

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 1	DIFFERENTIAL CIVIL CASE MANAGEMENT SYSTEM (Effective 11/24/2014)	1
A.	Overview (Effective 7/1/2007).....	1
B.	Case Management Judges (Effective 7/1/2011).....	2
C.	Cases Involving Employees (Effective 1/1/2011).....	2
D.	Proper Courthouse For Filing A General Civil Case (Effective 11/24/2014)	2
E.	Civil Lawsuit Notice (Effective 7/1/2012).....	3
F.	Mandatory Case Management Conferences (Effective 7/1/2008).....	4
RULE 2	ALTERNATIVE DISPUTE RESOLUTION (ADR) (Effective 1/1/2011).....	5
A.	Policy Statement (Effective 1/1/2003).....	5
B.	Unlimited Civil Cases (Effective 1/1/2011).....	6
C.	Limited Civil Cases (Effective 1/1/2011).....	7
D.	Mediators and Neutral Evaluators (Effective 1/1/2011).....	7
E.	Court-Approved ADR Providers (Effective 7/1/2011).....	8
F.	ADR Compliance (Effective 1/1/2011).....	8
G.	ADR Grievance Procedure (Effective 7/1/2009).....	8
RULE 3	JUDGES ADR PROGRAM (Effective 1/1/2008).....	10
A.	Eligibility/Criteria for Participation (Effective 1/1/2008).....	10
B.	Procedure (Effective 1/1/2008).....	11
C.	Timeline (Effective 1/1/2008).....	11
D.	Persons Attending/Statements (Effective 1/1/2008).....	11
E.	Mediation (Effective 1/1/2008).....	12
F.	Settlement Conference (Effective 1/1/2008).....	12
G.	Further Court Proceedings (Effective 1/1/2008).....	12
RULE 4	CIVIL EARLY SETTLEMENT CONFERENCE PROGRAM (Effective 7/1/2018)..	13
A.	Selection of Neutral (Effective 7/1/2018).....	13
B.	Stipulation and CMC (Effective 7/1/2018).....	13
C.	Location of Hearing (Effective 7/1/2012).....	14
D.	Neutral Fees and Charges (Effective 7/1/2013).....	14
E.	Conferences not Confidential (Effective 7/1/2012).....	15
F.	Attendance and Authority (Effective 7/1/2012).....	15
G.	Notification of Settlement (Effective 7/1/2012)	15
H.	Grievances (Effective 7/1/2012).....	15
RULE 5	LOAN MODIFICATION SETTLEMENT CONFERENCE (LMSC) (Effective 7/1/2013).....	15
A.	STIPULATION (Effective 7/1/2013).....	15
B.	NEUTRALS (Effective 1/1/2003).....	16
C.	SETTLEMENT (Effective 1/1/2003).....	16

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 6	JUDICIAL ARBITRATION (Effective 7/1/2002).....	17
A.	Assignment of Arbitrator (Effective 7/1/2002).....	17
B.	Pleadings Submitted To Arbitrator (Effective 7/1/2002).....	17
C.	Length of Arbitration Hearings (Effective 7/1/2002).....	17
D.	Filing of Award (Effective 7/1/2002).....	18
E.	Failure to Arbitrate (Effective 7/1/2002).....	18
RULE 7	FORMAT OF DOCUMENTS SUBMITTED FOR FILING (Effective 7/1/2015)...	18
RULE 8	PRETRIAL MOTIONS AND EX-PARTE PROCEEDINGS (Effective 1/1/2019).....	18
A.	Unlimited Civil Cases (Effective 11/24/2014)	18
B.	Limited Civil Cases (Effective 11/24/2014)	18
C.	Scheduling Hearings (Effective 11/24/2014)	19
D.	Continuances and Requests to Take Motions Off Calendar (Effective 1/1/2012).....	19
E.	Tentative Rulings (Effective 1/1/2010).....	19
F.	Ex-Parte Applications (Effective 1/1/2019).....	20
RULE 9	TRIAL SETTING, MANDATORY SETTLEMENT CONFERENCES AND TRIAL (Effective 1/1/2019).....	20
A.	Trial Setting.....	20
B.	Mandatory Settlement Conference (Effective 1/1/2019).....	21
C.	Assignment To Trial.....	21
D.	Service And Lodging Of Documents.....	22
E.	Appearance On The Date Set For Trial.....	22
F.	Expedited Jury Trials (Effective 7/1/2011).....	22
RULE 10	PROPOSED ORDERS (Effective 1/1/2010).....	23
RULE 11	SANCTIONS (Effective 7/1/2002)	24
RULE 12	TELEPHONIC APPEARANCES (Effective 7/1/2008).....	24
A.	Proceedings in which Permitted (Effective 7/1/2005).....	24
B.	Private Vendor to Provide Teleconferencing Services (Effective 7/1/2008).....	24
C.	Notice by Party (Effective 7/1/2007).....	25
D.	Availability/Protocol (Effective 7/1/2005).....	25
E.	Continuance (Effective 7/1/2005).....	25

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 13	UNLAWFUL DETAINER CASES (Effective 11/24/2014)	26
A.	Purpose (Effective 7/1/2002).....	26
B.	Designation Of Unlawful Detainer Cases (Effective 7/1/2002).....	26
C.	Proper Courthouse For Filing An Unlawful Detainer Case (Effective 11/24/2014)	26
D.	Unlawful Detainer Cases In Downtown Superior Court (Effective 7/1/2008).....	26
E.	Noticed Motions (Effective 7/1/2002).....	27
F.	Trial (Effective 7/1/2009).....	27
G.	Conversion To Ordinary Civil Action (Effective 7/1/2002).....	27
H.	Post Judgment Claim Of Right To Possession (Effective 7/1/2002).	27
RULE 14	SCHEDULE OF REASONABLE ATTORNEY'S FEES (Effective 7/1/2006).....	28
RULE 15	FACSIMILE FILING (Effective 7/1/2007).....	28
A.	General Policy (Effective 7/1/2007).....	28
B.	Agency Filing (Effective 7/1/2007).....	28
RULE 16	ELECTRONIC FILING AND SERVICE (Effective 1/1/2019).....	28
A.	General (Effective 6/20/2016).....	28
B.	Orders after Hearing in Civil Division Cases (Effective 1/1/2019).....	29
C.	Ex Parte Applications (Effective 1/1/2019).....	29
D.	Ex Parte Applications by Telephone (Effective 1/1/2019).....	30
RULE 17	APPLICATION FOR ORDERS FOR PAYMENT OF MONEY (Effective 1/1/2008).....	30
A.	Payment of Money (Effective 1/1/2008).....	30
B.	Payment for Preparation of Transcript (Effective 7/1/2002).....	30
RULE 18	INTERPRETERS (Effective 7/1/2018).....	31
RULE 19	SMALL CLAIMS ACTIONS (Effective 1/01/2016)	31
A.	Proper Courthouse for Filing A Small Claims Action (Effective 7/01/2011)	31
B.	Fax Filing in Small Claims Cases (Effective 11/24/2014)	31
C.	Date, Time, and Place for Hearing (Effective 11/24/2014)	32
D.	Service of Claims (Effective 7/1/2007).....	33
E.	Settlement Before Hearing (Effective 7/1/2007).....	34
F.	Dismissal for Failure to Appear at Hearing (Effective 7/1/2007).	34
G.	Appeal Effective 11/24/2014)	34
H.	Local Form SC-8016 (Effective 1/1/2016).....	34

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 20	COURT COMMUNICATION REGARDING RESTRAINING ORDERS (Effective 7/1/2014).....	34
A.	Procedure in Civil Court (Effective 7/1/2014).....	34
RULE 21	PRIVATELY RETAINED COURT REPORTERS (Effective January 1, 2018)	
A	General (Effective January 1, 2018)	35
ATTACHMENT CV-5008	- ADR Stipulation and Order Form (Mandatory) (Effective 7/1/2018).....	37
ATTACHMENT CV-5012	- Civil Lawsuit Notice (Mandatory) (Effective 7/1/2008) ..	39
ATTACHMENT CV-5014	- Declaration in Support of Ex Parte Application for Restraining Orders (Mandatory) (Effective 1/1/2013)	41
ATTACHMENT CV-5017	- Judges ADR Program Stipulation and Order Form (Mandatory) (Effective 1/1/2008)	43
ATTACHMENT CV-5021	- Schedule of Reasonable Attorney Fees (Mandatory) (Effective 7/1/2006)	45
ATTACHMENT CV-5041	- Notice of Parking/Administrative Appeal (Mandatory) (Effective 7/1/2010)	47
ATTACHMENT CV-5052	- Civil Lawsuit Notice - Rule 3.740 Collections Cases (Mandatory) (Effective 9/1/2018)	49
ATTACHMENT CV-5056	- Consent Order Granting Expedited Jury Trial (Mandatory) (Effective 7/1/2011).....	51
ATTACHMENT CV-5059	- Loan Modification Settlement Conference Stipulation And Order (Mandatory) (Effective 7/1/2013).....	53
ATTACHMENT CV-5060	- Loan Modification Settlement Stipulation And Order (Mandatory) (Effective 1/1/2013)	57
ATTACHMENT CV-5061	- Loan Modification Settlement Conference ("LMSC") Instruction for Litigants (Mandatory) (Effective 7/1/2013).....	59
ATTACHMENT CV-5100	- Stipulation and Appointment of Official Reporter Pro Tempore (Mandatory) (Effective 1/24/2018)	61
ATTACHMENT SC-8006	- Notice to Small Claims Litigants (Mandatory) (Effective 1/1/2016).....	65

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

ATTACHMENT SC-8007 - Request for Dismissal (Small Claims) <i>(Mandatory)</i> (Effective 7/1/2009).....	67
ATTACHMENT SC-8010 - Request and Order to Serve the California Secretary of State <i>(Mandatory)</i> (Effective 7/1/2010)....	69
ATTACHMENT SC-8011 - Request for Satisfaction of Judgment by Judgment Debtor <i>(Mandatory)</i> (Effective 7/1/2010).....	71
ATTACHMENT SC-8016 Small Claims Order (Optional) (Effective 1/1/2016).....	73

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 1	DIFFERENTIAL CIVIL CASE MANAGEMENT SYSTEM (Effective 11/24/2014)	1
A.	Overview (Effective 7/1/2007).....	1
B.	Case Management Judges (Effective 7/1/2011).....	2
C.	Cases Involving Employees (Effective 1/1/2011).....	2
D.	Proper Courthouse For Filing A General Civil Case (Effective 11/24/2014)	2
E.	Civil Lawsuit Notice (Effective 7/1/2012).....	3
F.	Mandatory Case Management Conferences (Effective 7/1/2008).....	4
RULE 2	ALTERNATIVE DISPUTE RESOLUTION (ADR) (Effective 1/1/2011).....	5
A.	Policy Statement (Effective 1/1/2003).....	5
B.	Unlimited Civil Cases (Effective 1/1/2011).....	6
C.	Limited Civil Cases (Effective 1/1/2011).....	7
D.	Mediators and Neutral Evaluators (Effective 1/1/2011).....	7
E.	Court-Approved ADR Providers (Effective 7/1/2011).....	8
F.	ADR Compliance (Effective 1/1/2011).....	8
G.	ADR Grievance Procedure (Effective 7/1/2009).....	8
RULE 3	JUDGES ADR PROGRAM (Effective 1/1/2008).....	10
A.	Eligibility/Criteria for Participation (Effective 1/1/2008).....	10
B.	Procedure (Effective 1/1/2008).....	11
C.	Timeline (Effective 1/1/2008).....	11
D.	Persons Attending/Statements (Effective 1/1/2008).....	11
E.	Mediation (Effective 1/1/2008).....	12
F.	Settlement Conference (Effective 1/1/2008).....	12
G.	Further Court Proceedings (Effective 1/1/2008).....	12
RULE 4	CIVIL EARLY SETTLEMENT CONFERENCE PROGRAM (Effective 7/1/2018)..	13
A.	Selection of Neutral (Effective 7/1/2018).....	13
B.	Stipulation and CMC (Effective 7/1/2018).....	13
C.	Location of Hearing (Effective 7/1/2012).....	14
D.	Neutral Fees and Charges (Effective 7/1/2013).....	14
E.	Conferences not Confidential (Effective 7/1/2012).....	15
F.	Attendance and Authority (Effective 7/1/2012).....	15
G.	Notification of Settlement (Effective 7/1/2012)	15
H.	Grievances (Effective 7/1/2012).....	15
RULE 5	LOAN MODIFICATION SETTLEMENT CONFERENCE (LMSC) (Effective 7/1/2013).....	15
A.	STIPULATION (Effective 7/1/2013).....	15
B.	NEUTRALS (Effective 1/1/2003).....	16
C.	SETTLEMENT (Effective 1/1/2003).....	16

