

CHAPTER 11 - CASE MANAGEMENT PROGRAM (CMP)

11.00 Application of Case Management Program Rules.

Civil cases filed after January 1, 2003 are subject to the case management rules set forth in this chapter. Any civil cases filed before January 1, 2003 that (1) have not been assigned to the Case Management Program for review under rule 3.720, California Rules of Court or exempt from case management rules as an exceptional case and (2) have not had an at-issue memorandum filed prior to July 1, 2004, shall be assigned to the Case Management Program. Any plaintiff in such a case shall submit a request prior to October 31, 2004 to the previously assigned Accelerated Civil Trial (ACT) judge for a Case Management Conference. Any defendant who has appeared in such a case shall, if no plaintiff has submitted a request prior to October 31, 2004, submit a request for a Case Management Conference prior to December 31, 2004.

(Amended effective 7/1/04)

11.00.1 Case Management Program.

These rules, adopted pursuant to the Trial Court Delay Reduction Act (Gov. Code section 68600 et seq.) and the Case Management Rules adopted by the Judicial Council (CRC 2.2 et seq.), shall be known as the Case Management Program (CMP).

(Amended effective 7/1/04)

11.00.5 CMP Tentative Rulings.

All CMP departments will issue tentative rulings. Not later than 2:00 p.m. of the court day before each calendar, the judges will prepare and publish a tentative ruling on each matter on the CMP calendar. Tentative rulings will be published via the civil and probate case information link on the court's website at <http://www.saccourt.ca.gov>. Parties contesting the tentative ruling must request a hearing by notifying the court and all opposing parties not later than 4:00 p.m. on the day before the hearing. If a hearing is not requested by 4:00 p.m., the tentative ruling will be affirmed without further hearing.

(Amended effective 1/1/10)

11.00.6 Preparation of Notices.

(A) Absent a request to appear and be heard for any matter on the Case Management Calendar, all posted tentative rulings shall become the final ruling of the court. Should a hearing be requested by any party or ordered by the court, the Court may, in its discretion, modify or affirm the tentative ruling and advise the parties of its ruling at the hearing.

(B) The plaintiff shall serve all parties with written notice of all final rulings of the court.

(Added effective 1/1/09)

11.01 Included Actions; Exceptions; Excluded Actions.

(A) All civil actions as defined in Local Rule 11.00 and in subdivision (B) of this rule shall be included in the CMP.

(B) Civil actions refer to all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, small claims proceedings, unlawful detainer proceedings, cases included in petitions for coordination, petitions for a writ of mandate or prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, change of name and such "other civil petitions" as defined by the Judicial Branch Statistical Information Data Collection Standards.

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(C) In all program cases, the Clerk of the Court shall make available a Program Case Notice. A copy of the Notice shall be served with the summons and complaint.
(Amended effective 1/1/12)

(D) Any Case Management Statement or other document filed with the court shall be served on all parties or their counsel of record unless otherwise directed by the court.
(Amended effective 1/1/07)

(E) The court may in the interest of justice exempt a civil case from the Case Management Program when the court determines that there are exceptional circumstances that will prevent an incarcerated civil litigant, appearing in pro per, from meeting the goals and deadlines imposed by the program.
(Added effective 1/1/07)

(F) Cases designated as Complex pursuant to California Rules of Court are exempt from the Civil Case Management Program and subject to Management pursuant to the Case Management Orders issued by the Complex Case Management Department of this Court. California Rules of Court 3.714.
(Added effective 1/1/08)

The Program Case Notice referenced in paragraph (C) will be modified to be consistent with the new case management rules.
(Amended effective 7/1/04)

11.02 Disposition of Program Cases.

It is the goal of the court that all program cases shall be tried or otherwise disposed of within the following time limits, unless exempted upon a showing of exceptional circumstances:

- Class I cases: 12 months
 - Class II cases: 18 months
 - Class III cases: 24 months
- (Amended effective 7/1/04)

11.03 Service of Complaint, Cross-Complaint, Response and Written Statement of Damages.

(A) The complaint must be served on all named defendants and proofs of service on those defendants must be filed with the court within 60 days after the filing of the complaint. When the complaint is amended to add a defendant, the added defendant must be served and proof of service must be filed within 30 days after the filing of the amended complaint.

