

20.00 CIVIL PROCEDURE
(including Small Claims filings)

RULE 20.1 CIVIL CASE MANAGEMENT SYSTEM - UNDER THE DELAY REDUCTION ACT

RULE 20.1.1 CIVIL CASES SUBJECT TO THESE RULES

A. These rules are adopted pursuant to the Trial Court Delay Reduction Act (Government Code Sections 68600, et seq.). They shall apply to all civil actions within the Superior Court, and all Limited Jurisdiction actions filed on or after July 1, 1996.

B. These rules shall apply to all cases included within the definition of "general civil cases" provided by CRC 3.712(a). Unlawful Detainer actions, coordinated civil actions as provided by CRC 3.712(c), and forfeiture proceedings under §11488, et seq. of the Health & Safety Code are exempt from these rules. [Effective date 7/1/07]

RULE 20.1.2 POLICY

It is the policy of this Court that all included cases shall be tried or otherwise disposed of within the following time limits from the date of filing:

GENERAL CIVIL - Class 1	-	12 MONTHS
GENERAL CIVIL - Class 2	-	18 MONTHS
GENERAL CIVIL - Class 3	-	24 MONTHS
GENERAL CIVIL - COMPLEX	-	36 MONTHS

RULE 20.1.3 GENERAL CIVIL CASES

The category "General Civil" shall include all the civil cases subject to these rules not otherwise designated as "General Civil - Complex." [Effective date 7/1/01]

RULE 20.1.4 GENERAL CIVIL - COMPLEX CASES

A "General Civil - Complex" case is one which is the "exceptional case" as identified in CRC 3.714(c). [Effective date 7/1/07]

RULE 20.1.5 CATEGORY DESIGNATION AND CHANGE OF DESIGNATION

A. All actions shall be deemed "General Civil - Class 1" actions at the time they are filed. At the first case management conference, the Court will evaluate each case and assign each case to the

appropriate classification for disposition pursuant to the case disposition time goals in CRC 3.714 (b). [Effective date 7/1/07]

B. Upon good cause shown and under any of the following circumstances, the Court at any time may enter an order changing the designation of a case: [Effective date 1/1/04]

1. Upon noticed motion, to be heard on the law and motion calendar of the presiding judge. A telephonic appearance for this conference will be accepted by contacting CourtCall. For information about CourtCall and to schedule an appearance, contact CourtCall at (888) 882-6878. Any request for a CourtCall appearance must be made at least two (2) court days prior to the hearing. No tentative rulings will be issued with respect to motions for redesignation. [Effective date 7/1/08]

2. Upon the Court's own motion. [Effective date 7/1/01]

RULE 20.1.6 FILING AND SERVICE OF PLEADING; EXCEPTIONS

A. Complaint. Except as provided in paragraph E below, plaintiff shall within sixty (60) days after filing of any complaint serve the complaint on each defendant along with:

(1) A copy of the Notice of First Case Management Conference;

B. Cross-Complaint. The following shall be served with any cross-complaint:

(1) A copy of the Notice of First Case Management Conference;

(2) A blank copy of the Case Management Conference Statement, Judicial Council Form CM110; and [Effective date 1/1/04]

(3) A copy of the Placer County Court's Local Rules of Court §20.1 through 20.1.14, inclusive. [Effective date 7/1/05]

[Effective 7/1/08]

C. Proofs of service. Proofs of service of complaints and cross-complaints must be filed at least ten (10) calendar days before the Case Management Conference.

D. Exceptions for longer periods of time to serve or respond.

(1) Time to serve may be extended for good cause. Upon ex-parte application to the Court, supported by declaration containing facts constituting good cause, any party may obtain an extension of time to serve a pleading, provided that such application is made within the time specified to obtain service or any extension thereof. The filing of a timely application for an extension will automatically extend the time to serve by five (5) days, whether or not the application is granted.