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 6	JUDICIAL ARBITRATION (Effective 7/1/2002).....	17
A.	Assignment of Arbitrator (Effective 7/1/2002).....	17
B.	Pleadings Submitted To Arbitrator (Effective 7/1/2002).....	17
C.	Length of Arbitration Hearings (Effective 7/1/2002).....	17
D.	Filing of Award (Effective 7/1/2002).....	18
E.	Failure to Arbitrate (Effective 7/1/2002).....	18
RULE 7	FORMAT OF DOCUMENTS SUBMITTED FOR FILING (Effective 7/1/2015)...	18
RULE 8	PRETRIAL MOTIONS AND EX-PARTE PROCEEDINGS (Effective 1/1/2019).....	18
A.	Unlimited Civil Cases (Effective 11/24/2014)	18
B.	Limited Civil Cases (Effective 11/24/2014)	18
C.	Scheduling Hearings (Effective 11/24/2014)	19
D.	Continuances and Requests to Take Motions Off Calendar (Effective 1/1/2012).....	19
E.	Tentative Rulings (Effective 1/1/2010).....	19
F.	Ex-Parte Applications (Effective 1/1/2019).....	20
RULE 9	TRIAL SETTING, MANDATORY SETTLEMENT CONFERENCES AND TRIAL (Effective 1/1/2019).....	20
A.	Trial Setting.....	20
B.	Mandatory Settlement Conference (Effective 1/1/2019).....	21
C.	Assignment To Trial.....	21
D.	Service And Lodging Of Documents.....	22
E.	Appearance On The Date Set For Trial.....	22
F.	Expedited Jury Trials (Effective 7/1/2011).....	22
RULE 10	PROPOSED ORDERS (Effective 1/1/2010).....	23
RULE 11	SANCTIONS (Effective 7/1/2002)	24
RULE 12	TELEPHONIC APPEARANCES (Effective 7/1/2008).....	24
A.	Proceedings in which Permitted (Effective 7/1/2005).....	24
B.	Private Vendor to Provide Teleconferencing Services (Effective 7/1/2008).....	24
C.	Notice by Party (Effective 7/1/2007).....	25
D.	Availability/Protocol (Effective 7/1/2005).....	25
E.	Continuance (Effective 7/1/2005).....	25

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 13	UNLAWFUL DETAINER CASES (Effective 11/24/2014)	26
A.	Purpose (Effective 7/1/2002).....	26
B.	Designation Of Unlawful Detainer Cases (Effective 7/1/2002).....	26
C.	Proper Courthouse For Filing An Unlawful Detainer Case (Effective 11/24/2014)	26
D.	Unlawful Detainer Cases In Downtown Superior Court (Effective 7/1/2008).....	26
E.	Noticed Motions (Effective 7/1/2002).....	27
F.	Trial (Effective 7/1/2009).....	27
G.	Conversion To Ordinary Civil Action (Effective 7/1/2002).....	27
H.	Post Judgment Claim Of Right To Possession (Effective 7/1/2002).	27
RULE 14	SCHEDULE OF REASONABLE ATTORNEY'S FEES (Effective 7/1/2006).....	28
RULE 15	FACSIMILE FILING (Effective 7/1/2007).....	28
A.	General Policy (Effective 7/1/2007).....	28
B.	Agency Filing (Effective 7/1/2007).....	28
RULE 16	ELECTRONIC FILING AND SERVICE (Effective 1/1/2019).....	28
A.	General (Effective 6/20/2016).....	28
B.	Orders after Hearing in Civil Division Cases (Effective 1/1/2019).....	29
C.	Ex Parte Applications (Effective 1/1/2019).....	29
D.	Ex Parte Applications by Telephone (Effective 1/1/2019).....	30
RULE 17	APPLICATION FOR ORDERS FOR PAYMENT OF MONEY (Effective 1/1/2008).....	30
A.	Payment of Money (Effective 1/1/2008).....	30
B.	Payment for Preparation of Transcript (Effective 7/1/2002).....	30
RULE 18	INTERPRETERS (Effective 7/1/2018).....	31
RULE 19	SMALL CLAIMS ACTIONS (Effective 1/01/2016)	31
A.	Proper Courthouse for Filing A Small Claims Action (Effective 7/01/2011)	31
B.	Fax Filing in Small Claims Cases (Effective 11/24/2014)	31
C.	Date, Time, and Place for Hearing (Effective 11/24/2014)	32
D.	Service of Claims (Effective 7/1/2007).....	33
E.	Settlement Before Hearing (Effective 7/1/2007).....	34
F.	Dismissal for Failure to Appear at Hearing (Effective 7/1/2007).	34
G.	Appeal Effective 11/24/2014)	34
H.	Local Form SC-8016 (Effective 1/1/2016).....	34

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 20	COURT COMMUNICATION REGARDING RESTRAINING ORDERS (Effective 7/1/2014).....	34
A.	Procedure in Civil Court (Effective 7/1/2014).....	34
RULE 21	PRIVATELY RETAINED COURT REPORTERS (Effective January 1, 2018)	
A	General (Effective January 1, 2018)	35
ATTACHMENT CV-5008	- ADR Stipulation and Order Form (Mandatory) (Effective 7/1/2018).....	37
ATTACHMENT CV-5012	- Civil Lawsuit Notice (Mandatory) (Effective 7/1/2008) ..	39
ATTACHMENT CV-5014	- Declaration in Support of Ex Parte Application for Restraining Orders (Mandatory) (Effective 1/1/2013)	41
ATTACHMENT CV-5017	- Judges ADR Program Stipulation and Order Form (Mandatory) (Effective 1/1/2008)	43
ATTACHMENT CV-5021	- Schedule of Reasonable Attorney Fees (Mandatory) (Effective 7/1/2006)	45
ATTACHMENT CV-5041	- Notice of Parking/Administrative Appeal (Mandatory) (Effective 7/1/2010)	47
ATTACHMENT CV-5052	- Civil Lawsuit Notice - Rule 3.740 Collections Cases (Mandatory) (Effective 9/1/2018)	49
ATTACHMENT CV-5056	- Consent Order Granting Expedited Jury Trial (Mandatory) (Effective 7/1/2011).....	51
ATTACHMENT CV-5059	- Loan Modification Settlement Conference Stipulation And Order (Mandatory) (Effective 7/1/2013).....	53
ATTACHMENT CV-5060	- Loan Modification Settlement Stipulation And Order (Mandatory) (Effective 1/1/2013)	57
ATTACHMENT CV-5061	- Loan Modification Settlement Conference ("LMSC") Instruction for Litigants (Mandatory) (Effective 7/1/2013).....	59
ATTACHMENT CV-5100	- Stipulation and Appointment of Official Reporter Pro Tempore (Mandatory) (Effective 1/24/2018)	61
ATTACHMENT SC-8006	- Notice to Small Claims Litigants (Mandatory) (Effective 1/1/2016).....	65

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

ATTACHMENT SC-8007 - Request for Dismissal (Small Claims) <i>(Mandatory)</i> (Effective 7/1/2009).....	67
ATTACHMENT SC-8010 - Request and Order to Serve the California Secretary of State <i>(Mandatory)</i> (Effective 7/1/2010)....	69
ATTACHMENT SC-8011 - Request for Satisfaction of Judgment by Judgment Debtor <i>(Mandatory)</i> (Effective 7/1/2010).....	71
ATTACHMENT SC-8016 Small Claims Order (Optional) (Effective 1/1/2016).....	73

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 1 DIFFERENTIAL CIVIL CASE MANAGEMENT SYSTEM

A. OVERVIEW

(1) PURPOSE

The purpose of the Differential Civil Case Management System is to ensure that, from the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and should be eliminated. To enable the just and efficient resolution of cases, the Court, and not the lawyers or litigants, should control the pace of litigation. The Court is strongly committed to reducing delay, and once achieved, maintaining a current docket.

(2) APPLICATION

The differential civil case management system applies to all general civil cases as defined in CRC¹ 1.6(4), including limited and unlimited civil cases.

(Effective 7/1/2007)

(3) INCORPORATION OF STATE STATUTES AND RULES

The Trial Court Delay Reduction Act (Gov. Code 68600 et seq.), California Rules of Court, Titles 1, 2 and 3, and the Standards of Judicial Administration, Standards 2.1 and 2.2, are incorporated into these rules.

(Effective 7/1/2007)

(4) PRESUMPTION

When a general civil case is filed, it is presumed to be subject to the disposition goal under case management plan 1, as defined in CRC 3.714(b).

(Effective 7/1/2007)

1 All references to CRC refer to the California Rules of Court.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

B. CASE MANAGEMENT JUDGES

General civil cases are managed by case management judges designated by the Presiding Judge. When a general civil case is filed, it is assigned to a case management judge. The case management judge may thereafter assign the case to another judge or judicial officer for any purpose. In accordance with California Rule of Court 3.1546, the Presiding Judge or designee will assign a judicial officer to conduct expedited jury trials. Pursuant to that assignment, case management judges may thereafter transfer to the assigned judicial officer a case in which the parties request to participate in an expedited jury trial.

(Effective 7/01/2011)

C. CASES INVOLVING EMPLOYEES

If a court employee or deputy sheriff working at a courthouse, or a member of his or her family, is a party to a case, the clerk or Supervising Judge of the Civil Division shall transfer the case to the South County Courthouse, unless the location is specified by statute, including Civil Code § 1812.10 and § 2984.4 and Code of Civil Procedure § 392 and § 395.

(Effective 1/1/2011)

D. PROPER COURTHOUSE FOR FILING A GENERAL CIVIL CASE

(1) All unlimited civil cases must be filed in the Downtown Superior Court.

(2) All limited civil cases must be filed in the Downtown Superior Court.

(Effective 11/24/2014)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

E. CIVIL LAWSUIT NOTICE

- (1) When the complaint or other initial pleading is filed, the Clerk of the Court completes a Civil Lawsuit Notice, in all cases except those designated as CRC "Rule 3.740 collections." (See attached form CV-5012.) The Civil Lawsuit Notice assigns the case to a case management judge and schedules the first Case Management Conference (CMC) before the case management judge or the ADR Administrator. The party who filed the initial pleading must serve a copy of the Civil Lawsuit Notice on all other parties named in the pleading. A party who subsequently files a pleading that adds a new party must serve a copy of the Civil Lawsuit Notice on all new parties. Service of the Civil Lawsuit Notice must be done at the same time as service of the pleading. When the Civil Lawsuit Notice is served, it must reflect the most up-to-date information available concerning the date, time and location of the next CMC. Therefore, the party serving the Notice must complete the information on the next CMC if the first CMC was continued or has passed.

(Effective 7/1/2008)

(2) CRC RULE 3.740 COLLECTIONS CASES.

The plaintiff may designate a case as a CRC "Rule 3.740 collections" case by filing a Civil Case Cover Sheet with the box "Rule 3.740 collections" checked. When the complaint is filed, the Clerk of the Court completes a Civil Lawsuit Notice - Rule 3.740 Collections Cases. (See attached form CV-5052.) The plaintiff must serve a copy of the Civil Lawsuit Notice - Rule 3.740 Collections Cases on all defendants. A party who subsequently files a pleading that adds a new party must serve a copy of the Civil Lawsuit Notice - Rule 3.740 Collection Cases on all new parties.

(Effective 7/1/2008)

- (3) When a case is filed alleging violation of the California Environmental Quality Act, the plaintiff shall state in the caption of the complaint, directly below the title of the complaint: ACTION BASED ON CALIFORNIA ENVIRONMENTAL QUALITY ACT.

(Effective 7/1/2012)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

F. MANDATORY CASE MANAGEMENT CONFERENCES

(1) DEFINITION

The term "Case Management Conference" ("CMC") includes the first Case Management Conference, subsequent Case Management Conferences, ADR Status Conferences, Trial Setting Conferences, Dismissal Reviews, and any other conference scheduled by the Court.

(Effective 1/1/2004)

(2) DATE OF FIRST CASE MANAGEMENT CONFERENCE

(a) In all cases, except those designated as "uninsured motorist" and "Rule 3.740 collections." the Clerk of the Court will schedule the first CMC approximately 120 days from the date of filing of the complaint.

(Effective 7/1/2008)

(b) "Uninsured motorist" cases. The plaintiff may designate a case as an "uninsured motorist case" by filing and serving a declaration demonstrating that the designation is appropriate. If the declaration is filed with the complaint, the Clerk of the Court will schedule the first CMC approximately 180 days from the date of filing of the complaint. If the plaintiff files the declaration at a later time, the Case Management Conference will not be continued unless the plaintiff applies for a continuance.

(Effective 7/1/2004)

(3) REQUEST TO CHANGE CMC DATE

Pursuant to written stipulation of all parties, the Court may advance a CMC. Upon timely application and a showing of good cause, the Court may continue a CMC. If the Court continues a conference, the party who applied for the continuance must serve notice upon all parties who were served with a copy of the Civil Lawsuit Notice.

(Effective 7/1/2004)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(4) MANDATORY ATTENDANCE

Attendance at all CMC's is mandatory unless otherwise excused by the Court.

(Effective 1/1/2006)

RULE 2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

A. POLICY STATEMENT

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and voluntary settlement conferences. Therefore, the Court will refer all general civil cases to an appropriate form of ADR before they are set for trial, unless there is good cause to dispense with the ADR requirement

(1) DISCLAIMER

The Court and the California Administrative Office of the Courts may not defend or indemnify any ADR provider or neutral who serves on a court related program, or who is listed on a court ADR provider list. ADR providers are encouraged to seek errors and omissions insurance from a qualified insurance provider.

(Effective 1/1/2003)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

B. UNLIMITED CIVIL CASES

- (1) In unlimited civil cases, if all parties have appeared, then all parties may stipulate to any form of ADR at any time. The Court has an ADR Stipulation and Order Form for this purpose. (See attached form CV-5008.) If the parties submit a signed ADR stipulation at least 15 calendar days before a Case Management Conference (CMC), and the Court approves the stipulation and the order is filed, the CMC will be canceled and an ADR Status Conference will be scheduled. A stipulation to a type of ADR other than judicial arbitration will not cancel a Case Management Conference unless it contains the name of the ADR provider and the date on which the ADR will be conducted.

(Effective 1/1/2011)

- (2) If, at any time, the parties stipulate to a type of ADR other than judicial arbitration, but have not already selected an ADR provider and date, then, within 20 calendar days, plaintiff's counsel must inform the ADR Administrator in writing of the name of the ADR provider and the date on which the ADR will be conducted. Parties may use the Court's ADR Stipulation and Order Form for this purpose. (See attached form CV-5008.)

(Effective 1/1/2011)

- (3) Parties who have previously stipulated to judicial arbitration may later stipulate to mediation or neutral evaluation by submitting a signed ADR stipulation and proposed order to the case management judge.

(Effective 1/1/2004)

- (4) If the parties stipulate to judicial arbitration, the arbitrator will be selected pursuant to the procedure outlined in CRC 3.815.

