

# TRIAL BRIEF

A **TRIAL BRIEF** is a statement of the issues you want to raise in your Court Trial, and your position regarding those issues. A Trial Brief may be filed and served any time after your Settlement Conference has taken place. However, you will want to be sure it is “**FILED**” in time for the Judge to review it prior to your Court Trial. *Failure to file the documents listed below may cause the Court to continue your Court Trial.*

You can serve the Trial Brief on the other party either by mail or personally up to the time of trial. However, if you think there is a possibility of working out an agreement based upon what is in your Trial Brief, you may want to provide a copy to the other party as soon as possible. **\*\*If you have children, you must attend mediation orientation and mediation** prior to your Court Trial. Contact the Family Law Center for orientation and mediation appointments.

You will need the following documents:

- Trial Brief.** You may use Sutter County’s optional form, CV-04, for this purpose.
- Proof of Service:** Either **FL-335 Proof of Service by Mail** or **FL-330 Proof of Personal Service.**
- FL-157. Spousal or Domestic Partner Support Declaration Attachment.** If you are asking that the Court make orders about spousal support at your Trial, you can use this optional form to support your request.

**IF YOU HAVE NOT FILED THE DOCUMENTS LISTED BELOW YOU MUST FILE THESE DOCUMENTS WITH THE COURT AND SERVE THE DOCUMENTS BEFORE YOUR TRIAL.**

FORMS ARE AVAILABLE AT THE SELF-HELP CENTER OR ONLINE AT [WWW.SUTTERCOURTS.COM](http://WWW.SUTTERCOURTS.COM) OR [WWW.COURTS.CA.GOV](http://WWW.COURTS.CA.GOV).

- FL-150** *Income and Expense Declaration (Do not need to file if you have already filed in the last six months unless your income has changed)*
- FL-140** *Declaration of Disclosure (Do not file with the Court but must be served on other party.)*
- FL-141** *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Decl.*
- FL-160** *Property Declaration(s) Community and/or Separate Property each on their own declaration*

## FILING AND SERVING INSTRUCTIONS

Make two copies of the completed original, file your documents with the court. Keep one copy for yourself and serve the other party with the other copy.

Have someone **OTHER THAN YOURSELF AND OVER THE AGE OF 18 YEARS OLD** serve the other party with the documents above by placing them in the mail. Have the server complete **FL-335 Proof of Service by Mail**. **FILE THE PROOF OF SERVICE BY MAIL AT THE CLERK’S OFFICE.**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SUTTER**

**FAMILY LAW FACILITATOR  
FAMILY LAW INFORMATION CENTER**



**530-822-3305**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)  TELEPHONE NO: ATTORNEY FOR (Name)	For Court Use Only
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER</b> STREET ADDRESS: 1175 Civic Center Blvd. MAILING ADDRESS: CITY AND ZIP CODE: Yuba City, CA 95993	
PETITIONER:  RESPONDENT:	
<input type="checkbox"/> <b>MANDATORY SETTLEMENT CONFERENCE BRIEF (MSC)</b> <input type="checkbox"/> <b>LONG CAUSE HEARING BRIEF (LCH)</b> <input type="checkbox"/> <b>TRIAL BRIEF (TRIAL)</b>	CASE NUMBER:

MCS /  LCH /  Trial Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m. in Dept: \_\_\_\_\_  
 Petitioner is self-represented  Attorney for Petitioner is: \_\_\_\_\_  
 Respondent is self-represented  Attorney for Respondent is: \_\_\_\_\_

**MEET AND CONFER**

Date and Time: \_\_\_\_\_  
 Method:  In person  Telephone  Letter  Electronic Transmission  
 Participants:  Petitioner  Respondent  Attorney for Petitioner  Attorney for Respondent  
 There was no meet and confer: (*state reason*) \_\_\_\_\_

**ISSUES SETTLED**

- Child Custody
- Parenting Plan/ Visitation
- Parentage
- Child Support
- Spousal / Partner Support
- Property Division
- Characterization and Division of Assets/Debts
- Retirement / Pensions
- Other Issues

**ISSUES TO BE LITIGATED**

- Child Custody
- Parenting Plan/ Visitation
- Parentage
- Child Support
- Spousal / Partner Support
- Property Division
- Characterization and Division of Assets/Debts
- Retirement / Pensions
- Other Issues

**STATISTICAL FACTS**

Date of Marriage / Domestic Partnership: \_\_\_\_\_ Date of Separation: \_\_\_\_\_  
 Length of Marriage / Domestic Partnership: \_\_\_\_\_ years \_\_\_\_\_ months.  
 Marital Domestic Partnership Status:  Not terminated  Terminated on: \_\_\_\_\_  
 Petitioner's Information: Age: \_\_\_\_\_ Occupation: \_\_\_\_\_  
 Monthly Income: Gross: \$ \_\_\_\_\_ Net: \$ \_\_\_\_\_  
 Pay Periods:  Weekly  Bi-weekly  Monthly  Other: (*Explain*) \_\_\_\_\_  
 Respondent's Information: Age: \_\_\_\_\_ Occupation: \_\_\_\_\_  
 Monthly Income: Gross: \$ \_\_\_\_\_ Net: \$ \_\_\_\_\_  
 Pay Periods:  Weekly  Bi-weekly  Monthly  Other: (*Explain*) \_\_\_\_\_