(2) Time to respond may be extended for good cause. Before the time to respond has expired, any party served with a complaint or cross-complaint, with notice to all other parties in the action, may make *ex parte* application to the Court upon good cause shown for an extension of time to respond. The filing of a timely application for an extension will automatically extend the time to respond by five (5) days, whether or not the application is granted. [Effective date 7/1/01]

E. Letters do not constitute proper filings in civil cases; therefore, letters will not be accepted or considered by the Court. Parties shall file a proper application or motion, and supporting declaration[s], with notice to all other parties when requesting the Court's consideration of an issue. A proposed order shall be provided with all *ex parte* applications. [Effective date 1/1/07]

F. Request to Set Trial for Unlawful Detainers. Parties are to submit form UD-150, "Request to Set Case for Trial – Unlawful Detainer", along with Placer County Superior Court Local Form "Notice of Time and Place of Trial". Parties are to submit a copy for each party, including one for the Court. In addition, parties are to submit a self-addressed stamped envelope for each party. [Effective date 7/1/06]

(1) Plaintiffs in Unlawful Detainer cases must submit to the Court sufficient copies of the Notice of Restricted Access (enclosed in the packet) with self-addressed envelopes for all parties and one for all occupants. [Effective date 7/1/05]

G. Plaintiffs in a small claims action MUST provide to the Court a self-addressed stamped envelope for each of the parties named in the action and a Notice of Entry of Judgment (Form SC-130) complete with names and addresses typed in at the top of the form. [Effective date 7/1/04]

H. Association of Counsel. Association of Counsel must include the name and bar number of the lead attorney who is associating in. [Effective date 7/1/08]

I. An amended answer may be filed, once as of right without leave of Court, within ten (10) days of the original answer. Other than stated herein, leave of Court is required for the filing of an amended answer. [Effective date 7/1/06]

RULE 20.1.7 CASE MANAGEMENT CONFERENCES

A. Date of first case management conference. A first case management conference will be scheduled and held in all cases approximately one hundred and twenty (120) calendar days from the date of the filing of the complaint. The date of the conference shall be set by the clerk at the time the complaint is filed. [Effective date 1/1/07]

B. Case at issue. The case shall be at-issue at the time of the first case management conference absent a showing of extraordinary circumstances. [Effective date 1/1/07]

C. Participation in case management conference. Appearance at the first case management conference is not required. Appearances at subsequent case management conferences will be required only if deemed necessary by the Court. The Court will issue a case management order not less than twelve (12) calendar days prior to the case management conference. The case management order will include the case disposition date, whether the case has been referred to arbitration and the arbitration completion deadline, the mandatory settlement conference date, the civil trial conference date, the trial date, and any other orders the Court deems necessary as provided in CRC 3.728 (13). The case management order will be based on the information provided in the Case Management Statements filed by the parties. The Court will not consider untimely Case Management Statements in issuing the case management order. The case management order will be mailed to all attorneys and parties without attorneys who have appeared in the action. [Effective date 7/1/07]

Calendar notes will also be available on the Court's website not less than twelve (12) calendar days prior to the case management conference. The calendar notes will state whether an appearance is required, what the procedural status of the case is, and what future dates the Court has set in the case. The Court's website is located at www.placer.courts.ca.gov. [Effective date 7/1/08]

If an attorney or party without an attorney wishes to appear at the case management conference to discuss the dates set by the Court, or any other matter which the attorney or party without an attorney believes should be considered by the Court prior to issuing the case management order, the attorney or party without an attorney must provide written notice that an appearance is requested to the Court and all other parties. The notice shall be faxed to the Clerk's Office of the Court and all other parties not later than 3:00 p.m. on the Wednesday prior to the case management conference. Upon receipt of the written request, the Court will place the matter back on the case management conference calendar and all parties will be required to appear. [Effective date 1/1/07]

Appearances at case management conferences, when required, may be made through CourtCall. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least two (2) court days prior to the hearing.