(Effective 7/1/2007)

- (5) If the parties stipulate to Civil Early Settlement Conference, the procedure will be governed by Local Civil Rule 4.

(Effective 1/1/2011)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

C. LIMITED CIVIL CASES

In limited civil cases, if the parties file a signed ADR stipulation at least 15 calendar days before the first CMC, and the Court approves the stipulation and the order is filed, the Court will cancel the conference and mail notice of an ADR Status Conference. A stipulation to a type of ADR other than judicial arbitration will not cancel the CMC unless it contains the name of the ADR provider and the date on which the ADR will be conducted. If, prior to the initial CMC, the parties have not stipulated to a form of ADR, the case management judge will decide the appropriate form of ADR, if any, at the Conference.

(Effective 1/1/2011)

D. MEDIATORS AND NEUTRAL EVALUATORS

- (1) The ADR Administrator has a list of Court-approved ADR providers and information about their qualifications, the services they provide, and the fees they charge.
- (2) The parties may choose any ADR provider they wish, including a provider who is not on the list of Court-approved ADR providers.
- (3) The ADR provider need not be an attorney
- (4) All participants in the ADR process must participate in good faith.
- (5) In conducting a session, the ADR provider must require the attendance of persons with full authority to resolve the dispute. The provider may not permit a telephone appearance unless good cause was shown in a timely manner before the session.
- (6) Unless the ADR provider's fees and expenses have been fixed by the Court, the parties and the provider must agree on the fees and expenses. The fees and expenses of the ADR provider must be borne by the parties equally, unless they agree otherwise.

(Effective 1/1/2011)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

E. COURT-APPROVED ADR PROVIDERS

- (1) Court-approved ADR providers must be available to accept at least one pro bono or modest means case per year.
- (2) When an ADR provider is added to the list of court-approved ADR providers, the ADR Administrator will send the following documents to the provider:
 - (a) An ADR Attendance Form;
 - (b) An ADR Provider's Statement - whether an agreement was reached;
 - (c) An ADR Evaluation, to be filled out separately by the parties and their counsel.
- (3) At the conclusion of the ADR process, the provider must give copies of the ADR Evaluation to the parties and their counsel. Within the next 10 calendar days, the provider must complete the ADR Provider's Statement and sends it to the ADR Administrator. A mediator must maintain the Attendance Sheet in Compliance with CRC 3.860(a).

(Effective 7/1/2011)

F. ADR COMPLIANCE

Once a case has been set for an ADR review hearing, it is the Court's expectation that ADR will be completed by the date of the ADR review hearing. Failure to complete ADR by the date of the ADR review hearing may lead to sanctions up to and including vacation of the ADR order and setting the case for trial or trial setting.

(Effective 1/1/2011)

G. ADR GRIEVANCE PROCEDURE

It is the goal of the Superior Court of California, County of Santa Clara ADR Program to encourage excellence and the highest ethical standards in ADR practice. The Santa Clara Superior Court has established the following procedure for handling grievances regarding the conduct of any neutral serving on any of the Civil Division's ADR programs.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

- (1) All complaints regarding the conduct of ADR program neutrals must be submitted in writing to the designated Complaint Coordinator under CRC 3.867(a).
- (2) When a complaint regarding a neutral is received by the Court, it will be directed to the Complaint Coordinator for processing. The Complaint Coordinator will send a written acknowledgment of the receipt of the complaint to the complainant.
- (3) The Complaint Coordinator will assemble available information regarding the complaint, and preliminarily review the complaint to determine the appropriate response. The Complaint Coordinator may respond directly to the complainant, or may refer the complaint to the Civil Supervising Judge for review.
- (4) Upon referral from the Complaint Coordinator, the Civil Supervising Judge will promptly review the complaint and determine whether further investigation is appropriate. If the Civil Supervising Judge finds a complaint does not warrant further investigation, no further action will be taken.
- (5) The Civil Supervising Judge will refer all other complaints to an investigative subcommittee of the Court ADR Committee.
- (6) The investigative subcommittee of the ADR Committee will review the complaint, conduct an investigation, and make a recommendation for action to be taken by an appointed subcommittee of the Civil Committee of the Bench. A copy of the complaint will be provided to the neutral, who will be allowed an opportunity to respond. The appointed subcommittee may recommend that no further action be taken on the complaint, that the neutral be counseled, admonished, or reprimanded, that further training be required, or that the neutral be suspended or removed from the Court's ADR program panel. The final decision on the appropriate action to be taken, based on this recommendation, will be made by the Presiding Judge or his or her designee. The retention of neutrals on the Court's ADR program panel is at the sole discretion of the Court. The neutral will be notified promptly in writing of the final decision.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

- (7) Each complainant will be notified promptly in writing of the disposition of the complaint.
- (8) All papers filed and proceedings conducted on a complaint against a neutral will be confidential to the same extent the particular ADR procedure is confidential.
- (9) Each member of the investigative subcommittee and the appointed subcommittee, as well as the Civil Supervising Judge and the final decision maker on the complaint, will be covered by the disqualification under CRC 3.872.

RULE 3

JUDGES ADR PROGRAM

Parties may apply at the earliest opportunity to participate in an ADR session with a sitting civil judge. These ADR options include mediation and settlement conferences. The program is governed by the following rules:

A. ELIGIBILITY/CRITERIA FOR PARTICIPATION

- (1) The case, if tried with or without a jury, would consume significant court resources.
- (2) The parties and their attorneys represent in good faith that they desire to resolve the case, and that they agree to participate in an ADR session with an agreed-upon judge.
- (3) The parties are prepared to complete an ADR session as soon as the case is accepted in to the program.
- (4) The Court has obtained jurisdiction over all necessary parties so that a resolution resulting from an ADR session will be final.
- (5) The Supervising Civil Judge accepts the case for the program despite the failure to satisfy one or more of the above-stated criteria.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

B. PROCEDURE

- (1) Application must be made on the Judges ADR Program Stipulation and Order form (see attached form CV-5017). The application must be signed by all counsel and self-represented parties.
- (2) The application must be submitted to and approved by the Civil Supervising Judge.
- (3) When the application is approved, counsel and/or self-represented parties must promptly contact the department of the judge selected to conduct the ADR session, to schedule the session. ADR sessions will be conducted on Fridays, unless otherwise ordered by the ADR judge.
- (4) When the application is approved, all law and motion and discovery proceedings shall be stayed until completion of the ADR session, and all case management conferences shall be vacated except as otherwise ordered by the Court.
- (5) Good faith participation in the ADR session by all parties will satisfy the requirement of Rule 2 that parties participate in alternative dispute resolution before a case is set for trial.

C. TIMELINE

- (1) The ADR session shall commence within thirty days of approval of the application, and shall be completed no later than sixty days after approval of the application, except as otherwise ordered by the Court.
- (2) The case will be set for Mediation Status Review approximately seventy days after approval of the application.

D. PERSONS ATTENDING/STATEMENTS

- (1) Lead counsel, parties, and persons with full authority to settle the case must personally attend the ADR session, unless excused by the ADR judge for good cause. If any consent to settle is required for any reason, the person or persons with that consensual authority must be personally present at the ADR session, unless excused by the ADR judge for good cause.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

- (2) Counsel and self-represented parties must submit to the ADR judge and serve on all parties, but not file, full written statements of their position regarding settlement no later than five calendar days before the ADR session.

E. MEDIATION

- (1) Mediation conducted under the Judges ADR Program is conducted under Evidence Code Sections 1115-1128, which provide for confidentiality of communication.
- (2) If mediation before the ADR judge results in settlement, the parties may place their agreement on the record, or they may report the case settled and privately execute a written settlement agreement. In either case, the parties may stipulate that the Court shall retain jurisdiction over them to enforce the settlement pursuant to Code of Civil Procedure Section 664.6. If the terms of settlement are placed on the record, or if a party moves to enforce the settlement, the terms of settlement shall not be confidential, unless a party seeking confidentiality complies with CRC 2.550, *et seq.*

F. SETTLEMENT CONFERENCE

- (1) A settlement conference conducted under the Judges ADR Program is conducted under CRC 3,1380. There is no provision for confidentiality of communication, except as provided in Evidence Code § 1152(a).
- (2) If a settlement conference before the ADR judge results in settlement, the parties may place their agreement on the record, or they may report the case settled and privately execute a written settlement agreement. In either case, the parties may stipulate that the Court shall retain jurisdiction over them to enforce the settlement, pursuant to Code of Civil Procedure § 664.6.

G. FURTHER COURT PROCEEDINGS

- (1) Except as provided in paragraphs E(2) and F(2) above, the ADR judge will recuse himself or herself from acting in any further court proceedings in the case, unless the parties stipulate in writing that the judge may so act.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

- (2) The ADR judge shall be subject to the provisions of Evidence Code § 703.5.
- (3) ADR judges are bound by the disqualification and recusal requirements of Code of Civil Procedure § 170.1, *et seq.*, and by the disclosure requirements of the Canons of Judicial Ethics.

(Effective 1/1/2008)

RULE 4 CIVIL EARLY SETTLEMENT CONFERENCE PROGRAM

The Civil Early Settlement Conference Program is available to parties who stipulate, using the ADR Stipulation and Order Form (see attached form CV-5008), to have a neutral attorney conduct a settlement conference in their case at the neutral's office or other agreed place. The program is governed by the following rules:

(Effective 7/1/2008)

A SELECTION OF NEUTRAL

All parties and counsel must agree upon the neutral, and must obtain the neutral's signature on the stipulation, indicating the neutral's agreement to take the case. The parties may, but are not required to, select the neutral from the Court's list of program neutrals available from the Court's ADR web page. The list of neutrals consists of active or inactive members of the State Bar and retired judicial officers. If the parties agree to use the program but do not choose a neutral at the time of the original stipulation, the Court must receive a neutral selection from parties within 20 court days of the original stipulation. The Court will no longer assign a neutral from the Court's list.

The Court has not screened neutrals for training or experience and makes no warranty regarding their ability

(Effective 7/1/2018)

B. STIPULATION AND CMC

(Effective 7/1/2012)

All parties must complete the ADR Stipulation and Order Form, checking the box "Early Settlement Conference, pursuant to Local Civil Rule 4," must get the signature of the chosen neutral on either the original or amended stipulation, and must file the form in the Clerk's Office.

(Effective 7/1/2018)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

If the form is filed at least 15 calendar days before the initial Case Management Conference (CMC), the conference will be vacated. If the case is a limited jurisdiction case, it will be set for a trial setting conference to be held approximately 120 calendar days after the vacated initial CMC. If the case is an unlimited jurisdiction case, it will be set for ADR on a date the Court selects.

(Effective 11/24/2014)

If the ADR Stipulation and Order form is filed after the initial CMC, upon approval of the Court, any pending CMC will be vacated and the case will be set for ADR review on a date the Court selects.

(Effective 11/24/2014)

C. LOCATION OF HEARING

(Effective 7/1/2012)

Plaintiff's counsel must contact the office of the selected neutral to arrange a settlement conference location, date, and time agreeable to all parties. Court facilities are not available for the conferences.

D. NEUTRAL FEES AND CHARGES

(Effective 7/1/2012)

The Court will pay the neutral a flat fee of \$150.00 for up to three hours of the neutral's time. Neutrals will be paid from the same fund and in the same manner as judicial arbitrators. No additional charges, such as travel, parking, or space rental, are to be added to the neutral's flat fee. By requesting a Rule 4 Civil Early Settlement Conference, parties and counsel acknowledge that their early settlement conference hearing time will not exceed three hours. If a settlement conference is cancelled within five calendar days of the scheduled date of the conference, the neutral may apply ex parte or make a motion to the Court to be permitted to charge the canceling party at the neutral's normal hourly rate for the cost of the neutral's time that was set aside for the cancelled settlement conference.

(Effective 7/1/2013)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

E. CONFERENCES NOT CONFIDENTIAL

(Effective 7/1/2012)

A settlement conference conducted under the Civil Early Settlement Conference Program is conducted under CRC 3.1380. It is not a mediation, as defined in Evidence Code § 1115. There is no provision for confidentiality of communication, except as provided in Evidence Code § 1152(a).

F. ATTENANCE AND AUTHORITY

(Effective 7/1/2012)

Parties and counsel must comply with CRC 3.1380, unless the neutral excuses compliance.

G. NOTICIFICATION OF SETTLEMENT

(Effective 7/1/2012)

Following settlement of the case, plaintiff's counsel must promptly notify the Court, as required by CRC 3.1385.

H. GRIEVANCES

(Effective 7/1/2012)

Any grievance regarding a neutral will be handled pursuant to Local Civil Rule 2G.

(Effective 1/1/2008)

RULE 5 LOAN MODIFICATION SETTLEMENT CONFERENCE (LMSC)

The Loan Modification Settlement Conference (LMSC) program is designed to facilitate faster resolution for alleged wrongful foreclosure cases.

(Effective 7/1/2013)

A. STIPULATION

The Plaintiff will receive information from the Case Management judge about the Loan Modification Settlement Conference (LMSC) program either at the initial application for temporary restraining order (TRO) or at a subsequent case management conference. Plaintiff is responsible for notifying Defendant of the LMSC program.

(Effective 7/1/2013)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

If the parties stipulate to an LMSC, the judge will sign the LMSC stipulation (attached local form CV-5059), and any pending hearing will be taken off calendar.

(Effective 7/1/2013)

Parties should submit a signed LMSC stipulation at least three court days before a scheduled court hearing. If the stipulation is signed by the judge, the case will be sent to LMSC, and new court dates will be set.

