
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 CRC1.6(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)

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.

(Effective 1/1/2020)

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)

E. CIVIL LAWSUIT NOTICE

(1) When the complaint or other initial pleading is filed, the filing party must submit a blank Civil Lawsuit Notice (CV-5012) to the Clerk for issuance of Judicial Assignment, Initial Court Hearing Date, Time, and Department with the filing of the new complaint. The Civil Lawsuit Notice will only be completed and returned by the Clerk if one is provided by the filer. The party who filed the initial pleading must serve a copy of the Civil Lawsuit Notice completed by the Clerk 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 1/1/2020)

(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. The filing party must submit a blank Civil Lawsuit Notice – Rule 3.740 Collections Cases (CV-5052) to the Clerk for issuance of Judicial Assignment and Department with the filing of the new complaint. The Civil Lawsuit Notice will only be completed and returned by the Clerk if one is provided by the filer. The plaintiff must serve a copy of the Civil Lawsuit Notice – Rule 3.740 Collections Cases completed by the Clerk 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 1/1/2020)

(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)

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)

(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. 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 Judicial Council of California 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 7/1/2019)

B. CIVIL ADR STIPULATION

(1) In most 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 efile a signed ADR stipulation including the name of the ADR provider and the date of the ADR hearing at least 20 calendar days before a Case Management Conference, and the Court approves the stipulation and the order is filed, the CMC will be canceled and an ADR Status Conference will be scheduled. An ADR stipulation 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 7/1/2019)

(2) If the parties stipulate to ADR, but have not already selected an ADR provider and date, then, within 20 calendar days, plaintiff’s counsel must efile an amended ADR Stipulation and order form including 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 7/1/2019)

(3) Parties who have previously stipulated to any form of ADR may later stipulate to another form of ADR by efileing a signed ADR stipulation and order.

(Effective 7/1/2019)

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

(Effective 7/1/2019)

C. 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)

D. 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 send it to the ADR Administrator. A mediator must maintain the Attendance Sheet in Compliance with CRC 3.860(a).

(Effective 7/1/2011)

E. 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)

F. 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.

- (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.
- (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.

(Effective 7/1/2009)

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. The Supervising Civil Judge accepts the case for the program despite the failure to satisfy one or more of the above-stated criteria.

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 efiled 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.

(Effective 7/1/2019)

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.

The case will be set for Mediation Status Review by the Court.

(Effective 7/1/2019)

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.
- (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 1115-1129, which provide for confidentiality of communication.

(Effective 7/1/2019)

- (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.
- (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 is available for cases with very simple facts that have low dollar amounts in controversy, providing an early resolution option for cases that can be settled in three hours or less with no extensive document review by the neutral. This program is not available for cases with more complex facts, multiple parties, higher value disputes, cross actions, or requiring extensive discovery or document review before an ADR session.

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 7/1/2019)

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. Plaintiff's counsel must efile the signed stipulation and order within 10 days of signature of all parties, counsel, and the neutral.

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, plaintiff's counsel must submit an amended ADR stipulation and Order form including the neutral's name and signature within 20 court days of the original stipulation. The Court will not assign a neutral without the neutral's signature on the stipulation.

When a neutral is selected by all parties and signs the stipulation, the neutral will hold the agreed-upon ADR hearing date on their calendar for 30 days. If the neutral does not receive confirmation from the court of the filing of the stipulation within 30 days of reserving the ADR hearing date, the neutral may vacate the ADR hearing date.

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

(Effective 7/1/2019)

B. STIPULATION AND CMC

(Effective 7/1/2012)

All parties must complete the ADR Stipulation and Order Form, (attached local form CV-5008), 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 plaintiff's counsel must efile the ADR Stipulation and Order form in the Clerk's Office.

(Effective 7/1/2019)

If the form is efiled at least 20 calendar days before the initial Case Management Conference (CMC), the CMC may be vacated. The case will be set for ADR review on a date the Court selects.

(Effective 7/1/2019)

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 7/1/2019)

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 to be used only for direct services to the parties. Neutrals will be paid from the same fund and in the same manner as judicial arbitrators. No additional charges, such as document review, scheduling time, travel, parking, or space rental, are to be added to the neutral's flat fee.

(Effective 7/1/2019)

If a case cannot settle within the three hours allotted, the neutral will end the Rule 4 hearing, and counsel and parties will select a different form of ADR and file a new stipulation

(Effective 7/1/2019)

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 7/1/2019)

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. NOTIFICATION 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)

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 efile 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 7/1/2019)

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 sent to the parties, counsel and neutral. All parties will provide a 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 efiled or lodged with the court.

(Effective 7/1/2019)

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)

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) Efiling 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.

(Effective 7/1/2019)

- (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)

D. FILING OF AWARD

The arbitrator must efile 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.

(Effective 7/1/2019)

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)

C. SCHEDULING HEARINGS

A party seeking a law and motion hearing date must file and serve all of the moving papers as soon as complete, and leave the hearing date blank on the moving papers. The clerk will review and either reject or accept them for filing. If the motion is accepted, the calendar clerk will schedule the motion for hearing with enough lead time to allow for proper statutory notice of the hearing, and list the hearing date on the Odyssey website. The calendar clerk will not contact the moving party to notify them of the hearing date. The moving party must frequently review the website, and as soon as the hearing has been calendared, the moving party must file and serve an amended notice of hearing with the hearing date. It is not necessary to refile all moving papers if they were properly served when originally filed. Failure to file and serve an amended notice of motion with sufficient statutory notice will either lead to a continuance of the motion or the motion being ordered off calendar by the Court. Parties are advised that this process takes time, and motions that are submitted too close to the trial date to permit sufficient notice may be rejected. Parties and counsel must not contact the Clerk's Office or any courtroom clerk to inquire of the status.