All dates set by the Court in the case management order shall be firm unless modified by Court order. [Effective date 1/1/07]

RULE 20.1.8 CASE MANAGEMENT CONFERENCE STATEMENT

A. No earlier than thirty (30) days but at least fifteen (15) calendar days before any scheduled first case management conference, each party shall file with the Court and serve on all other parties a completed Case Management Conference Statement, along with proof of service. [Effective date 7/1/08]

RULE 20.1.9 ARBITRATION

A. Election of plaintiff under CRC 3.812 (b). Plaintiffs are encouraged to elect to arbitrate in appropriate cases prior to the first case management conference. The election shall be indicated in the Case Management Conference Statement. [Effective date 1/1/07]

B. Stipulation to arbitrate. Parties may stipulate to judicial arbitration in appropriate cases prior to the Case Management Conference. A written stipulation to arbitrate will be deemed to be without a limit as to the amount of the award unless it expressly states otherwise. Each party shall pay their pro-rata share of the expenses and fees of the neutral arbitrator. [Effective date 7/1/08]

C. Referral to Arbitration. When a case is referred to judicial arbitration, the Court will set a deadline for the completion of arbitration. This deadline shall not be modified unless the trial date is also modified by the Court. Failure to arbitrate by the date given by the Court may result in the arbitration referral being vacated. The deadlines for filing of the arbitration award and a request for trial *de novo* shall be governed by the appropriate statute. Failure to timely file a request for trial *de novo* shall result in entry of judgment based on the arbitration award and vacation of the mandatory settlement conference and trial dates. [Effective date 7/1/08]

D. If the parties agree to judicial arbitration, they will be responsible for payment of the arbitrator's fees pursuant to California Code of Civil Procedure §1141.28(b). [Effective date 1/1/04]

RULE 20.1.10 SETTLEMENT CONFERENCES

A. All long cause civil trials will be set for a judicially supervised mandatory settlement conference before a regularly assigned judge or a designated temporary judge.

B. Not later than ten (10) days prior to the scheduled conference, all parties shall serve and file a settlement conference statement with the Clerk of the Court. The Court may impose monetary sanctions payable to the Superior Court of the State of California, in and for the County of Placer, for failure of any party to timely file a settlement conference statement in accordance with this rule. [Effective date 7/01/08]

C. The first page of each settlement conference statement shall specify, immediately below the number of the case, (1) the date and time of the settlement conference and (2) the trial date. Each settlement conference statement shall include a full and complete statement of the following information to the extent known or contended (Paragraph numbering of statements shall coincide with the following):

1. The attorney or party who is submitting the statement and the party whom the attorney represents.
2. Lead counsel and the represented party for all other parties in the case.
3. A statement of the facts, including any background information necessary to understand the case.
4. Any factual stipulations reached by the parties.
5. Contested issues of facts, including detail of the claimed damages and defenses.
6. Contested issues of law.
7. A statement disclosing the highest offer and lowest demand, and the date of the last settlement discussions.
8. The limits of any available insurance coverage.
9. A statement as to whether or not the case has been through arbitration (attach a copy of any arbitrator's award).

10. A statement as to any special problems relating to settlement.

D. The conference shall be attended by the attorney who will represent the parties at trial, or by the unrepresented party. All parties including plaintiffs and defendants, shall attend the conference, together with adjusters, corporate officers or other designated persons with authority to negotiate in good faith to reach settlements. Telephone standby may be permitted for insurance adjusters that are out of state, with prior approval of the Presiding Civil Judge. [Effective date 1/1/07]

E. If settlement is reached or the case settles at any time prior to the settlement conference date or the trial date, the settlement conference clerk must be telephonically notified immediately. A dismissal or stipulated judgment or *Notice of Settlement (Judicial Council Mandatory Form CM200)* shall promptly be filed with the Clerk of the Court prior to the time standard disposition date. [Effective date 7/1/08]