(B) A cross-complaint against a party who has appeared in the action must be accompanied by proof of service of the cross-complaint at the time it is filed. If the cross-complaint adds new parties, the cross-complaint must be served on all parties and proofs of service on the new parties must be filed within 30 days of the filing of the cross-complaint.

(C) The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint.

(D) The court, on its own motion or on the application of a party, may extend or otherwise modify the times provided in (A)-(C). An application for a court order extending the time to serve a pleading must be filed before the time for service has elapsed. The application must be accompanied by a declaration showing why service has not been effected, documenting the efforts that have been made to effect service, and specifying the date by which service is proposed to be effected.

(E) If a responsive pleading is not served within the time limits specified in this rule and no extension of time has been granted, the plaintiff must file a request for entry of default within 10 days after the time for service has elapsed.

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(F) When a default is entered, the party who requested the entry of default must apply for a default judgment against the defaulting party within 45 days after entry of default if there is no other party in the case that has filed a responsive pleading in regard to the matter the default has been entered on, unless the court has granted an extension of time.

(G) In actions to recover damages for personal injury or wrongful death, a written statement of damages shall be served together with the complaint. In an action seeking punitive damages, a written statement of the amount of punitive damages shall also be served with the complaint, except in those actions in which leave of court to assert punitive damages must be first obtained.

(H) The times for service set forth in this rule do not shorten the mandatory time period for service set forth in Code of Civil Procedure section 583.210(a). Accordingly, failure to serve the complaint or cross-complaint within the time period set forth in this rule shall not constitute a ground for dismissal pursuant to Code of Civil Procedure sections 583.210 and 583.250. Failure to comply with the requirements of this rule may, however, result in the imposition of sanctions.

(Amended effective 7/1/04)

11.03.5 Form of Case Management Documents.

All program case forms shall include the date, time, and department where the matter is set for hearing.

(Amended effective 7/1/04)

11.04 Court Review; Certificate of Service; Ex Parte Application for Extension of Time to Serve Pleading.

(A) Within 75 days of the filing of the complaint, plaintiff must: (1) file a Certificate of Service on form #CV/E-128 provided by the court certifying that all named defendants have either been served or made general appearances; or (2) submit an Ex Parte Application for Extension of Time to Serve Pleading on Judicial Council form CM-020 specifying plaintiff's efforts to serve all defendants, why service has not been accomplished, and when it will be accomplished.

(Amended effective 1/1/07)

(B) A general appearance by, or entry of default against one or more defendants, does not relieve a party of its obligation to file a Certificate of Service. Compliance with this rule may be reviewed at the initial Case Management Conference, through an Order to Show Cause, or by such orders as the court deems necessary.

(Amended effective 7/1/04)

11.04.5 Uninsured Motorist Cases: Duty to Advise Court of Uninsured Motorist Claim; Additional Time for the Resolution of Claim; Duty to Advise Court of Resolution of Claim.

(A) If the complaint includes an uninsured motorist claim as defined in Government Code section 68609.5 and Insurance Code section 11580.2, plaintiff shall so advise the court in an Uninsured Motorist Statement to be filed at the earliest possible date but in no event later than 75 days after the action is filed.

(B) Once plaintiff has properly advised the court of the claim, the court will toll the CMP timelines for the period commencing on the date of filing of the action and terminating on the date of filing of the arbitration award, the date the claim is otherwise concluded, or 180 days after the case is designated an uninsured motorist case, whichever is earlier.

(C) If the arbitration award has not been rendered or the claim concluded within six months of the filing of the original Uninsured Motorist Statement, plaintiff shall file a Supplemental Uninsured Motorist Statement within 10 days thereafter setting forth the reasons for the delay and the expected date of the award or the conclusion of the claim.