(Effective 7/1/2013)

When an LMSC stipulation is signed by the judge and filed, foreclosure activity is stayed 90 days. A Readiness Conference will be set 30 days after the filing of the LMSC stipulation. Notice of the hearings will be mailed to all parties. The LMSC hearing date will be set on a Wednesday Mandatory Settlement Conference calendar. A specially assigned temporary judge will hear the case. The initial Case Management Conference will remain set at the date set 120 days after filing, or will be rescheduled for 90 days after the filing of the LMSC stipulation, whichever is later.

(Effective 7/1/2013)

B. NEUTRALS

The case will be assigned to a specially trained LMSC temporary judge. The assignment will be made at the time the stipulation is filed (approximately 45 days prior to the LMSC) based on the LMSC neutrals' availability. A letter of neutral assignment will be mailed to the parties, counsel and neutral. All parties will provide worksheet and other materials prepared for the LMSC to the assigned neutral at least 10 days in advance of the LMSC. LMSC materials will not be filed or lodged with the court.

C. SETTLEMENT

If a settlement is reached at the LMSC hearing, parties will sign a written agreement memorializing the terms of the settlement (attached local form CV-5060). Plaintiff will notify the Court of the settlement. The Court will set the case for Dismissal Review in 90 days to allow completion of the settlement. Once the settlement terms are performed, plaintiff will dismiss the case. If there is no settlement, parties will appear at the scheduled CMC and proceed with the lawsuit.

(Effective 1/1/2013)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 6 JUDICIAL ARBITRATION

A. ASSIGNMENT OF ARBITRATOR

Provided that all parties have answered and filed a Case Management Statement, within 15 days of receiving a court-approved order to judicial arbitration, the court's arbitration administrator will send each party a list of names of arbitrators from the court's judicial arbitrator list. Each party has 10 days to strike one name from the list and return it to the Court's arbitration administrator. Within 30 days, the court's arbitration administrator will appoint at random one of the remaining arbitrators. If the appointed arbitrator is not immediately available, the case will be assigned as soon as the appointed arbitrator becomes available. The appointed arbitrator will contact counsel and each self represented party to set a date and time for the arbitration hearing.

B. PLEADINGS SUBMITTED TO ARBITRATOR

At least 5 court days prior to the scheduled arbitration hearing, each party must lodge with the arbitrator a copy of his or her latest pleadings.

(Effective 7/1/2002)

C. LENGTH OF ARBITRATION HEARINGS

Hearings must not exceed three hours, or in the arbitrator's discretion, upon good cause shown, a maximum of 5 hours except as otherwise provided herein. If any party believes that the hearing will require more than five hours ("lengthy hearing"), that party may obtain permission for such lengthy hearing by either:

- (1) Filing at least 5 court days before the hearing a written stipulation among the parties and the arbitrator for a lengthy hearing and providing for payment by the parties of a reasonable rate of compensation for the arbitrator for each hour of hearing in excess of five hours; or.
- (2) Obtaining a Court order by written application showing good cause for a lengthy hearing made to the Court at or before the time when the matter is referred to arbitration.

(Effective 7/1/2002)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

D. FILING OF AWARD

The arbitrator must file the award with the Court within 10 days of the completion of the arbitration hearing. If the arbitrator cannot file the award within that time frame, the arbitrator may request an extension from the case management judge.

E. FAILURE TO ARBITRATE

If the arbitration is not held within 90 days after the assignment of the arbitrator, counsel and each self represented party must appear at the ADR Status Conference. The case management judge may re-order the case to arbitration or vacate the order to arbitration and set the case for trial.

(Effective 7/1/2002)

RULE 7 FORMAT OF DOCUMENTS SUBMITTED FOR FILING

Documents that exceed 10 pages shall be submitted held by binder clips or two prong fasteners.

Exhibit attachments to pleadings shall be separated by a standard size sheet of paper with a title identifying the sequence of the exhibit. No tabs shall be included in any documents submitted for filing.

(Effective 7/1/2015)

RULE 8 PRETRIAL MOTIONS AND EX-PARTE PROCEEDINGS

A. UNLIMITED CIVIL CASES

(1) Pre-trial motions including discovery motions, are heard in the department of the case management judge. The law and motion calendar is called on Tuesdays and Thursdays at 9:00 a.m. or such other calendars as may be set by the Court.

(Effective 11/24/2014)

B. LIMITED CIVIL CASES

All pretrial motions, including discovery motions, are heard on the law and motion calendar in the department of the case management judge. The law and motion calendar is called on Tuesdays and Thursdays at 9:00 a.m.

(Effective 11/24/2014)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

C. SCHEDULING HEARINGS

A party seeking a hearing date for law and motion or discovery must contact the calendar clerk to obtain approved alternate dates for the hearing. If possible, the party should obtain agreement to one of the alternate dates from all opposing parties. When a date is chosen, the party must inform the calendar clerk.

(Effective 11/24/2014)

D. CONTINUANCES AND REQUESTS TO TAKE MOTIONS OFF CALENDAR

A scheduled motion may be continued only upon application to the judge who is to hear the motion, upon a showing of good cause. A scheduled motion may be taken off calendar by the moving party no later than on the third court day before hearing, and thereafter only with the permission of the judge who is to hear the motion. Any request for relief by the party responding to the motion will remain set for hearing unless continued or withdrawn by that party.

(Effective 1/1/2012)

E. TENTATIVE RULINGS

The Court follows CRC 3.1308(a)(1) for those departments that have elected to issue tentative rulings in civil law and motion and discovery matters. Counsel and litigants are responsible for determining whether the department hearing their motion has made this election. Those departments issuing tentative rulings will do so generally by 2:00 p.m., and no later than 3:00 p.m., on the court day preceding the scheduled hearing. If the Court has not directed oral argument, a party contesting a tentative ruling must give notice of its intention to appear to the other side and the Court no later than 4:00 P.M. on the court day preceding the scheduled hearing. Appearances may be by telephone (through CourtCall) or in person. The tentative ruling will automatically become the order of the Court on the scheduled hearing date if the Court has not directed oral argument and if the contesting party fails to timely notice an objection to the other side and the Court. Tentative rulings will be posted on the Court's website, www.scsccourt.org, where further information may be found. If a party does not have access to the internet, the tentative ruling may be accessed by calling Court Services at (408) 882-2515. Questions about these procedures may be addressed to the specific department where the matter is to be heard.

(Effective 1/1/2010)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

F. EX PARTE APPLICATIONS

See Local Civil Rule 16. Ex-parte applications in Civil Division cases are heard every court day between 8:15 and 9:00 a.m. After filing the moving papers in the Calendar Office between those hours, an ex parte application it must be brought to the department of the case management judge or as otherwise directed. All ex parte applications are heard only in compliance with CRC 3.1203(a), which requires notice to all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice.

(Effective 1/1/2019)

Applications for civil harassment, elder abuse, private postsecondary school violence, transitional housing misconduct, or workplace violence restraining order may be presented in the Clerk's Office at any time during Clerk's Office hours. The moving party or self-represented party applying for a civil harassment, elder abuse, private postsecondary school violence, transitional housing misconduct, or workplace violence restraining order must submit a Declaration in Support of Ex Parte Application for Civil Restraining Orders (attached form CV-5014).

(Effective 1/1/2019)

RULE 9 TRIAL SETTING, MANDATORY SETTLEMENT CONFERENCES AND TRIAL

A. TRIAL SETTING

The trial date will be set by the case management judge at a Trial-Setting Conference or other conference. If the time estimated for trial is more than one day, a Mandatory Settlement Conference will be scheduled to take place during the week before the trial date.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

B. MANDATORY SETTLEMENT CONFERENCE

If a Mandatory Settlement Conference has been scheduled, the Court will send written notice of the time, date, and department. No later than five court days before the date set for the settlement conference, each party must file with the Court and serve on each party a Settlement Conference Statement not to exceed five pages, excluding exhibits. Each party shall file and serve a statement indicating whether they will arrange for the presence of a private certified shorthand reporter to serve as the official pro tempore reporter at trial, or, if eligible, whether they request the presence of an official court reporter, under Rules of Court, Rule 2.956 and the court's policy regarding Privately Retained Court Reporters. This statement may be included in the party's Settlement Conference Statement or, if the statement is filed separately, must be filed and served no later than the time for filing a Settlement Conference Statement

(Effective 1/1/2019)

The conference will be supervised by a judge or temporary judge. Lead counsel, parties and persons with full authority to settle the case must personally attend unless excused by the Court.

(Effective 1/1/2013)

If insurance coverage is available to satisfy plaintiff's settlement demand and a representative of defendant's insurer with full settlement authority attends the mandatory settlement conference with defendant's lead counsel, named defendants need not attend unless their personal consent is necessary to settle the case. Named defendants must also personally attend the mandatory settlement conference when (1) there is an insurance coverage dispute; (2) plaintiff seeks to recover damages not covered by insurance; or (3) plaintiff's demand exceeds insurance policy limits.

(Effective 1/1/2013)

C. ASSIGNMENT TO TRIAL

Before the date set for trial, the Court will advise the parties by telephone if the case is assigned to a trial judge or placed on standby.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

D. SERVICE AND LODGING OF DOCUMENTS

Unless the case was settled at the Mandatory Settlement Conference or dismissed in full prior thereto, or unless otherwise ordered by the Court, the following items must be lodged in the department of the trial judge or, if none, with the Court's calendar secretary, and served on all other parties by noon on the last court day before the date set for trial:

(Revised effective 7/1/2005)

- (1) all in limine motions;
- (2) exhibit lists, except impeachment exhibits;
- (3) witness lists, except impeachment witnesses, and unusual scheduling problems;
- (4) jury instruction requests, except for instructions that cannot reasonably be anticipated prior to trial;
- (5) proposed special verdicts;
- (6) any stipulations on factual or legal issues;
- (7) a concise, non-argumentative statement of the case to be read to the jury in jury trials;
- (8) trial briefs;

E. APPEARANCE ON THE DATE SET FOR TRIAL

Trial counsel must appear in the department assigned for trial at 8:45 am on the date set for trial, unless otherwise instructed by the Court's calendar secretary.

F. EXPEDITED JURY TRIALS

- (1) The provisions of Rule 7A through E do not apply to expedited jury trials conducted pursuant to Code of Civil Procedure (CCP) § 630.01, except as specified in the consent order or as ordered by the trial judicial officer.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

- (2) Parties desiring to participate in an expedited jury trial may submit to the case management judge at any pretrial Case Management Conference, but no later than the Trial Setting Conference, a proposed consent order fully compliant with CCP § 630.03(e). (See attached form CV-5056). If no Case Management Conference is scheduled, the parties may submit a stipulated proposed consent order ex parte or by motion. The case management judge, if adopting the proposed consent order, will set a pretrial conference pursuant to CRC 3.1548(f) in the department of the trial judicial officer.
- (3) The pretrial exchange required by CRC 3.1548(b) shall be served no later than 10 days before the pretrial conference. The service of the supplemental exchange required by CRC 3.1548(c), the filing required by CRC 3.1548(d), and the exchange of items required by CRC 3.1551(b), shall take place no later than five days before the pretrial conference.

(Effective 7/1/2011)

RULE 10 PROPOSED ORDERS

Any proposed order submitted to the Court for signature must contain a footer with the title of the order on every page, including the signature page, unless it is a Judicial Council form. In addition, the Court signature and date lines must not be on a page by themselves; the signature page must contain some text of the order.

(Effective 1/1/2010)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 11 SANCTIONS

If any counsel, a party represented by counsel, or a party unrepresented by counsel, fails to comply with any of the requirements of these rules, the Court, on motion of a party or on its own motion, may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose penalties of a lesser nature as otherwise provided by law, and may order that party or his or her counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees. Alternatively, the Court may impose a monetary sanction.

(Effective 7/1/2002)

RULE 12 TELEPHONIC APPEARANCES

A. PROCEEDINGS IN WHICH PERMITTED

Unless otherwise ordered, parties may appear by telephone at a case management conference, trial setting conference, or at a hearing for dismissal review, arbitration or mediation status review, law and motion, and discovery matters. A party may appear by telephone for other matters only by leave of Court.

(Effective 7/1/2005)

B. PRIVATE VENDOR TO PROVIDE TELECONFERENCING SERVICES

In accordance with CRC 3.670, the Court has contracted with CourtCall, LLC to provide teleconferencing services for court appearances. A party who chooses to appear by telephone must submit to CourtCall, at least 3 court days before the appearance, the CourtCall form requesting telephonic appearance together with the fee for CourtCall's service. Information as to the form and fee may be obtained directly from CourtCall at 1-888-88-COURT.

(Effective 7/1/2008)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

C. NOTICE BY PARTY

A party who chooses to appear by telephone will satisfy the requirement of CRC 3.670 for notice to the Court by timely providing to CourtCall the CourtCall telephonic appearance request form, which CourtCall will promptly fax to the Court. A party who chooses to appear by telephone must notify all other parties of the party's intent to appear by telephone in the manner required by CRC 3.670.

(Effective 7/1/2007)

D. AVAILABILITY/PROTOCOL

A party appearing by telephone must call the toll free teleconference line designated by CourtCall at least 5 minutes before the scheduled conference or hearing, to check in.

A party appearing by telephone must be available from the commencement of the applicable calendar until the completion of the party's conference or hearing, and must (a) eliminate to the greatest extent possible all ambient noise from the party's location, (b) speak directly into a telephone handset, (c) not call in with a cellular or cordless telephone device or through a personal computer, and (d) not use the "hold" button. A party appearing by telephone must state his or her name for the record each time the party speaks, and must participate in the hearing with the same degree of courtesy and courtroom etiquette required for a personal appearance.

(Effective 7/1/2005)

E. CONTINUANCE

If a party requests a continuance of a conference or hearing after another party has timely notified the Court of an intent to appear by telephone, the party requesting the continuance must contact CourtCall to reschedule any telephonic appearances if the continuance is granted.