RULE 20.1.11 SANCTIONS

Sanctions may be imposed upon any party and/or counsel for failure to appear, failure to file any statement or document required by these rules, or failure to participate effectively in any conference in good faith. When a case is found not to be ready to proceed to trial or is otherwise out of compliance with the time standards as imposed in the Civil Case Management System as set forth in these rules, the Court may impose sanctions which may include dismissal of the case, payment of money, or other appropriate sanction. Also see Rule 10.6. [Effective date 7/1/01]

RULE 20.2 LAW AND MOTION PROCEDURES IN CIVIL MATTERS OTHER THAN FAMILY LAW

A. The Placer County Civil Law and Motion calendar is a limited calendar. Parties/counsel shall reserve a hearing date prior to the submission of paperwork for filing. [Effective date 7/1/08]

B. When the regularly scheduled law and motion calendar is heard by a Commissioner, the parties must file written notice indicating whether or not they stipulate to the Commissioner. Failure to file such notice of stipulation or non-stipulation at least five (5) Court days prior to the hearing date for the motion will be deemed a stipulation to the Commissioner for all purposes other than trial. [Effective date 1/1/07]

RULE 20.2.1 REQUIRED CONFERENCE BEFORE FILING

Prior to filing any motion or demurrer, the moving party must make a reasonable and good faith attempt to resolve the matter, and if resolution is not possible, must attempt to coordinate hearing dates with any opposing parties. A declaration setting forth facts supporting such attempt must be filed with the motion. Orders for examination are exempt from the requirements of this section. [Effective date 7/1/01]

RULE 20.2.2 DROPPING AND CONTINUANCE OF LAW AND MOTION HEARINGS

A. When a matter is to be dropped or continued, counsel for the moving party in the matter shall promptly notify the civil law and motion calendar clerk. Law and Motion matters will only be continued if all parties consent to the continuance. [Effective date 1/1/06]

B. No matter may be dropped or continued within three (3) court days of the scheduled hearing date without advance permission of the assigned department. [Effective date 7/1/01]

RULE 20.2.3 TENTATIVE RULINGS; OBLIGATIONS OF COUNSEL

A. On the afternoon of the Court day before each regularly scheduled law and motion calendar, the Court will cause to be recorded a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 12:00 noon by telephoning a voice-mail message at (916) 408-6480. The tentative ruling shall become the final ruling of the Court unless a party advises all other parties and the Court of a request for oral argument. Such request shall be made by calling (916) 408-6481 and leaving recorded message with the Court no later than 4:00 p.m. on the Court day preceding the hearing. The message shall state the name and number of the case, the party requesting the oral argument, and a statement that the other parties have been notified of the request. When a request for oral argument is made, or appearance is required by the Court, limited argument will be allowed, not to exceed five (5) minutes per side. This tentative ruling procedure is applicable only to the regularly scheduled civil law and motion calendar. It is not applicable to the Presiding Judge's Case Management, OSC, or Presiding Judge Motion calendars, or any other calendars absent court order; for those calendars, no tentative ruling will be issued. [Effective date 1/1/09]

B. All noticed motions and demurrers in departments, which issue tentative rulings shall include the following information in the notice:

“Pursuant to Local Rule (20.2.3) on the afternoon of the court day before each regularly scheduled law and motion calendar, the Court will cause to be recorded a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 12:00 noon by telephoning a voice-mail message at (916) 408-6480. The tentative ruling shall become the final ruling of the Court unless a party advises all other parties and the Court of a request for oral argument. Such request shall be made by calling (916) 408-6481 and leaving a recorded message with the Court no later than 4:00 p.m. on the court day preceding the hearing.” [Effective date 1/1/10]

C. The tentative ruling procedure outlined in section “A.” above is not available in the Tahoe Division of Placer County Superior Court. For Tahoe tentative rulings, Counsel may call (530) 584-3464 before noon the day before the hearing. The tentative ruling shall become the final ruling of the Court unless a party advises all other parties and the Court of a request for oral argument. Such request shall be made by calling the above number no later than 3:00 p.m. the court day preceding the hearing. [Effective date 1/1/08]

D. The Court will not accept proposed orders for the law and motion calendar, other than Judicial Council form orders. Your order must conform to the tentative ruling or the ruling of the Court if oral argument is requested. Therefore, it must be submitted as an Order after Hearing.