(D) Plaintiff shall file a Supplemental Uninsured Motorist Statement within 10 days of the date of the arbitration award or the date the claim is otherwise concluded, setting forth the date of the award or the date the claim concluded.

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(E) If a Supplemental Uninsured Motorist Statement is not timely filed, the case will be dismissed without prejudice. The dismissal may be set aside upon ex parte application establishing that the party seeks to enforce an arbitration award, pursue subrogation, enforce an arbitration award, set a minor's compromise hearing or for other good cause.

(F) Once the period of tolling has terminated, a plaintiff or real party in interest seeking to pursue the action shall do so in accordance with CMP timelines and the other provisions of this chapter. The CMP timelines will be measured from termination of the tolling period.

(Amended effective 7/1/04)

11.05 Case Management Conference.

(A) Except as otherwise provided in these Local Rules or as ordered by the court, civil cases will be set for a Case Management Conference. The court will serve a Notice of Case Management Conference on all parties approximately 120 days after the complaint is filed. Plaintiff shall serve by mail within 10 days of the date of receipt of the Notice of Case Management Conference a copy of such notice on any parties to the action not included in the court's proof of service. Proof of such service shall be filed with the court and shall be accompanied by a declaration stating the name of the party served and the name, address and phone number of any such party's counsel of record.

(B) At the Case Management Conference, counsel for each party and each self-represented party must appear personally or, if permitted under California Rule of Court 3.670, by telephone, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in California Rule of Court 3.724 and 3.727.

(C) A Case Management Conference will not be continued except on a showing of good cause. The motion to continue shall be heard on the court's regular CMP calendar. The motion must set forth the date of the Case Management Conference in its caption. Unless otherwise ordered, a continuance of the Case Management Conference will not result in an extension of time to file a Case Management Statement.

(D) Case Management Conferences will not be held in limited civil cases unless specifically ordered by the court.
(Amended effective 7/1/04)

(E) The Plaintiffs in any case designated as Complex shall contact the Complex Case Management Department of this court within 30 days of said Complex designation to select a date for an initial Case Management Conference and give written notice to all other parties who have appeared in the case of the time and date for the Initial conference and the requirement that each shall comply with California Rules of Court 3.750 and Local Rule 11.06 (G).
(Added effective 1/1/08)

11.055 Case Management Statements, Filing a Joint Statement, Default Judgment Status Statements, Meet and Confer Period.

(A) Except as otherwise provided in this chapter, Case Management Statements shall be filed by all parties no more than 45 and no less than 15 calendar days prior to the date set for each Case Management Conference. In limited civil cases, the Case Management Statements shall be filed between the 160th and 180th day after the filing of the complaint. In filing the Case Management Statements, parties shall utilize the form mandated by the Judicial Council.

(Amended effective 1/1/06)

(B) The parties are encouraged to file a single joint Case Management Statement. The parties are encouraged to utilize the meet and confer conference mandated by California Rule of Court 3.724 to develop their joint Case Management Statement.

(C) If at the time a Case Management Statement is due a party has filed a request for a default judgment as to all other parties remaining in the case, that party shall file a Default Judgment Status Statement on a form provided by the court in lieu of a Case Management Statement. In the event a party has filed a request for a default judgment against fewer than all remaining parties, that party shall file a Default Judgment Status Statement together with a Case Management Statement.

(Added effective 1/1/06)

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(D) In cases where a Case Management Statement will be filed, the parties must meet and confer, in person or by telephone as required in California Rules of Court 3.724 no later than 30 calendar days before the Case Management Conference date in order to facilitate timely filing of the Case Management Statements.
(Renumbered and amended effective 1/1/06)

(E) In cases where a Case Management Statement will be filed, the Mediation Statement shall be filed concurrently with the Case Management Statement as required under Local Rule 12.18 unless the parties have filed a Stipulation for Alternative Dispute Resolution form with the ADR Administrator at any time up to 15 calendar days prior to the Case Management Conference.
(Added effective 7/1/07)