(Effective 7/1/2005)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 13 UNLAWFUL DETAINER CASES

A. PURPOSE

This rule is promulgated to deal with the special problems created by the summary nature of unlawful detainer proceedings. The term "unlawful detainer cases" refers to all cases filed pursuant to Chapter 4 of Title 3 of Part 3 of the Code of Civil Procedure and, thus, includes forcible entry and forcible detainer cases.

(Effective 7/1/2002)

B. DESIGNATION OF UNLAWFUL DETAINER CASES

The Court will designate a case as an "unlawful detainer case" when the complaint is filed if 1) the caption alleges unlawful detainer, forcible entry or forcible detainer, and 2) the prayer seeks restitution of possession of real property.

(Effective 7/1/2002)

C. PROPER COURTHOUSE FOR FILING AN UNLAWFUL DETAINER CASE

All unlawful detainer cases must be filed in the Downtown Superior Court.

(Effective 11/24/2014)

D. UNLAWFUL DETAINER CASES IN DOWNTOWN SUPERIOR COURT

(1) All unlawful detainer cases are assigned to the Unlawful Detainer Department designated by the Presiding Judge.

(2) Ex-parte applications are heard every court day between 8:15 a.m. and 9:00 am.

(3) Noticed motions are heard at 9:15 a.m. on Wednesday, Thursday, and Friday.

(Effective 7/1/2008)

(4) Court trials are heard at 9:00 a.m. on Wednesday, Thursday, and Friday.

(Effective 7/1/2008)

(5) Jury trials are heard in any available department in the Downtown Superior Court.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(6) Post-judgment claims of right to possession are heard at 9:15 a.m. on Wednesday, Thursday, and Friday.

(Effective 7/1/2008)

E. NOTICED MOTIONS

Any party who wishes to bring a noticed motion must contact the appropriate calendar clerk to obtain an approved date and time for the hearing.

F. TRIAL

Once the case is at issue, any party who has appeared, and has not been dismissed and is not in default, may file a Request/Counter-Request to Set Case for Trial - Unlawful Detainer (Judicial Council form UD-150). The Court will set the date for trial and mail notice to all parties except those who have been dismissed. If a Request/Counter-Request to Set Case for Trial is not filed within 60 days of the filing of the Complaint, the Court may dismiss the action on its own motion without further notice.

(Effective 7/1/2009)

G. CONVERSION TO ORDINARY CIVIL ACTION

If possession of the premises is surrendered to the plaintiff before trial, the case will proceed as an unlawful detainer case unless one of the parties files a motion for leave to file a pleading that will convert the case to an ordinary civil action. If trial has already been set, the trial judge will hear the motion for leave to amend before the trial. If the motion is granted, the Court will vacate the trial, redesignate the case as an ordinary civil action, and schedule a CMC. The case will thereafter proceed as an ordinary civil action.

H. POST JUDGMENT CLAIM OF RIGHT TO POSSESSION

Upon receipt of a post-judgment claim of right to possession, the Court will schedule a hearing and mail notice to the plaintiff and the claimant.

(Effective 7/1/2002)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 14 SCHEDULE OF REASONABLE ATTORNEY'S FEES

The Court has adopted a schedule of reasonable attorney's fees. (See attached form CV-5021.) The schedule applies to all cases in which a default judgment is entered in favor of a party who pleaded and proved entitlement to reasonable attorney's fees.

(Effective 7/1/2006)

RULE 15 FACSIMILE FILING

A. GENERAL POLICY

The Superior Court of Santa Clara County hereby adopts CRC 2.300 et seq., allowing for the facsimile filing of documents in all civil cases.

(Effective 7/1/2007)

B. AGENCY FILING

Pursuant to CRC 2.303, the Court accepts for filing all documents submitted by fax filing agencies, except those specified in CRC 2.300(b).

(Effective 7/1/2007)

RULE 16 ELECTRONIC FILING AND SERVICE

(Effective 7/1/2010)

A. GENERAL

(Effective 7/1/2010)

Refer to Rule 6 of the General Court and Administration Rules.

(Effective 6/20/2016)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

B. ORDERS AFTER HEARING IN CIVIL DIVISION CASES

Proposed orders submitted with moving papers before a hearing on a regularly-noticed motion, or orders after hearing, shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the Court electronically, a version of the proposed order in an fully editable word-processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the court by electronic mail using an address identified on the court's website. Judicial Council form orders or other PDF orders shall not be submitted to the email box, except to provide notice that the order has been electronically filed. In submitting proposed orders after hearing to a department email box, the subject line of the email shall include the case number, case name, and hearing date. Unless requested by the Court, no other form of order shall be submitted to a department email box, including without limitation PDF orders, stipulations, ex parte applications, or other requests for orders. All stipulations must be electronically filed with an EFS-020 cover sheet, or submitted in paper form by ex parte application during ex parte hours. (See Local Civil Rule 8.F.)

(Effective 1/1/2019)

C. EX PARTE APPLICATIONS

See Local Civil Rule 8.F. Applications for ex parte orders in Civil Division civil cases shall be submitted to the court in paper form during the ex parte hours of 8:15 to 9:00 a.m. in accordance with Local Civil Rule 8.F. and the California Rules of Court. All other stipulations, and requests for orders shall be electronically filed. All original orders on an ex parte application signed by the court and returned to the submitting party shall be immediately returned for filing to the Calendar Office or Clerk's Office as directed. No orders containing the court's original signature may be submitted through e-filing and will be rejected.

(Effective 1/1/2019)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

D. EX PARTE APPLICATIONS BY TELEPHONE

Any party filing an ex parte application who seeks to appear telephonically pursuant to Rules of Court, Rule 3.3670(d) and (h), must submit the ex parte application clearly marked as "Telephone Appearance" in paper form during ex parte hours two full court days before the requested appearance, and shall be served as required by Rule 3.670(h)(3)(b) at or before the same time. The telephonic ex parte application shall be submitted to the assigned department after filing and receiving a hall pass.

(Effective 1/1/2019)

RULE 17 APPLICATION FOR ORDERS FOR PAYMENT OF MONEY

A. PAYMENT OF MONEY

An application for an order for payment of money must be supported by an affidavit clearly setting forth the claimant's right to the specific amount shown, and a statement that the amount in question is presently on deposit in the Treasurer's Office.

(Effective 7/1/2002)

B. PAYMENT FOR PREPARATION OF TRANSCRIPT

An application for an order authorizing payment for preparation of a transcript out of funds deposited by an attorney or a party in propria persona, must be supported by an affidavit demonstrating 1) that the work has been done; 2) a statement of the charges therefore has been supplied to the person who deposited the funds; 3) ten days have elapsed; and 4) there is no dispute concerning the charges.

(Effective 7/1/2002)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

RULE 18 INTERPRETERS

The Court is committed to providing interpreters at no cost to any party present in court who does not proficiently speak or understand English, subject to availability in civil proceedings and the priorities established in Evidence Code section 756, subdivision (b). A party who desires an interpreter must timely give notice to the court and all other parties of record and may submit a written request on Judicial Council Form INT-300 by e-mail sent via the Court's Language Access webpage or to interpreterrequest@scscourt.org. If a party retains an interpreter who is not a court certified or registered interpreter, the interpreter's name and qualifications must be provided to the court and opposing counsel at least 5 court days prior to the date of the interpreter's appearance..

(Effective 7/1/2018)

RULE 19 SMALL CLAIMS ACTIONS

A. PROPER COURTHOUSE FOR FILING A SMALL CLAIMS ACTION

All small claims actions must be filed and will be heard in the Downtown Superior Courthouse, if the defendant resides in Santa Clara County or the action concerns a contract entered into or to be performed in Santa Clara County or the action concerns an injury or damage that occurred in Santa Clara County.

(Effective 11/24/2014)

B. FAX FILING IN SMALL CLAIMS CASES

(1) DIRECT FILING

- a.** Pursuant to CRC 2.304, the Court accepts for filing all small claims documents submitted by facsimile transmission directly with the Court through the Court's automated facsimile filing system.

(Effective 11/24/2014)

- b.** The Court's facsimile machine is available 24 hours a day. Filings received after public business hours or on court holidays shall be deemed filed the next court business day.

- c.** The Court's automated facsimile filing telephone number is (408) 882-2692.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(2) PROCEDURE

- a. Each document transmitted for fax filing with the court shall contain the phrase "By fax" immediately below the title of the document.

- b. A party filing a document directly by fax must use the Judicial Council form, *Facsimile Transmission Cover Sheet (Fax Filing)* (form MC-005). The Court accepts MasterCard, Discover, and American Express credit cards for fax filings. The fax filing cover sheet, MC-005, also must include the cardholder's zip code and the three-digit verification on the back of the credit card.

- c. A facsimile usage fee of \$0.50 cents per page, including the cover sheet, along with all applicable filing fees and credit card convenience fees, must be paid by credit card as requested on MC-005.

- d. Faxed documents must comply with all filing requirements otherwise listed in the State and Local Rules of Court. Compliance with filing requirements and proper transmission of the documents are the responsibility of the sending party.

(Effective 7/1/2011)

C. DATE, TIME, AND PLACE FOR HEARING

When the small claims actions is filed, the court clerk will schedule the hearing according to the following rules:

(Effective 7/1/2007)

(1) MULTIPLE ACTIONS AGAINST THE SAME DEFENDANT

If the plaintiff files 3 or more actions against the same defendant at the same time, the court clerk will schedule the hearing on a Thursday morning.

(Effective 11/24/2014)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(2) SAME COURTHOUSE

The clerk will schedule all other hearings in the Downtown Superior Courthouse unless the plaintiff requests a night court session.

(Effective 11/24/2014)

(3) NIGHT COURT SESSION

Night court sessions are held in the Santa Clara Courthouse at 6:00 p.m. on the second and fourth Tuesday of every month, excluding Court holidays.

(Effective 1/1/2009)

D. SERVICE OF CLAIMS

(1) PLAINTIFF'S CLAIM

The plaintiff must serve the Notice to Small Claims Litigants [see attached form SC-8006] with the Plaintiff's Claim and Order to Go to Small Claims Court.

(Effective 7/1/2007)

(2) SERVICE BY CERTIFIED MAIL

Either party may pay the court a fee to have the court clerk serve their claim on the other party by certified mail, return receipt requested. Before the date set for hearing, the party requesting service may look in the court file to see whether the receipt for certified mail was signed by the other party and returned. Only the judicial officer or temporary judge makes the legal decision whether service was proper.

(Effective 7/1/2007)

(3) INABILITY TO SERVE DEFENDANT IN TIME

If the plaintiff is unable to serve the defendant in time, the plaintiff may request a later hearing date by going to the clerk's office at least one court day before the date set for the hearing.

(Effective 7/1/2007)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

E. SETTLEMENT BEFORE HEARING

A party who settles his or her claim before the date set for the hearing must notify the Court in writing at least one court day before the hearing. A party may do this by filing a Request for Dismissal. (See attached form SC-8007.)

(Effective 7/1/2007)

F. DISMISSAL FOR FAILURE TO APPEAR AT HEARING

If a party does not appear at the hearing, his or her claim will be dismissed, but if there is a claim against him or her, it will be heard.

(Effective 7/1/2007)

G. APPEAL

An appeal of a judgment rendered in a small claims action must be filed in the Downtown Superior courthouse. The appeal will be heard by a judicial officer other than the one who issued the judgment. The Court will notify the parties of the date, time, and place for the hearing on the appeal.

(Effective 11/24/2014)

H. LOCAL FORM SC-8016

Local form Small Claims Order Form SC-8016 is adopted for optional use by the Court.

(Effective 1/1/2016)

RULE 20 COURT COMMUNICATION REGARDING RESTRAINING ORDERS

A. PROCEDURE IN CIVIL COURT

- (1) Subject to available resources, the Family, Juvenile, Civil and Probate Courts shall examine appropriate available databases for existing restraining or protective orders involving the same restrained and protected parties before issuing permanent CLETS Civil Restraining Orders. In the event that this information is not available to the judicial officer, inquiry shall be made of the parties before issuing permanent CLETS Civil Restraining Orders. Safety of all parties shall be the Court's paramount concern

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

- (2) In cases where the Court allows for property removal as an exception to the restraining order in a Civil Harassment, Family Attachment FM-1102 (Other Order-Property Removal) may be used as an attachment to the Temporary Restraining Order (Judicial Council form CH-110 or VW-110) and Restraining Order After Hearing (Judicial Council form CH-130 or WV-130).

(Effective 7/1/2014)

RULE 21 PRIVATELY RETAINED COURT REPORTERS

A. GENERAL

(Effective January 1, 2018)

Refer to Rule 7 of the General Court and Administration Rules.

(Effective January 1, 2018)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5008

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):	TELEPHONE NO.	<i>FOR COURT USE ONLY</i>
ATTORNEY FOR (Name)		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA		
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
ADR STIPULATION AND ORDER FORM		CASE NUMBER

Pursuant to California Rule of Court 3.221(a)(4), the parties and their attorneys stipulate that all parties in this action have appeared, and the claims in this action shall be submitted to the following alternative dispute resolution process:

- a. Mediation pursuant to Local Civil Rule 2D
- b. Neutral Evaluation pursuant to Local Civil Rule 2D
- c. Referee/Special Master
- d. Early Settlement Conference pursuant to Local Civil Rule 4
 - i. Rule 4 neutral has signed this stipulation below, agreeing to take this case
- e. Binding Arbitration
- f. Non-binding Judicial Arbitration pursuant to CCP §1141.10 et seq., CRC Rule 3.810 et seq. and Local Civil Rule 5
 - i. Discovery will remain open until 30 days before trial
- g. Other _____

It is also stipulated that _____ (name of individual neutral, not organization) shall serve as _____ (neutral function/process) and that the session will take place on _____ (enter a FIRM date) at _____ (time)

This Stipulation Changes a previously set court hearing date (filing fee required per court fee schedule).
 Does not change a previously set court hearing date.