[Effective date 7/1/08]

RULE 20.2.4 PAGE LIMITATIONS AND SPECIFIC CONTENT REQUIREMENTS FOR MOTIONS; DEMURRERS; MOTIONS TO STRIKE; SUMMARY JUDGMENT/ADJUDICATION; DISCOVERY MOTIONS; MOTIONS TO WITHDRAW; MOTIONS TO AMEND PLEADING; REQUESTS FOR SANCTIONS; MINOR'S COMPROMISE; PETITIONS FOR WITHDRAWAL OF FUNDS; CLAIMS OPPOSING FORFEITURE

A. Applications to exceed page limit. Any application to exceed the page limitations pursuant to CRC 3.113 (e) accompanied by a copy or draft of the memorandum of points and authorities which the party wishes to file. [Effective date 7/1/07]

B. Discovery motions. In any motion to compel answers to interrogatories or responses to a request for production, motion to compel attendance at a deposition, or motion to deem requests for admissions admitted, where no response to the discovery has been received, the moving party shall attach to the motion a copy of the discovery documents at issue, together with a copy of the proof of service of the discovery documents.

C. Motions to withdraw as attorney of record.
The withdrawal of an attorney after order granting a motion to withdraw will not be effective until the signed order allowing withdrawal is served on the client and all other parties. Proof of service of the signed order of withdrawal shall be filed with the Court. (CRC 3.1362 (e)) [Effective date 7/1/07]

D. Motions to amend pleading.

(1) A motion to amend a pleading shall include a copy of the proposed amended pleading. The amended pleading shall be serially numbered to differentiate it from prior amended pleading. [Effective date 7/1/08]

(2) A motion to amend a pleading shall also include a declaration by counsel specifying:

- (a) The effect of the amendment;
- (b) The allegations to be deleted from the prior pleading, and the page, paragraph, and line where those allegations appear in the prior pleading;
- (c) The allegations to be added to the prior pleading, and page, paragraph, and line where those allegations appear in the proposed amendment;
- (d) Why the amendment is necessary and proper.

(3) A motion to amend a pleading shall designate the pages, paragraphs, and lines of the pleading which are thereby being amended. The proposed amended pleading should

be executed in the same manner as the original pleading. An amendment shall not be made by alterations on the face of a pleading except by permission of the Court. All alterations shall be initialed by the Court or clerk. [Effective date 7/1/08]

E. Requests for monetary sanctions. When seeking monetary sanctions, the requesting party must so state in the notice of motion, and state against whom sanctions are sought. The request must be supported by citation to the appropriate legal authority. The motion shall be accompanied by a declaration setting forth facts supporting the amount of any monetary sanctions sought, including a statement of time spent in preparation of the motion, the estimated time to be spent at the hearing, the attorney's hourly rate, and any costs claimed.

F. Minor's compromise.

(1) A petition for Court approval of a compromise or covenant not to sue pursuant to Code of Civil Procedure §372, Probate Code §2504 or 3500 shall be submitted on the mandatory Judicial Council form, shall be verified by the petitioner and, in addition to the matters required by CRC 3.1384, shall contain:

- (a) The name, birth date, age, and sex of the minor or incompetent person;
- (b) The nature and extent of the injury giving rise to the claim with sufficient particularity to inform the Court whether such injury is permanent or temporary;
- (c) A doctor's report containing a diagnosis of the injury, a current report of present condition, and prognosis for future medical care;
- (d) The facts and circumstances out of which the claim or injury arose, including the time, place, and persons involved;
- (e) A full disclosure of all information concerning the reasonableness of the proposed compromise or covenant not to sue, including the amounts, if any, paid or to be paid to other claimants;
- (f) If the settlement is structured, the present cash value of the settlement;
- (g) A summary of all medical expenses paid or owing to each health care provider, and the source of any payments;
- (h) If the money is to be deposited in an account subject to withdrawal only upon order of the Court, the name

and address of the depository; and

- (i) The amount of attorneys' fees requested. Attorneys fees allowed shall not, under normal circumstances, exceed 25% of the amount recovered. In computing fees, the expenses of litigation to be reimbursed shall not be included in the "amount recovered" for the purpose of fixing fees. Such expenses of litigation shall be separately itemized. Except in cases of hardship, parents should pay their proportionate share of attorneys' fees and costs.