11.056 Exemption for Short Cause Cases upon Certification of All Parties.

Upon determination by the court or on certification of a party that a case is short cause (five hours or less of trial time), that the pleading stage is complete and that the case will be ready for trial within 60 days, the case will be exempted from any further case management requirements and will be set for trial within 60-120 days after filing of the certification. The certification shall be entered upon a form provided by the court. The certification may be filed in lieu of a Case Management Statement, if filed at least 15 calendar days before the date set for the Case Management Conference. Any party objecting to certification shall file and serve a motion before the appropriate CMP judge within 10 days of the filing of the certification.
(Amended effective 7/1/04)

11.06 Case Designation and Designation Statement.

All cases, are deemed to be Class I under Local Rule 11.02 upon the filing of the Complaint.

(A) Any party who requests Class II, III, or Complex Case designation may file a Designation Statement on a form provided by the court, no later than 25 days prior to the Case Management Conference. If redesignation is desired after the Case Management Conference is held, the parties may proceed by way of noticed motion in the appropriate Case Management Program department. (CRC 3.401; 3.750)
(Amended effective 1/1/08)

(B) The Designation Statement shall set forth all information required therein describing the nature and complexity of the substantive and procedural issues, discovery, law and motion, and any other factors affecting designation of the case.

(C) All Designation Statements shall be subject to review by the court staff and the project judges.

(D) In the event of disagreement between parties as to the designation of the action, or after review, the court determines that the action should not be designated in a class requested by one or more parties, the court may in its discretion upon motion of any party, or its own motion, order a hearing on the question of designation.

(E) Whenever a party files a Designation Statement, all other parties who have appeared in the action may, within 10 days of service of the statement, file a Designation Statement. If a party fails to file a Designation Statement in response to that of another party, the court will assume that the party not filing agrees with the Designation Statement(s) filed by other parties.

(F) The court may at any time after the initial case management conference, on motion of a party, or on its own motion, modify the designation of any action in the project. The decision will be based upon the merits of the individual case.
(Amended effective 1/1/07)

(G) The characteristics of the case will be reviewed by the court to determine whether disposition of the same may be made within the time limits prescribed. The burden is on the party or parties proposing a new designation to establish the need for such a designation. In reviewing the case, the court shall consider the following factors and any

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other information the court deems relevant; no one factor or set of factors shall be controlling; and the unique characteristics of each case shall be taken into account:

- (1) Type of action and subject matter.
- (2) Number of causes of action or affirmative defenses alleged.
- (3) Number of parties with separate interests.
- (4) Number of cross-complaints, type, and subject matter.
- (5) Complexity of substantive and procedural issues, including issues of first impression.
- (6) Difficulty in identifying, locating, and serving adverse parties.
- (7) Nature and extent of discovery procedures and situs of witnesses.
- (8) Number and location of percipient and expert witnesses.
- (9) Estimated length of trial or successive trials.
- (10) Whether some or all issues can be arbitrated.
- (11) Statutory priority for trial as to some/all issues.
- (12) Likelihood of review by writ or appeal.
- (13) Amount in controversy and the type of remedy sought, including measures of damage.
- (14) Pendency of other actions or proceedings which may affect the case.
- (15) Nature and extent of law and motion procedures.
- (16) Nature and extent of injuries and damages.
- (17) Pendency of underinsured claims.
- (18) Any other factor that would affect the time for disposition of the case.

(Amended effective 7/1/04)

(H) The designation of any case as Complex is provisional only and subject to review at the initial Case Management Conference conducted in this Court's Complex Case Management Department. (CRC 3.400; 3.750)

(Added effective 1/1/08)

11.07 Exclusion of Arbitration Period from Delay Reduction Timelines in Certain Public Works Cases.

In a case governed by article 1.5, chapter I, part 3 of the Public Contract Code (commencing with section 20104) where the parties stipulate to appointment of an arbitrator experienced in construction law and agree to pay said arbitrator his or her reasonable hourly rates pursuant to Public Contract Code section 20104.4(b)(2), the court, upon written notification of the parties, shall toll the CMP timelines for the period commencing on the date the matter is submitted to arbitration and concluding on the date of filing a request for trial de novo.