Date: _____

(NEUTRAL: Type or Print Name)	(Signature)
(Type or Print Name)	(Signature)
(Type or Print Name)	(Signature)
(Type or Print Name)	(Signature)

(Attach additional signature Pages if Necessary)

ORDER ON REVERSE SIDE

ADR STIPULATION AND ORDER FORM

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5012

CIVIL LAWSUIT NOTICE

CASE NUMBER: _____

*Superior Court of California, County of Santa Clara
191 N. First Street, San Jose, CA 95113*

PLEASE READ THIS ENTIRE FORM

PLAINTIFF (the person suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint, Summons*, an *Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (the person(s) being sued): **You must do each of the following to protect your rights:**

1. You must file a **written response** to the *Complaint*, using the proper legal form or format, in the Clerk's Office of the Court, within **30 days** of the date you were served with the *Summons* and *Complaint*;
2. You must have an adult other than yourself personally deliver or mail a copy of your written response to Plaintiff's attorney, or to Plaintiff if Plaintiff has no attorney; and
3. You must attend the first Case Management Conference.

Warning: If you, as the Defendant, do not follow these instructions, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court and the Superior Court of California, County of Santa Clara Local Civil Rules and use proper forms. You can obtain legal information, view the rules and receive forms, free of charge, from the Self-Help Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), www.scselfservice.org. (Select "Civil") or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: www.scscourt.org/civil/rule1toc.htm

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC.

You or your attorney must appear at the CMC. You may ask to appear by telephone - see Local Civil Rule 8.

Your Case Management Judge is: _____ **Department:** _____

The 1st CMC is scheduled for: (Completed by Clerk of Court)

Date: _____ **Time:** _____ in **Department** _____

The next CMC is scheduled as follows: (Completed by party if the 1st CMC was continued or has passed)

Date: _____ **Time:** _____ in **Department** _____

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulated Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website www.scscourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2530) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5014

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY:	TELEPHONE NUMBER:	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
Person/Entity Seeking Protection: Person From Whom Protection is Sought:		
DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR CIVIL RESTRAINING ORDERS		CASE NUMBER: DEPT #:

I, the undersigned, declare:

1. I am (choose one): **attorney** for Person or Entity Seeking Protection
 self-represented Person or Entity Seeking Protection
 other (explain): _____

2. **The opposing party is represented by an attorney:** Yes No
(If you checked "Yes", fill in the attorney's name, address, and telephone number. If you checked "No", fill in the other party's name, address, and telephone number)
Party/Attorney name: _____
Address/Telephone number: _____

3. **OTHER CASES:** Have the parties to this case been involved in litigation with each other in another Civil, Family, Probate, Juvenile, or Criminal Court Case? Yes No If "yes", case(s) number(s): _____

4. **NOTICE**
 - A. **I HAVE given notice to the opposing party and/or their attorney by the following method:**
 Personal delivery Overnight Carrier First Class Mail Other: _____
Date: _____ Time: _____
I have received confirmation that the other party has received my papers (describe): _____

 - B. **I HAVE NOT given notice of the request for orders because (Check all that apply. You must explain below):**
 This is an application for Civil Harassment Prevention Act, Elder Abuse, Private Postsecondary School Violence, Transitional Housing Misconduct, or Workplace Violence Prevention Act restraining orders and:
 Great or irreparable injury will result before the matter can be heard on notice.
 It is impossible to give notice.
 The other party agrees to the orders requested.
 Other: _____

 - C. **Explanation:**
 A hearing between the parties is already set. I am asking that this motion be heard at the same time.
 I am unable to serve the other party in the time required by law.
 I fear for my physical safety (and that of others, if applicable).
 Other: _____

I declare under penalty of perjury that the forgoing is true and correct.

Date Print Name Declarant's Signature

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

INSTRUCTIONS

Please refer to Santa Clara County Local Civil Rules for more information. This form is not for use in restraining order applications filed at Family Court.

This form is required in Santa Clara County if you are asking the Judge to make immediate orders without the other party being present for a hearing. These orders are called *ex parte* orders. This form must be completed in any case where *ex parte* restraining orders are requested. If you have given notice to the other side of your case, you must state the form of notice given. Notice means providing the other side of the case, either the attorney or a self-represented party, with copies of any papers that you want the Judge to review and any orders that you are requesting. If you have not given notice, you must explain why you have not given notice. There are some circumstances when notice may be waived, such as cases involving allegations of violence where the safety of a party or a child might be at risk if notice is given. It is up to the Judge in your case to determine whether notice will be required or not.

SECTION #1

State whether you are the Person or Entity seeking Protection (Petitioner) or the Other Party in the case. Once a case is filed, the parties keep the same status in the case. You do not change your status by filing a new motion in the case. If you do not have an attorney, you are considered self-represented.

SECTION #2

If the other party is represented by an attorney, you must provide the Court with the attorney's name and address. If the other party is not represented by an attorney, you must provide the Court with the other party's address.

SECTION #3

It is very important to list all other cases in which you and the other party have been involved with the courts. This would include Family Law, Probate, Juvenile, Restraining Order, Child Support, Civil, or Criminal matters. If you do not have the case number, please put "unknown" and list the county and the year of the filing, if possible.

SECTION #4A

Unless notice is excused by the Court, you must provide notice of this motion to the other party before you deliver a copy to the Court. When you give such notice, specify how you did it (by courier or personally, for example) and at what time and date. Also, explain how you know that the other side received copies of your papers and what response you were given.

SECTION #4B

If you did not give notice of this application, explain why in this section. Check as many boxes as apply. You may also write out any further explanation of your reasons for not giving notice.

After this form is completed, attach it to your restraining order application and submit them as follows:

- If Civil Harassment, Workplace Violence, Private Postsecondary School Violence, or Transitional Housing Misconduct to the Civil Division Clerk's Office
- If Elder or Dependant Adult Abuse to the Probate Division Clerk's Office

Both Clerks' Offices are at Santa Clara County Superior Court, 191 N. First Street, San José, CA 95113.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5017

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and Address</i>):	TELEPHONE NO.
ATTORNEY FOR (<i>Name</i>) _____	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA	
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF:	
DEFENDANT:	
JUDGES ADR PROGRAM STIPULATION AND ORDER FORM	
CASE NUMBER	

The parties and their attorneys stipulate that the claims in this action be submitted to the Judges ADR Program as a

Mediation

Settlement Conference.

It is further stipulated that the matter be submitted to the following Judge(s), in the following order:

1. The Hon. _____, Judge, Superior Court of California, County of Santa Clara; or
2. The Hon. _____, Judge, Superior Court of California, County of Santa Clara, or
3. A Judge of the Superior Court of California, County of Santa Clara assigned by the Civil Supervising Judge.

We estimate the trial will take _____ days.

Parties and counsel have read and agree to be bound by the Rules of the Judges ADR Program, and the Rules of Court of the Superior Court of California, County of Santa Clara.

Date: _____

(Attorney for Plaintiff or Self-Represented Plaintiff)

(Signature)

(Attorney for Defendant or Self-Represented Defendant)

(Signature)

(Attach additional signature pages if necessary)

ORDER ON REVERSE SIDE

JUDGES ADR PROGRAM STIPULATION AND ORDER FORM

CV-5017 New 1/1/2008

Page 1 of 2

(Mandatory)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ORDER

CASE NUMBER:

Application for Judge ADR is:

- Approved
- Denied

The case is submitted for

- Mediation
- Settlement Conference

to Judge _____, Department _____.

Parties and/or counsel shall contact the ADR Judge within 10 calendar days for scheduling of the hearing.

Mediation/Settlement Status Review is set for _____, 20____, at
_____ AM/PM in Department _____.

The Case Management Conference set for _____ 20____, at
_____ AM/PM in Department _____. remains set is vacated.

IT IS SO ORDERED.

Date

Judge of the Superior Court

JUDGES ADR PROGRAM STIPULATION AND ORDER FORM

CV-5017 New 1/1/2008

Page 2 of 2

(Mandatory)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5021

SCHEDULE OF REASONABLE ATTORNEY FEES

Whenever the obligation sued upon provides for the recovery of a reasonable attorney fee, the fee in each default case shall be fixed pursuant to this schedule. Where the principal amount of the judgment is:

FROM	TO	REASONABLE ATTORNEY'S FEE
\$ 0	\$ 500	\$150.00
501	2,500	150.00 plus 25% of amount over \$ 500
2,501	5,000	650.00 plus 15% of amount over 2,500
5,001	10,000	1,100.00 plus 6% of amount over 5,000
10,001	50,000	1,400.00 plus 3% of amount over 10,000
50,001	100,000	2,600.00 plus 2% of amount over 50,000
	over 100,000	3,600.00 plus 1% of amount over 100,000

If, after service of the summons and complaint, a voluntary payment is made toward the principal, the reasonable attorney fee shall be calculated based upon the principal amount of the judgment that would have been awarded if the payment had not been made.

In unlawful detainer actions, when the obligation sued upon provides for the recovery of attorney's fees, the attorney's fees in default cases and in cases where judgment is rendered pursuant to Section 437c of the Code of Civil Procedure, shall be a fee equal to the sum of \$375.00 or a fee set pursuant to the foregoing schedule, whichever is greater.

A claim for a fee in excess of the amount provided for by the foregoing schedule must be made by application to the Court for extraordinary fees and supported by the declaration of counsel. In granting or withholding such fees, the Court will consider the following factors: (1) the time and labor required, (2) the novelty and difficulty of the questions involved, (3) the skill required to properly conduct the case, (4) whether the acceptance of employment in the particular case caused loss of other employment, (5) whether the acceptance of employment in the particular case precluded counsel's appearance on behalf of others in cases arising out of the same transaction, (6) the customary charges of the bar for similar services, (7) the amount involved in the controversy, and (8) the contingency or certainty of collecting the award.

SCHEDULE OF REASONABLE ATTORNEYS FEES

(Mandatory)
Rev. 7/1/2006

CV-5021

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5041

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar No., and Address</i>)	<i>FOR COURT USE ONLY</i>	
TELEPHONE NUMBER: _____ ATTORNEY FOR (<i>Name</i>)		FAX NUMBERS: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street CITY AND ZIP CODE: San Jose, California 95113 PHONE NUMBER: (408) 882-2100 BRANCH NAME: Downtown Courthouse, Civil Division Office Hours: Monday – Friday 8:30 a.m. to 4:00 p.m.		
PLAINTIFF: (<i>Processing Agency</i>)		
DEFENDANT: (<i>Appellant</i>)		
NOTICE OF PARKING ADMINISTRATIVE APPEAL	CASE NUMBER _____	

This is a Notice of Appeal of the decision of the hearing officer in the matter of parking citation number _____.

The appeal is filed pursuant to California Vehicle Code (CVC) § 40230.

Appellant attaches a copy of the hearing officer's decision and requests that:

1. The Clerk of the Court set the matter for hearing before the above-entitled court, where it will be heard in accordance with CVC § 40230 and CVC § 40215.
2. The Clerk of the Court gives notice of the time and place of the trial to each of the parties.

Appellant certifies that a copy of this Notice of Parking/Administrative Appeal has been mailed to the Processing Agency at the address shown below:

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF APPELLANT)

NOTICE OF PARKING/ADMINISTRATIVE APPEAL

CV-5041 EFFECTIVE 7/1/2010 (*Mandatory*)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5052

ATTACHMENT CV-5052

CIVIL LAWSUIT NOTICE – RULE 3.740 COLLECTIONS CASE

Superior Court of California, County of Santa Clara
191 N. First Street, San José, CA 95113

CASE NUMBER: _____

PLEASE READ THIS ENTIRE FORM

PLAINTIFF (the person suing): Within 180 days after filing the lawsuit, you must serve each defendant with the *Complaint*, *Summons*, and a copy of this *Civil Lawsuit Notice –Rule 3.740 Collections Cases*, and you must file written proof of such service.

DEFENDANT (The person being sued): **You must do each of the following to protect your rights:**

1. You must file a **written response** to the *Complaint*, using the proper legal form or format, in the Clerk's Office of the Court, within **30 days** of the date you were served with the *Summons* and *Complaint*;
2. You must send a copy of your written response on the Plaintiff's attorney (to "serve by mail" means to have an adult other than yourself mail a copy to the Plaintiff's attorney); and
3. You must come to Court when you are notified of a Court date.

Warning: If you, as the Defendant, do not follow these instructions, you may automatically lose this case.

Your **CASE MANAGEMENT JUDGE** is: _____ in **DEPT.**: _____

Your Case Management Judge will hear any motions filed in your case before trial. A motion is a written request, filed with the Court, asking the Court to make decisions about your case.

You must follow California state laws and statutes, the California Rules of Court (CRC) and the Superior Court of California, County of Santa Clara Local Civil Rules and use proper forms. You will find more information and resources at the following websites:

- State Rules and Judicial Council Forms: www.courts.ca.gov
- State laws and statutes: www.leginfo.legislature.ca.gov
- Local Rules and Forms: www.scscourt.org
- Connect with local legal aid organizations and referral resources: LawhelpCA.org

Superior Court's Self Help Center (free):

- Court staff can give you the correct forms and written instructions on the filing process. The Self Help Center is located inside the Family Justice Center Courthouse at 201 North First Street in San Jose. You will find more information at www.scscourt.org or call (408) 882-2900 (option 6)
- A free legal advice clinic is offered every Wednesday at the Self Help Center Workshop Room from 11:30 a.m. to 3:00 p.m., by Santa Clara University's Alexander Law Center. For more information, please call (408) 288-7030, or visit their website at www.http/law.scu.edu/kgac/courthouseclinic/

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5056

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 North First Street MAILING ADDRESS: 191 North First Street CITY AND ZIP CODE: San Jose, California 95113 BRANCH NAME: Downtown Courthouse, Civil Division	<i>FOR COURT USE ONLY</i>
PLAINTIFF/PETITIONER:	
DEFENDANT/RESPONDENT:	
CONSENT ORDER GRANTING EXPEDITED JURY TRIAL	CASE NUMBER

The parties, with consent of counsel, hereby agree to participate in the expedited jury trial procedures prescribed by Code of Civil Procedure (CCP) § 630.01, et seq.