[Effective date 7/1/07]

G. Petition for withdrawal of funds. A petition for withdrawal of money deposited in a bank, trust company, or savings and loan association on behalf of a minor or incompetent person shall be verified by the guardian, conservator, or trustee and, in the case of a competent minor, by such minor if the minor is at least twelve (12) years of age. The petition for withdrawal shall contain the current age of the minor, the current amount on deposit, the amount and purpose of prior withdrawals, and the amount and purpose of the present withdrawal.

H. Claim opposing forfeiture. No claim opposing forfeiture will be filed unless it contains proof of service of the claim on the District Attorney. [Effective date 7/1/01]

RULE 20.2.5 ORDERS AFTER HEARING; COMPLIANCE WITH ORDERS

A. In addition to the requirements of CRC 3.1312, the parties to a law and motion matter shall make a good faith attempt to resolve any dispute as to the form of an order after hearing. Counsel preparing the order after hearing shall secure the approval of opposing counsel as to the form of the order after hearing within ten (10) days of submitting the same for approval. Any unreasonable failure to approve the form of an order may subject the opposing party to sanctions in accordance with these rules. The order signed by the Court shall be served on all parties within five (5) days of receipt of the order signed by the Court. [Effective date 7/1/07]

B. Unless otherwise directed, any necessary compliance with the order after hearing shall be within ten (10) days of service of the signed order. [Effective date 7/1/01]

RULE 20.2.6 APPLICABILITY OF RULE 20.2

A. The requirements of Rule 20.2 are in addition to all applicable provisions of the Code of Civil Procedure, the California Rules of Court, and any other state statute or rule, and shall apply to the following matters, subject to the exceptions listed in subsection (B):

- (1) Unless the context dictates otherwise, all motions, applications, petitions, or demurrers in all civil actions;
 - (2) In probate matters, to all demurrers, motions involving discovery, motions concerning the sufficiency of the pleading, and motions for summary judgment;
 - (3) Any pre-trial motion or demurrer concerning any petition for extraordinary relief or any petition for administrative mandate;
 - (4) Any hearing on any petition for extraordinary relief or any petition for administrative mandate which will be submitted to the Court for determination without a contested evidentiary hearing.
- B. The requirements of this Rule 20.2 shall not apply to the following matters:
- (1) Domestic relations matters;
 - (2) Probate matters other than those listed in subsection A(2) above;
 - (3) Notwithstanding subsections A(1), (3), and (4) above, civil matters collateral to criminal actions such as a petition for extraordinary relief or writ of habeas corpus. [Effective date 7/1/01]

RULE 20.3 SETTLEMENTS

A. It is the duty of counsel to notify the Court whenever a case has been settled. Failure to do so may result in sanctions including the assessment of one day's jury fees in cases in which a jury panel has been assembled to hear the case. If settlement is effected at any time prior to the trial date, a dismissal or stipulated judgment must be filed with the clerk prior to the trial assignment conference date.