(Effective 4/22/2021)

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.sccscourt.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)

F. EX PARTE APPLICATIONS

See Local Civil Rule 16. Ex-parte applications in Civil Division cases may be placed in the dropbox at DTS every court day between 8:15 and 9:00 a.m. The papers will be scanned after filing, and submitted to the pretrial judge by the Clerk. 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. The applicant for the order must inform the Court if the opposing party intends to oppose or requests a hearing. The court will attempt to consider the application, if possible, within 24 hours.

(Effective 8/25/2020)

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.

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 10/15/18)

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 1/01/2013)

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.

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 filed, with courtesy paper copies delivered to the department of the trial judge or with Court Services if no trial judge has yet been assigned, and served on all other parties by noon on the last court day before the date set for trial:

(Effective 1/1/2020)

- (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;
- (9) trial exhibits may not be filed, but must be lodged with the trial department when known;

(Effective 1/1/2020)

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. POST-TRIAL PROCEEDINGS

Motions made after a jury or court trial, and related to that trial (e.g., and without limitation, motions for new trial, for attorney fees, to tax costs, for reconsideration, to set aside or modify a judgment, or for a settled statement) shall presumptively be set for hearing and heard in the department of the trial judge, unless the Supervising Judge of the Civil Division or designee orders otherwise. This rule also applies to dispositive hearings or motions in petitions for writ of mandate. One exception is for proceedings for enforcement of judgment; such proceedings shall presumptively be set for hearing in the department of the pretrial judge, unless the Supervising Judge of the Civil Division or designee orders otherwise.

(Effective 1/1/2021)

G. EXPEDITED JURY TRIALS

(Effective 1/1/2021)

- (1) The provisions of Rule 9A through E do not apply to expedited jury trials conducted pursuant to Code of Civil Procedure (CCP) § 630.01 (voluntary expedited jury trials) or pursuant to Code of Civil Procedure section 630.20. (mandatory expedited jury trials), except as specified in the CRC or the consent order or as ordered by the trial judicial officer.
- (2) In cases that are subject to mandatory expedited jury trials, the parties must comply with CRC 3.1546. Parties desiring to participate in a voluntary expedited jury trial may submit to the case management **judge** at any pretrial Case Management Conference, but no later than the Trial Setting Conference, or as provided in CRC 3.1547, 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) must 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), must take place no later than five days before the pretrial conference.

(Effective 1/1/2020)

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)

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)

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)

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.

(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/CounterRequest 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)

I. SERVICE OF LANDLORD/TENANT ASSISTANCE PROGRAMS NOTICE

The plaintiff or cross-complainant in any unlawful detainer action must serve the “Landlord/Tenant Assistance Programs Notice” (Form CV-5102) simultaneously with the service of the summons and complaint on all defendants or cross-defendants. This provision will automatically sunset on March 31, 2022, or upon termination of the programs set forth in the notice, whichever is later.

(Effective 9/17/2021)

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)

B. ORDERS AFTER HEARING IN CIVIL DIVISION CASES

Proposed orders may not be submitted with moving papers before a hearing on a regularly-noticed motion unless ordered by the Court or if otherwise required by applicable statute or Rule of Court (such as motions to be relieved as counsel, petitions for compromise of minors' claims, orders on objections to evidence in summary judgment motions, *pro hac vice* applications, applications for writs of attachment, etc.). If instructed to prepare an order after a hearing, proposed 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 7/1/2019)

C. EX PARTE APPLICATIONS

See Local Civil Rule 8.F. Applications for ex parte orders in Civil Division cases shall be submitted to the court in paper form in the dropbox at DTS 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. The application will be scanned by the Clerk to the e-filing system, and submitted to the pretrial judge for consideration. Notice and service of the application must be provided as required by the Rules of Court by no later than 10:00 a.m. the court day before the ex parte application is submitted with proof of notice filed with the application. The applicant must inform the court if the application is or will be opposed. A separate form of order must be submitted with the application attached to Form EFS-020. All ex parte applications will be heard on the papers unless the Court orders otherwise, or if either party shows good cause for a hearing. If either party requests a hearing, the application must so state, and the court will contact the parties to schedule a hearing (either in person or by telephone) if good cause is found. Any written opposition to the application or request for hearing must be submitted by dropbox at DTS no later than the end of the day that the application was submitted to the Clerk. The court will attempt to rule on the application within 24 hours.

All other stipulations, and requests for orders must be electronically filed. No orders containing the court's original signature may be submitted through e-filing and will be rejected.

(Effective 8/25/2020)

D. EX PARTE APPLICATIONS BY TELEPHONE

Any party filing an ex parte application who seeks to appear telephonically pursuant to Rules of Court, Rule 3.670(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. The application must be served as required by Rule 3.670(h)(3)(b) at or before the same time. The telephonic ex parte application must be submitted by dropbox at DTS and will be scanned by the Clerk to be submitted to the assigned department after filing.

(Effective 8/25/2020)

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)

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.

(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 three 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)

(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] and the Request to Participate in On-Line Dispute Resolution (ODR) for Small Claims Litigants [see attached form SC-8020] with the Plaintiff's Claim and Order to Go to Small Claims Court.

(Effective 1/1/2020)

(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)

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.

(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 WV-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)