Each named party and all insurance carriers responsible for providing coverage or defense on behalf of any party, as identified below, have been informed of the rules and procedures for an expedited jury trial and provided with a Judicial Council information sheet regarding expedited jury trials, have agreed to take part in or, in the case of a responsible insurance carrier, not object to, the expedited jury trial process, and agree to all of the following provisions:

1. The parties waive all rights to appeal and to move for directed verdict or make any post-trial motions, except as provided in CCP §§ 630.8 and 630.9;
2. Each side shall have up to three hours to present its case;
3. The jury shall be composed of eight or fewer jurors, with no alternates;
4. Each side shall be limited to three peremptory challenges;
5. The trial and pretrial matters will proceed under CCP § 630.03, subdivisions (e)(2)(A)-(D), inclusive, and pursuant to all other provisions of the Expedited Jury Trials Act and the implementing California Rules of Court.
6. [Other]

IT IS SO AGREED.

Date: _____	_____ (Party)
Date: _____	_____ (Counsel for Party)
Date: _____	_____ (Party)
Date: _____	_____ (Counsel for Party)
Date: _____	_____ (Insurance Carrier, Name and Title of Signing Agent)

IT IS SO ORDERED.

Dated: _____	_____ [Name of Judge] Judicial Officer
--------------	---

(Effective 7/1/2011) (Mandatory)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5059

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (NAME AND ADDRESS) TELEPHONE NUMBER:	<i>FOR COURT USE ONLY</i>
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA	
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
LOAN MODIFICATION SETTLEMENT CONFERENCE STIPULATION AND ORDER	CASE NUMBER:

The parties to this stipulation are:

_____, Borrower
_____, Lender
_____, Servicer
_____, Other

1. Pursuant to CCP § 128 and 187, this Court hereby;

- a. Declines to rule on the TRO and declines to set a hearing for the preliminary injunction at this time, and instead approves this Stipulation and Order seeking an early settlement conference process and an early resolution of the entire action.
- b. Vacates any previously granted TRO and vacates any hearing for the preliminary injunction at this time, and instead approves this Stipulation and Order seeking an early settlement conference process and an early resolution of the entire action.
- c. Vacates any currently set case management or other hearing, and instead approves this Stipulation and Order seeking an early settlement conference process and an early resolution of the entire action.

Failure to comply with all terms of this stipulation may result in the striking of this Order and cancellation of the Loan Modification Settlement Conference process, or other appropriate orders of the Court.

2. Parties stipulate as follows:

- a. All foreclosure related activities are stayed per the terms of this order.
- b. Borrower shall:
 - (1) Make a payment in the amount of \$ _____ per month toward the mortgage, on or before the _____ day of each month, beginning on _____,
 - (2) Keep current on the payment of property taxes,
 - (3) Maintain insurance on the property, and
 - (4) Obtain HUD counseling prior to the Loan Modification Settlement Conference.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5059

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

- c. Parties shall prepare for the Readiness Conference as follows:
 - Plaintiff shall properly serve all Defendants with the Summons, Complaint, this Order, the TRO application, and any other papers that have not already been served, within five days of the date of this Order
 - Plaintiff shall file all proofs of service within 20 days of the date of this order.
 - At least 21 calendar days before the Readiness Conference, Lender shall transmit to the Borrower an itemized list of the documents it requires from Borrower.
 - Borrower shall provide all necessary financial information to Lender.
 - Lender may take the Readiness Conference off calendar up to 2 court days ahead of time, once Lender has received all necessary documents.
 - Lender shall notify Borrower that the Readiness Conference will be taken off calendar within one hour of doing so.
 - Lender must file a "Notice of Appearance" and first appearance filing fee (instead of a responsive pleading) before the date of the scheduled Readiness Conference.

- d. Regarding the Loan Modification Settlement Conference ("LMSC"), parties stipulate as follows:
 - Good faith participation by all parties in a meaningful settlement conference will be deemed full compliance with the requirements of CA Civil Code §2923.5 and *Mabry v. Superior Court*, 185 Cal. App. 4th 208 (2010). Any Civil Code §2923.5 or *Mabry* causes of action will be deemed moot and shall be stricken from the Complaint.
 - By participating in such LMCS the service is representing that it has full authority to modify the loan at tissue.
 - All parties will provide worksheet and other materials prepared for the LMSC to the assigned neutral at least 10 days in advance of the LMSC. LMSC materials will not be filed or lodged with the court.

- e. Litigation is stayed for 90 days from the date this order is signed by the judge and filed. Defendants will be deemed served 90 days after entry of this order. Defendant's demurrer/motion to strike, if any, shall receive a hearing date within 30 days from filing the motion.

- f. Any foreclosure sale is stayed until after 120 days from the date of this order (unless the date is changed by the Court).

- g. If any party deems that this Order or any provision becomes inappropriate for this case, counsel may file an ex parte request, with 24 hours' notice to all parties. Ex partes are heard from 8:15 AM to 9 AM Monday through Friday.

- h. Servicer _____ stipulates that;
 - Servicer will be asked to consider Borrower for a loan modification. Servicer may be asked why any proposed loan modification is rejected.
 - By withdrawing from the LMSC, servicer will lose the benefits provided by the stipulation and the LMSC, and the case will return to the court's regular litigation track.
 - Acceptance of any payments pursuant to this Order is without prejudice to the lender's / servicer / investor's Notice of Default, if any, and foreclosure proceedings, except as otherwise provided for in this Stipulation. Acceptance of said payments shall not be evidence that a lender / servier / investor has waived any existing default on the underlying loan or deed of trust at issue.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5059

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

(Type or Print Name)

(Signature)

(Type or Print Name)

(Signature)

(Type or Print Name)

(Signature)

(Type or Print Name)

(Signature)

(Type or Print Name)

(Signature)

(Type or Print Name)

(Signature)

(Type or Print Name)

(Signature)

Attach additional signature pages if necessary)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5059

PLAINTIFF: DEFENDANT:	CASE NUMBER:
------------------------------	--------------

3. LOAN MODIFICATION SETTLEMENT CONFERENCE STIPULATION AND ORDER

- a. The Case Management Conference Preliminary Injunction Hearing currently set for _____
20____ at _____ AM PM in Department _____ is hereby vacated.
- b. Readiness Conference is set for _____, 20____, at _____ AM PM in Department _____
- c. Loan Modification Settlement Conference is set for _____, 20____, at _____ AM PM in Department _____.
- d. Further Case Management Conference is set for _____, 20____, at _____ AM PM
 in Department in neutral's office located at _____
- e. Trial Setting Conference following ADR Review is set for _____ 20____ at _____ AM PM in Department _____

It is so ordered.

Date: _____

Judicial Officer of the Superior Court

4. CLERK'S CERTIFICATE OF PERSONAL SERVICE

I certify that I am not a party to this cause and that a true and correct copy of this document was hand-delivered to the parties listed below at _____ (time) on _____ (date) in the Clerk's Office Calendar Unit of the Superior Court of California, County of Santa Clara, located at 191 North First Street, San José, California.
David H. Yamasaki, Clerk of the Court, by _____, Deputy Clerk.

5. CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true and correct copy of this document was mailed first class postage prepaid in a sealed envelope addressed as shown below and the document was mailed at _____ (time) on _____ (date) in San José, California.
David H. Yamasaki, Clerk of the Court, by _____, Deputy Clerk.

TO: _____ _____ _____	TO: _____ _____ _____
TO: _____ _____	TO: _____ _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5060

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (NAME AND ADDRESS)	TELEPHONE NUMBER:	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA		
STREET ADDRESS:		
MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
LOAN MODIFICATION SETTLEMENT STIPULATION AND ORDER		CASE NUMBER:

The parties to this stipulation are:

_____, Plaintiff
 _____, Defendant
 _____, Servicer
 _____, Other

1. Parties stipulate that this action has been resolved on the basis of the following settlement disposition:

- a. Loan Modification
- b. Refinancing the current loan or loans
- c. Short Sale of property
- d. Deed in lieu of foreclosure
- e. Transition Agreement, including terms under which the plaintiff will vacate the property.
- f. Other:

2. The specific terms of the settlement agreement are:

- a. Attached
- b. To be drafted and exchanged by the parties and their attorneys by _____ (date).

(Type or Print Name)	(Signature)
(Type or Print Name)	(Signature)
(Type or Print Name)	(Signature)
(Type or Print Name)	(Signature)

(Attach additional signature pages if necessary)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5060

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

3. LOAN MODIFICATION SETTLEMENT CONFERENCE SETTLEMENT STIPULATION AND ORDER

- a. The Case Management Conference currently set for _____ 20____ at _____ AM PM in Department _____ is hereby vacated remains set is continued to _____, 20____ at _____ AM PM in Department _____.
- b. A Trial Setting Conference is set for _____, 20____, at _____ AM PM in Department _____.
- c. A Case Status re. Dismissal is set for _____, 20____, at _____ AM PM in Department ____.

It is so ordered.

Date: _____

Judicial Officer of the Superior Court

4. CLERK'S CERTIFICATE OF PERSONAL SERVICE

I certify that I am not a party to this cause and that a true and correct copy of this document was hand-delivered to the parties listed below at _____ (time) on _____ (date) in the Clerk's Office Calendar Unit of the Superior Court of California, County of Santa Clara located at 191 North First Street, San José California.

David H. Yamasaki, Clerk of the Court, by _____, Deputy Clerk.

5. CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true and correct copy of this document was mailed first class postage prepaid in a sealed envelope addressed as shown below and the document was mailed at _____ (time) on _____ (date) in San José, California.

David H. Yamasaki, Clerk of the Court, by _____, Deputy Clerk.

TO: _____

TO: _____

TO: _____

TO: _____

(Attach additional pages if necessary)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT CV-5061

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

**Loan Modification Settlement Conference (“LMSC”)
Instructions for Litigants**

ALL PARTIES SHOULD READ THE LMSC STIPULATION VERY CAREFULLY TO UNDERSTAND THE OBLIGATIONS THAT BOTH SIDES UNDERTAKE.

Loan Modification Settlement Conference procedures;

1. For cases that may be eligible for the Loan Modification Settlement Conference program.
 - a. Plaintiff will receive information about the LMSC program.
 - b. Plaintiff is responsible for notifying Defendant of the LMSC program, if the Defendant is not present.
 - c. Both parties must agree and sign the LMSC stipulation.
 - d. Plaintiff must submit the LMSC stipulation to the judge for signature at least three days before any scheduled court hearing.
 - e. Plaintiff must file the LMSC stipulation and order form with the judge’s signature in the clerk’s office.
 - f. The pending court hearing will be taken off calendar.
 - g. New court dates will be set (see section 2).

2. When an LMSC stipulation is filed;
 - a. A 90-day stay is put into effect on all foreclosure activity, which temporarily stops a sale of the home.
 - b. Plaintiff must deliver all documents required for the LMSC hearing to Defendant within 21 days of the filing of the LMSC stipulation.
 - c. A Readiness Conference will be set for 30 days after the filing of the LMSC stipulation. This court date is to make sure all documents have been shared. You will receive a notice from the court with the date and time of the Readiness Conference.
 - d. The Loan Modification Settlement Conference hearing date will be set for 60 days after the filing of the stipulation. This is your date to try and work out a settlement. You will receive a notice from the court with the date and time of the LMSC hearing.
 - a. The LMSC hearing date will be set on a Wednesday, either in the morning or afternoon.
 - b. A trained LMSC neutral will be at the LMSC hearing to try and settle your case.
 - e. The upcoming Case Management Conference will be scheduled for 90 after the filing of the LMSC stipulation, or will be left as originally set, whichever is later.

3. If a settlement is reached at the LMSC hearing;
 - a. Parties will create a written agreement explaining the settlement.
 - b. Plaintiff will notify the court of the settlement.
 - c. The court will set another date 90 days out on a Dismissal Calendar to allow parties to complete the settlement.
 - d. Once the settlement is completed, the plaintiff will dismiss the case.

4. If NO settlement is reached at the LMSC hearing;
 - a. Plaintiff will notify the court that the case has not settled.
 - b. The case will go back onto the regular litigation track.

CV-5061 REV 7/1/2013
(Mandatory)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

ATTACHMENT CV-5100

(Mandatory)

NAME, ADDRESS, AND TELEPHONE NUMBER OF PARTY WITHOUT ATTORNEY	STATE BAR NO.:	FOR COURT USE ONLY
ATTORNEY FOR: <i>(Name)</i> :		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA		
STREET ADDRESS		
MAILING ADDRESS: 191 North First Street		
CITY AND ZIP CODE: San José, California 95113		
BRANCH NAME:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION AND APPOINTMENT OF OFFICIAL REPORTER PRO TEMPORE		CASE NUMBER:

Hearing/Trial Date: _____ Department (if known): _____

1. Reporter Information

Name: _____ License No.: _____
(PRINT)

Business Address: _____
STREET CITY ZIP CODE

Email Address: _____ Telephone No.: _____

2. Court Reporter Agreement

I, _____, accept this appointment as an official reporter pro tempore in this matter and confirm and agree that:

- (1) I have a valid and current California Certified Shorthand Reporter License and I am in good standing with the Court Reporters Board of California;
- (2) I am not a current full-time employee of the court and appointment as an official reporter pro tempore will not interfere with my obligation as a court employee;
- (3) I will provide current contact information with the court as directed by the Director of Court Services;
- (4) All fees for reporting services, including appearance, transcript and real-time fees, are the responsibility of the party or parties who arrange for the reporter services and may not be charged to the court;
- (5) I will comply with statutes and rules applicable to official reporter pro tempore, including the duty to timely prepare transcripts, including those for appeals, in the proper form;
- (6) I will demonstrate the highest standards of ethics and impartiality in the performance of my duties;
- (7) I will comply with the court's requirements regarding uploading electronic archiving of notes within 48 hours of the date of the proceedings except in extenuating circumstances and as approved in advance by the Director of Court Services, or making other arrangements if the only notes are in paper form;

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

CASE NAME: PLAINTIFF _____ DEFENDANT: _____	CASE NUMBER: _____
--	------------------------------

- (8) I will follow directions from the court and will be subject to the jurisdiction of the court to the same extent as an official reporter;
- (9) I will be available for read-back of notes taken during a jury trial within 30 minutes of the court's request;
- (10) If providing real-time reporting or other litigation support services (e.g. LiveNote), I am responsible for providing and connecting the necessary equipment. Instructions will be provided by the Director of Court Services.