B. For any civil case settled on a trial date, the party requesting the jury trial may be required to pay one day's jury panel fees pursuant to California Code of Civil Procedure, section 631.1. [Effective date 7/1/01]

RULE 20.4 CIVIL JURY FEES AND EXPENSES

A. A jury fee deposit of \$150.00 shall be made with the Clerk of the Court at least twenty-five (25) days before trial in a civil action. On the first day of trial the courtroom clerk will prepare a form for the party/attorney to sign regarding financial responsibility for jury costs. Subsequent to the trial's completion, the respective parties will be billed for the actual jury expenses. Failure to deposit such monies shall be deemed a waiver of trial by jury and the Court in its discretion may proceed to judgment without a jury, or upon such terms as may be just, with a jury. [Effective date 1/1/04]

B. It is the obligation of the party or attorney who demands a jury trial in a civil action to pay all costs of the jury including fees, mileage and meals incurred during the trial.

C. After the deposit of jury fees pursuant to Local Rule 20.5(A), jury fees on deposit with the clerk shall not be returned if jury is waived, an action continued, or the case has settled, unless the Court is notified by 3:00 p.m. the court day prior to the scheduled trial date that a jury is not needed (California Code of Civil Procedure Section 631.3). [Effective date 7/1/04]

RULE 20.5 CONTINUANCES OF CIVIL TRIALS AND SETTLEMENT CONFERENCES

No mandatory settlement conference, civil trial conference or trial of any civil case will be continued except upon noticed motion set before the Presiding Judge, or to another judicial officer as designated by the Presiding Judge, or upon an ex parte application based upon the stipulation of all parties. Ex parte applications to continue a mandatory settlement conference, civil trial conference or trial based on stipulation of the parties must be submitted at an ex parte hearing, subject to the requirements of Rule 10.8. No continuance, whether upon noticed motion or stipulation, shall be granted unless an affirmative showing of good cause is made, as provided in CRC 3.1332. No continuance of trial by stipulation shall be granted unless all parties also agree in writing to a mutually acceptable future trial date(s), and provide those dates to the Court at the time of the ex parte hearing. No tentative ruling will be issued on such motions. A trial conflict not noted in a timely filed Case Management Conference Statement shall not be deemed good cause unless such conflict arose after the trial date was set and could not reasonably have been avoided.
[Effective date 7/1/08]

RULE 20.6 CIVIL TRIAL CONFERENCE

A. At the time of trial setting of civil cases, the Court may set a Civil Trial Conference. The Civil Trial Conference will be held approximately ten (10) days prior to the scheduled trial date. At the Civil Trial Conference, the Court will determine the trial readiness of the case and the time estimated for trial. At the Civil Trial Conference, the Court may assign the case for trial to a specific trial department, return the case to Master Calendar for assignment, or make such other orders as may be necessary for the efficient management of the case. The trial attorneys are required to appear at the Civil Trial Conference.

All trial briefs, motions in limine and witness lists shall be filed with the clerk at the Civil Trial Conference. For jury trials, parties shall file a neutral statement of the case to be read to the jury at the beginning of the trial.

If no Mandatory Settlement Conference or other form of dispute resolution has been conducted prior to the Civil Trial Conference, the Court may conduct a settlement conference at the time of the Civil Trial Conference. In such cases, the presence of trial counsel, parties or insurance representatives, or other persons authorized to settle the case, is required. If a Mandatory Settlement Conference or alternative dispute resolution has occurred before the Civil Trial Conference, the personal appearance of the parties and/or authorized representatives is not required, but such persons shall be available by telephone. [Effective date 7/1/08]

- B. Exhibits shall be presented to the courtroom clerk on the first day of trial.
[Effective date 1/1/06]

RULE 20.7 SCHEDULE OF ATTORNEY FEES IN DEFAULT ACTIONS

A. Whenever obligations sued upon provide for the recovery of reasonable attorney fees, the fees in default cases shall be fixed pursuant to the following schedule:

- (a) 25% of the first \$2,000, with a minimum of \$150.
- (b) 20% of the next \$4,000
- (c) 15% of the next \$4,000
- (d) 10% of the next \$10,000
- (e) 5% of the next \$30,000
- (f) 2% of the next \$50,000
- (g) in excess of \$100,000 as authorized by the Court

B. In any case wherein the attorney claims that he or she is entitled to a fee in excess of the schedule set forth, or in any case where relief is awarded other than monetary relief, the attorney may apply to the Court therefore and present proof to support his or her claim. The Court will then set the fee in accordance with the proof offered.