**MANDATORY SETTLEMENT CONFERENCE BRIEF-  
LONG CAUSE HEARING BRIEF- TRIAL BRIEF**

SHORT TITLE	CASE NUMBER
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> MSC <input type="checkbox"/> LCH <input type="checkbox"/> TRIAL	

Minor Children:

Name	Date of Birth	Age	Sex

*Information about additional children attached*

**DISPUTES ABOUT STATISTICAL FACTS:** *(Provide a brief summary of disputed statistical facts above, if any)*

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**SUMMARY OF PREVIOUS ORDERS:** *(Provide a brief summary of prior orders of the court on any issues of this case)*

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*Information about previous orders attached*

**DISPUTED ISSUES, PROPOSED RESOLUTION, LEGAL ARGUMENT AND SUPPORTING EXHIBITS**

- Disputed Issues *(If an issue is disputed, check the applicable box and briefly describe disagreement between the parties)*
- Proposed Resolution *(Briefly state what you want the court to order and what you think is fair)*
- Legal Arguments *(Briefly state legal arguments if any, on which you intend to rely)*
- Supporting Exhibits *(Attach a list of the proposed exhibits on which you intend to rely with a brief description of each.)*

1.  CHILD CUSTODY     *Additional pages or agreement attached identified as "Attachment 1."*

Issue: \_\_\_\_\_

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Proposed Resolution: \_\_\_\_\_

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Legal Argument: \_\_\_\_\_

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2.  VISITATION/ PARENTING PLAN     *Additional pages or agreement attached identified as "Attachment 2."*

Issue: \_\_\_\_\_

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Proposed Resolution: \_\_\_\_\_

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Legal Argument: \_\_\_\_\_

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Attached Judicial Counsel Forms:   
 FL-311   
 FL-341(C)   
 FL-341(D)   
 FL-341(E)

**MANDATORY SETTLEMENT CONFERENCE BRIEF-  
LONG CAUSE HEARING BRIEF- TRIAL BRIEF**

SHORT TITLE

CASE NUMBER

Petitioner  Respondent  MSC  LCH  TRIAL

3.  PARENTAGE  *Additional pages or agreement attached identified as "Attachment 3"*

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

Legal Argument: \_\_\_\_\_

4.  CHILD SUPPORT  *Additional pages attached identified as "Attachment 4."*  *Calculation Attached*

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

Legal Argument: \_\_\_\_\_

5.  SPOUSAL/ PARTNER SUPPORT  *Additional pages or agreement attached identified as "Attachment 5."*  
*(All Family Code §4320 factors must be addressed. Use of Spousal or Partner Support Attachment FL-157 as an attachment is encouraged.)*

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

Legal Argument: \_\_\_\_\_

6.  PROPERTY DIVISION  *Additional pages attached identified as "Attachment 6."*  FL-160 Attached

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

Legal Argument: \_\_\_\_\_

7.  CHARACTERIZATION & DIVISION OF ASSETS  *Additional pages attached identified as "Attachment 7."*

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

**MANDATORY SETTLEMENT CONFERENCE BRIEF-  
LONG CAUSE HEARING BRIEF- TRIAL BRIEF**

SHORT TITLE	CASE NUMBER
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> MSC <input type="checkbox"/> LCH <input type="checkbox"/> TRIAL	

Legal Argument: \_\_\_\_\_

8.  CHARACTERIZATION & DIVISION OF DEBTS     *Additional pages attached identified as "Attachment 8."*

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

Legal Argument: \_\_\_\_\_

9.  RETIREMENT / PENSIONS     *Additional pages or agreement attached identified as "Attachment 9."*

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

Legal Argument: \_\_\_\_\_

10.  OTHER ISSUE(S)     *Additional pages or agreements attached identified as "Attachment 10."*

Issue: \_\_\_\_\_

Proposed Resolution: \_\_\_\_\_

Legal Argument: \_\_\_\_\_

**ATTACHMENTS:**

Proposed Division of Community Assets and Debts-Stipulated and Disputed

List of Witnesses\*

1. Include name and brief description of the anticipated testimony of each witness.
2. For each expert witness, also include the business address and statement of qualifications.

\*Parties are encouraged to use *Witness List* FL-321 Judicial Council Form for this purpose.

**ADDITIONAL FORMS:** (File at time of brief if applicable and not previously filed)

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature of  Attorney for  Petitioner  Respondent

**MANDATORY SETTLEMENT CONFERENCE BRIEF-  
LONG CAUSE HEARING BRIEF- TRIAL BRIEF**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr/>  TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:  <i>(if applicable, provide):</i> HEARING DATE: HEARING TIME: DEPT.:
<b>PROOF OF SERVICE BY MAIL</b>	

**NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).**

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. I served a copy of the following documents *(specify)*:

by enclosing them in an envelope AND

- a.  **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelope was addressed and mailed as follows:
  - a. Name of person served:
  - b. Address:
  - c. Date mailed:
  - d. Place of mailing *(city and state)*:

5.  I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order (form FL-334) may be used for this purpose.)*

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)

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\_\_\_\_\_

(SIGNATURE OF PERSON COMPLETING THIS FORM)