(Amended effective 7/1/04)

11.10 Arbitration.

(A) A case may be referred to judicial arbitration at the direction of the CMP judge.

(B) By stipulation, parties shall select an arbitrator and an alternate arbitrator from a list of qualified arbitrators maintained by the arbitration administrator. If the arbitrator is disqualified, or unable to act, the alternate arbitrator shall immediately be substituted in the arbitrator's place.

(Amended effective 7/1/06)

(C) The arbitration hearing shall be concluded within 60 days after assignment of the arbitrator absent a continuance.

(Amended effective 7/1/06)

(D) Within 10 days after the conclusion of the arbitration hearing, the arbitrator shall file his or her award with the clerk, with proof of service on each party to the arbitration. Within the time for filing the award, the arbitrator may file and serve an amended award.

(Amended effective 7/1/04)

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11.11 Time Limits on Referrals to Arbitration; Waiver.

Absent a waiver by the parties, a case may not be referred to arbitration prior to 210 days after the filing of the complaint, exclusive of the period of continuance provided for in Local Rule 11.09. Failure to object to an earlier referral to arbitration at or before the arbitration conference shall be deemed a waiver.
(Amended effective 7/1/04)

11.12 Sanctions.

If any counsel, party, person or entity subject to these rules, fails to comply with any part thereof, 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 other penalties of a lesser nature as otherwise provided by law, and may order that the offending attorney, party, person or entity pay reasonable costs, including attorney fees, to the court and to other participants.
(Amended effective 7/1/04)

11.13 Settlement Conferences.

Pretrial settlement conferences in Delay Reduction cases shall be governed by Local Rules 4.00 and 4.01.
(Amended effective 7/1/04)

11.15 Attorney's Compliance Statement.

At any time the court issues an Order to Show Cause for failure to comply with any of these rules, the party to whom the Order is directed shall file an Attorney's Compliance Statement with the court not later than 15 calendar days before the date set for hearing on the Order to Show Cause, and each continued hearing thereafter. The Attorney's Compliance Statement shall include a description of the relevant action taken in the case to date, any action that should have been taken under these rules but has not, and the reasons for failure to take such action. The statement shall include a proposed schedule of future action and the dates by which such action will be completed.

Whenever a compliance statement is required, the court may issue an order approving a schedule for future action and requiring adherence thereto.
(Amended effective 7/1/07)

11.16 Motions to Implement and for Relief.

The parties may not extend time periods or alter any provisions of these rules by stipulation. Motions to implement and for relief from the provisions of CMP rules shall be heard by the designated CMP judges. The CMP judge shall hear motions to extend the time for the trial setting process. Motions for relief from CMP rules may be granted only upon a showing of good cause. On motion of a party or on its own motion and on a showing of good cause, the court may shorten the time to perform an act required by these rules.

Law and motion judges hear all law and motion matters.
(Amended effective 7/1/08)

11.18 Trial Setting.

(A) No referral to the trial setting process, CMP timeline or trial date may be dropped, extended or continued by stipulation of the parties.
(Amended effective 1/1/09)

(B) All parties shall confer and agree on a trial date and settlement conference date. If the parties fail to schedule a trial date as required by Rule 6.01 or extended by judicial order, the court will set a trial date.
(Amended effective 7/1/08)

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11.19 Conflicts between Case Management Program Rules and Other Local Rules.

Cases included in the Case Management Program are subject to the rules developed specially for this program. Whenever the program rules are inconsistent with other Local Rules of the court, the program rules shall control.
(Amended effective 7/1/04)

11.20 Bankruptcy Matters.

Any party to a civil action that becomes aware of a bankruptcy stay being lifted shall file and serve written notice to the assigned Case Management Program department within five court days.
(Added effective 1/1/05)