C. When a plaintiff is entitled to attorney's fees in a residential Unlawful Detainer default judgment, the Court will award the sum of \$250 as an attorney fee. If a defendant has filed an answer which requires the matter to be set for trial and it is uncontested, the Court will award the sum of \$325 as an attorney fee. If the matter is contested at trial, the Court will award \$400 as an attorney fee. The Court may adjust these amounts upon a showing of sufficient justification. Attorney's fees in a commercial Unlawful Detainer shall be determined by the Court upon evidence presented at the hearing or by declaration if no hearing is held. [Effective date 7/1/03]

RULE 20.8 TELEPHONE APPEARANCES

A. Calendars Where CourtCall Appearances are Permitted:

Telephone appearances through CourtCall are allowed without prior permission on the following calendars: (1) Case Management Conference, (2) Presiding Judge OSCs, and (3) Presiding Judge motions. Requests for CourtCall appearances must be made directly to CourtCall at (888) 882-6878 at least two (2) court days prior to the hearing. Cell phones will not be permitted. Please note that CourtCall is available at the Tahoe Court for Case Management Conferences only.

B. Calendars Where CourtCall Appearances are Not Permitted:

CourtCall appearances are not allowed on all other civil matters including ex parte applications and law and motion matters. [Effective date 1/1/07]

1. A party or counsel for a party may appear and present oral argument by telephone on matters pending before the Court only with prior approval of the Court

department in which the matter is pending. Any such telephonic appearance will be scheduled at such time as the Court may designate. [Effective date 7/1/08]

2. Parties to an ex parte application may request a telephonic appearance from the department in which the ex parte application is set to be heard. If the request is granted, the party or counsel must provide the department with a telephone number where they can be reached. [Effective date 1/1/07]

3. A party or counsel requesting a telephonic appearance in law and motion matters shall so indicate in the moving or responding papers by specifying in the caption, "TELEPHONIC APPEARANCE REQUESTED." The telephone number at which the requesting party can be reached on the scheduled hearing date shall also be provided and may not be a cell phone number. With respect to matters set on the civil law and motion calendar, a request for telephonic appearance in the moving or responding papers shall not relieve a party from also requesting oral argument pursuant to Local Rule 20.2.3. The request for telephonic appearance on law and motion matters will be ruled on in the tentative ruling. If telephonic appearance is granted and oral argument has been requested, the Court will contact the attorney or party appearing by telephone at the time the matter is ready to be heard. [Effective date 1/1/09]

4. A party or counsel requesting a telephonic appearance in all other civil matters shall so indicate in the moving or responding papers by specifying in the caption, "TELEPHONIC APPEARANCE REQUESTED." A party or counsel requesting a telephonic appearance on matters other than ex parte applications and law and motion matters shall contact the Court on the court day prior to the hearing to determine if the Court has granted the request. [Effective date 1/1/06]

RULE 20.9 EXERCISE OF PEREMPTORY CHALLENGE UNDER CODE OF CIVIL PROCEDURE SECTION 170.6

A. If a case was previously placed on telephone stand-by, the parties to such action shall have two (2) hours from the time notice of the assignment of the case to a particular judge for trial or hearing is actually received to exercise any challenge to the assigned judge under CCP §170.6. [Effective date 1/1/07]

B. Challenges exercised in accordance with these provisions may be exercised by facsimile motion transmitted to Master Calendar by the party or the party's counsel. Any such facsimile motion shall be followed by an original written motion filed with the Court. [Effective date 1/1/07]

RULE 20.10 ADULT ADOPTIONS

Pursuant to Civil Code of Procedure Section 1279.5, the Court Clerk shall require a CLETS background check on all individuals who are petitioning for adult adoptions. [Effective date 7/1/05]

RULE 20.11 INSTALLMENT PAYMENTS