Date: _____ Signature: _____

ORDER APPOINTING OFFICIAL REPORTER PRO TEMPORE

Pursuant to Government Code Sections 68086 and 70044 and rule 2.956 the California Rules of Court and the stipulation of the appearing parties set forth on the pages following this order, the above identified Certified Shorthand Reporter is appointed as an official reporter pro tempore for these proceedings to be transcribed by the official reporter pro tempore may be ordered to lodge a copy of the transcript with the Court.

IT IS ORDERED.

Date: _____
Judicial Officer

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

CASE NAME: PLAINTIFF DEFENDANT:	CASE NUMBER:
---------------------------------------	--------------

Stipulation of the Appearing Parties

The parties or their counsel listed below stipulate to the Court appointing an official reporter pro tempore as set forth in the Court Reporter Agreement and Order Appointing Official Reporter Pro Tempore herein.

Date: _____	Name: _____ <small>(PRINT)</small>	Attorney for: _____
Signature _____		
Date: _____	Name: _____ <small>(PRINT)</small>	Attorney for: _____
Signature _____		
Date: _____	Name: _____ <small>(PRINT)</small>	Attorney for: _____
Signature _____		
Date: _____	Name: _____ <small>(PRINT)</small>	Attorney for: _____
Signature _____		
Date: _____	Name: _____ <small>(PRINT)</small>	Attorney for: _____
Signature _____		
Date: _____	Name: _____ <small>(PRINT)</small>	Attorney for: _____
Signature _____		
Date: _____	Name: _____ <small>(PRINT)</small>	Attorney for: _____
Signature _____		

Additional Stipulations are attached to this document.

Reset Form

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

Superior Court of California
County of Santa Clara
Downtown Courthouse
191 North First Street
San José, California 95113

ATTACHMENT SC-8006

NOTICE TO SMALL CLAIMS LITIGANTS

The Superior Court of California, County of Santa Clara – Small Claims Division encourages alternative dispute resolution (mediation) to resolve cases where the parties agree to participate voluntarily.

What is mediation?

Mediation is a voluntary process for resolving disputes with the help of a neutral third party, called a mediator. Mediation allows you and the other party to reach a mutually acceptable settlement of the cases instead of having to appear in court to have a judge impose a decision on you. **Mediation proceedings are confidential and conducted in private.** The mediator will not provide legal advice, evaluate your case, or make any decision or judgment for you. However, the mediator will help you and the other party focus on reaching an agreement that is acceptable to all parties involved in the dispute. The mediator will draft a written agreement.

When can I go to mediation?

You may participate in mediation before your court appearance date regardless of where the case was filed. If you choose mediation, you are encouraged to contact the following agencies as soon as possible to schedule the mediation or to ask any questions that you may have:

SMALL CLAIMS DISPUTES

SANTA CLARA COUNTY DISPUTE RESOLUTION PROGRAM SERVICES
At (408) 792-2327 or email opencse@ohr.sccgov.org or visit www.sccdrrps.org

HOUSING & NEIGHBORHOOD DISPUTES

SANTA CLARA COUNTY DISPUTE RESOLUTION PROGRAM SERVICES
Community Disputes at (408) 792-2327 or email opencase@ohr.sccgov.org or visit www.sccdrrps.org
Or

PROJECT SENTINEL
Gilroy, Palo Alto, Mountain View, and Sunnyvale at (408) 720-9888

The staff at the offices listed above will discuss the mediation process with you. They can provide a wide variety of conflict resolution services.

How does mediation work?

Both the plaintiff and the defendant must agree to participate in the process. A mediator from the program will meet with you and the other party in your case. You may wish to call the dispute resolution program office ahead of time to try to resolve your Small Claims case before to the hearing date.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

Superior Court of California
County of Santa Clara

ATTACHMENT SC-8006

NOTICE TO SMALL CLAIMS LITIGANTS (cont'd)

If your case is resolved through mediation, you and the other party will sign a document that outlines what you both have agreed to do. If you are able to resolve your case through mediation, you will go to court and a judicial officer will hear your case. Mediation will not delay your opportunity for a court hearing. The Court, of course, hopes that the mediation will resolve the dispute and eliminate the need for court action.

What are the benefits of mediation?

One of the advantages of mediation, compared with a trial, is that it allows the parties more time to present their issues and it allows options and resolutions to be discussed candidly and privately. As a result, the parties to a dispute can be in more control of the resolution than when a judge is involved. **Mediation proceedings are confidential and conducted in private.** Mediations can be conveniently scheduled at any time during the day, some early evenings, and on limited weekends.

For more information on how mediation can help your case, please go to;

- http://www.scscourt.org/self_help_videos.shtml

or

- Go to www.scscourt.org
- Click on "Self-Help" near the top of the page,
- Click on "Small Claims", then
- Click on "Self-Help Videos" link in the top, middle section of the page

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

CIVIL RULES

(Mandatory)

ATTACHMENT SC-8007

<input type="checkbox"/> SANTA CLARA COURTHOUSE 1095 HOMESTEAD ROAD SANTA CLARA, CA 95050	<input type="checkbox"/> PALO ALTO COURTHOUSE 270 GRANT AVE., PALO ALTO, CA 94306	<input type="checkbox"/> SOUTH COUNTY COURTHOUSE 301 DIANA AVENUE MORGAN HILL, CA 95037	<i>FOR COURT USE ONLY</i>
<u>MAILING ADDRESS:</u> 191 N. FIRST ST, SAN JOSE, CA 95113			
PLAINTIFF/PETITIONER			
DEFENDANT/RESPONDENT			
REQUEST FOR DISMISSAL (SMALL CLAIMS)			CASE NUMBER:

If you settle the case before trial, you must file a dismissal with the clerk. **Please file your dismissal at least 3 (three) court days prior to the hearing date.**

TO THE CLERK: Please **dismiss** the Claim of **Plaintiff/Petitioner** as follows: (check applicable box)

- | | |
|---|---|
| 1. <input type="checkbox"/> With prejudice (may not file again) | 3. Partial dismissal (for multiple Defendants/Respondent)
Dismiss only as to _____ |
| 2. <input type="checkbox"/> Without prejudice (may file again) | a) <input type="checkbox"/> With prejudice (may not file again) |
| | b) <input type="checkbox"/> Without prejudice (may file again) |

Date: _____

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PLAINTIFF/PETITIONER)

If a claim of Defendant/Respondent has been filed, the Defendant/Respondent may dismiss their action as follows:

TO THE CLERK: Please **dismiss** the Claim of **Defendant/Respondent** as follows: (check applicable box)

- | | |
|---|--|
| 1. <input type="checkbox"/> With prejudice (may not file again) | 3 <input type="checkbox"/> Partial dismissal (for multiple
Plaintiffs/Petitioners), Dismiss only as to
_____ |
| 2. <input type="checkbox"/> Without prejudice (may file again) | a) <input type="checkbox"/> With prejudice (may not file again) |
| | b) <input type="checkbox"/> Without prejudice (may file again) |

Date: _____

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PLAINTIFF/PETITIONER)

NOTE: In some facilities, if there is a Claim of Plaintiff/Petitioner AND a Claim of Defendant, and only one party wants to file a dismissal prior to the hearing, the party who wants to file the dismissal should file it in the Court when appearing on the other claim in the case. Check with the clerk at the Courthouse where your claim is filed for clarification.

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

(Mandatory)

ATTACHMENT SC-8010

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar No., and Address</i>) TELEPHONE NUMBER: _____ FAX NUMBERS: _____ ATTORNEY FOR (<i>Name</i>) _____	FOR COURT USE ONLY
<p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</p> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: San Jose, California 95113 DIVISION: SMALL CLAIMS DIVISION	
PLAINTIFF: _____	
DEFENDANT: _____	
REQUEST AND ORDER TO SERVE THE CALIFORNIA SECRETARY OF STATE	CASE NUMBER _____

1. I am the Plaintiff in this case.
2. I ask that the Court order that I can served the California Secretary of State on behalf of (name of corporation) _____, The Defendant Corporation in this case
3. My request is based on this declaration and any records or evidence on file with the Court.
4. I should be able to sue the Defendant Corporation in California because:
5. I have verified with the California Secretary of State that (*please check one*):
 - The Defendant Corporation does not have a designated agent for service of process nor any officers or agents in California.
 - The designated agent resigned and has not been replaced or is no longer authorized to act.
 - The agent cannot with reasonable diligence be found at the address designated for personally delivering the process, and that process against the Defendant Corporation cannot be served with reasonable diligence upon the designated agent by hand.
 - Other – explained on attached declaration.

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

Executed at (city): _____, California on (date) _____, 20 _____

Print your name

Sign your name here

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

(Mandatory)

PLAINTIFF: DEFENDANT:	CASE NUMBER
------------------------------	-------------

COURT ORDER

The Court having considered the application and good cause appearing. **IT IS ORDERED:**

1. That the California Secretary of State accept service on behalf of (name of corporation) _____, which has been doing business in the State of California but has no designated Agent for Service nor are any Officers or Agents located in California and
2. That the California Secretary of State shall promptly give notice to Defendant Corporation of the service of process of the claim against it by Plaintiff.

Date: _____

Judicial Officer

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

(Mandatory)

ATTACHMENT SC-8011

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar No., and Address</i>) TELEPHONE NUMBER: _____ FAX NUMBERS: _____ ATTORNEY FOR (<i>Name</i>) _____	<i>FOR COURT USE ONLY</i>
<p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</p> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: San Jose, California 95113 DIVISION: SMALL CLAIMS DIVISION	
PLAINTIFF: _____	
DEFENDANT: _____	
REQUEST FOR SATISFACTION OF JUDGMENT BY JUDGMENT DEBTOR	CASE NUMBER _____

I, _____, the undersigned judgment debtor declare:

1. Judgment was made and entered against me in this case for the total amount, including principal and costs, of \$ _____;
2. I have made full payment of the judgment including accrued interest and costs;
3. Check one of the boxes below:
 - I have asked the judgment creditor to file an acknowledgment of satisfaction of the judgment and s/he refuses to do so.
 - I have tried to contact the judgment creditor and the present address of judgment creditor is unknown.
4. I have attached the original documents that are evidence the judgment creditor received full payment after the judgment. (Attach a cash receipt signed by the judgment creditor and/or a canceled check or money order payable to and endorsed by the judgment creditor.) Because original documents are not available I have attached copies.
5. An Abstract of Judgment Certified Copy of the Judgment has been recorded as follows (fill out all information for each County where recorded):

COUNTY	DATE OF RECORDING	INSTRUMENT NUMBER

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

Executed at (city): _____, California on (date) _____, 20 _____

Print your name

Sign your name here

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

(Mandatory)

PLAINTIFF: DEFENDANT:	CASE NUMBER
------------------------------	-------------

COURT ORDER

The Court having considered the request and good cause appearing. **IT IS HEREBY ORDERED** that a satisfaction of judgment be entered herein.

Date: _____
Judicial Officer

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown below, and that the mailing of the foregoing and execution of this certificate occurred

At _____, California, on (date): _____.

By: _____
Deputy Court Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

(Optional)

ATTACHMENT SC-8016

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</p> <p>STREET ADDRESS: <input type="checkbox"/> 191 N. First Street San José, CA 95113</p> <p>MAILING ADDRESS: <input type="checkbox"/> 1095 Homestead Rd., Santa Clara CA 95050</p> <p>CITY AND ZIP CODE: 191 North First Street</p> <p>BRANCH NAME: San José, CA 95113</p> <p style="text-align: center;">Small Claims Division</p>	
PLAINTIFF:	
DEFENDANT:	
<p>SMALL CLAIMS ORDER</p> <p><input type="checkbox"/> Pre-Judgment <input type="checkbox"/> Post-Judgment</p>	CASE NUMBER:

1. **The next hearing date/time:** _____ AM PM Dept. _____

2. Plaintiff shall amend the Claim, then re-set and serve. The Claim needs to be amended because:

3. a. The case is continued for settlement.
- b. Plaintiff still needs to show proof of service on Defendant.
4. Plaintiff Defendant shall bring an interpreter to the next hearing.
5. a. The Debtor's Examination
- b. Motion to Vacate
- c. Fee Waiver hearing
- is continued because: _____

6. a. Plaintiff's Defendant's Motion to vacate is granted. Parties will return to court as noted in item 1, above, for the new hearing. There shall be no collection on the prior Judgment since it has been vacated.
- b. Plaintiff's Defendant's Motion to vacate is denied. The Judgment remains in effect.
7. Defendant failed to appear for a properly-served Debtor's Examination hearing. A bench warrant is issued against Defendant in the amount of \$_____.
8. Plaintiff needs to file and serve an SC-103 form- Fictitious Business Name (Small Claims). If Defendant has already been served with the Claim, then Plaintiff must serve a filed copy of the SC-103 form on Defendant, by mail, at least 10 calendar days before the next court date.
9. Other: _____

Date: _____

Judicial Officer of the Superior Court