by 3:00 p.m. the day prior to the hearing. For further information, including information about the court's tentative rulings and how to submit on a tentative ruling, see the court's Tentative Rulings page on the Court Public Website at www.occourts.org.

- C. **Taking Motions Off Calendar:** If for any reason counsel wish to take a Law and Motion matter off calendar (e.g. the case settled while the motion was pending or the motion has become moot) counsel must advise the Court immediately. This does not absolve the parties of e-filing the necessary paperwork regarding withdrawal of the motion.

- D. **Courtesy Copies:** Department C32 does not require courtesy copies.

- E. **Declarations and Exhibits:** Department C32 does not require courtesy copies.

- F. **Motions for Summary Judgment and/or Adjudication:**
 - 1. **Reserving a Hearing Date:** Motions for summary judgment and/or adjudication are not subject to the 24-hour filing rule. Counsel may reserve a hearing date for a motion for summary judgment and/or adjudication without filing all papers in support of the motion within 24 hours of making the reservation. Counsel may not, however, reserve more than one date for the same motion.

 - 2. **Separate Statement:** Separate statements must comply with CRC 3.1350.

 - 3. **Evidentiary Objections:** Written evidentiary objections must comply with CRC 3.1354.

 - 4. **Declarations:** Declarations filed in support of or in opposition to a motion for summary judgment and/or adjudication must be separately filed, i.e. not attached to or made part of the notice of motion and motion or the memorandum of points and authorities.

TRIAL PROCEDURES:

- A. **Trial Dates:** Trial are called Friday at 9:00 a.m. and usual trial days are Monday, Wednesday, and Thursday at 9:00 a.m. through 4:30 p.m.

- B. **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 trial notebook is a courtesy copy for the Court's use; it does not absolve the parties of the need to e-file all

trial-related documents. The Court's trial notebook shall contain the following documents, each separately tabbed:

1. Joint Statement
2. Executed Statement of Compliance
3. Joint List of Stipulated Facts
4. Joint List of Controverted Issues
5. Joint Exhibit List
6. Joint Witness List
7. Proposed Voir Dire Questions (if any) for Court voir dire
8. Factual Stipulations
9. Proposed Verdict Form
10. In Limine Motions and Oppositions

C. Issue Conference and Statement of Compliance:

1. **Local Rule 317 Compliance:** The parties must conduct an Issue Conference in compliance with Local Rule 317 and prepare and file all required items pursuant to that rule. Note that Rule 317 requires that the Issue Conference take place at least 14 days before the trial date. See Statement of Compliance.
2. **Statement of Compliance:** A Statement of Compliance and its required attachments shall be e-filed and a courtesy copy provide to the court as part of the court's trial notebook.
3. 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.

D. In Limine Motions:

1. **Exchange of In Limine Motions:** In limine motions must be exchanged and discussed no later than the Issue Conference. See Local Rule 317. Counsel must meet and confer in a good faith effort to resolve as many in limine motions as possible before trial.
2. **Numbering In Limine Motions:** Each in limine motion shall be assigned a number, which must be set forth on the face page of the motion, along with the identity of the party bringing the motion and a short description of the motion (e.g. "Plaintiff's Motion In Limine No. 1 to Exclude Reference to Plaintiff's 2013 Theft Conviction"). Courtesy copies of the in limine motions (including oppositions) shall be included in the court's trial notebook. If there are 3 or more in limine motions, they must be placed in a binder separate from the trial notebook and delivered to the Courtroom Clerk with the trial notebook.

E. Exhibits/Demonstratives:

The parties are to cooperate in preparing a joint exhibit list and joint exhibits 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.

F. 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.

G. 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.

H. Jury Instructions:

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).

Word editable versions of any contested instructions or verdict form must also be emailed to the Clerk at the commencement of trial.

Attachments:

Statement of Compliance

Exhibit Tags

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name & Address</i>): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (<i>Name</i>): _____ Bar No: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE <input type="checkbox"/> Central Justice Center, 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> STATEMENT OF COMPLIANCE Unlimited Civil </div> <div> Case assigned to: Judge: Department: Date complaint filed: Hearing/trial date: </div> </div>	

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(s).
2. Pretrial motions have been exchanged by all parties.
3. If trial is 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 _____ (DATE)
 (SIGNATURE OF ATTORNEY) (NAME OF PARTY)

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

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

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

**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.

STATEMENT OF COMPLIANCE

EXHIBIT NO.		
<input type="checkbox"/> ID only (Date)		
<input type="checkbox"/> IN EVIDENCE (Date)		
<input type="checkbox"/> Plaintiff/People	<input type="checkbox"/> Defendant	<input type="checkbox"/> Joint
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Court
<input type="checkbox"/> (Other)		
Signature of Atty/Party Introducing Sensitive Exhibit		
Case No.		
VS.		
David H. Yamasaki, Clerk of the Court		
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		

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