

CHAPTER 1 - GENERAL RULES

1.00 Citation and Effect of Rules.

These Local Rules of Court apply to the Superior Court of California, County of Sacramento and shall be known and cited as the "Local Rules for the Superior Court of California, County of Sacramento." These rules shall be construed and applied in such a manner as to not conflict with statutes or California Rules of Court and shall be liberally construed to facilitate and promote the business and administration of justice by the Superior Court of California, County of Sacramento.

(Adopted 1/1/2013)

1.01 Failure to Comply with Rules.

Any counsel, party represented by counsel, or party appearing in pro per, who fails to comply with any of the requirements set forth in these rules, shall upon motion of a party or the court be subject to the sanctions set forth in Code of Civil Procedure section 575.2.

(Adopted 1/1/2013)

1.02 Self-Represented Parties Acting as Counsel.

For purposes of these rules, the term counsel shall include self-represented parties.

(Adopted 1/1/2013)

1.03 Definition of Judicial Vacation.

A day of vacation for a judge of the court is an approved absence for one full business day. Other absences from the court listed in California Rules of Court, rule 10.603(c)(2)(H) are excluded from this definition.

(Adopted 1/1/2013)

1.04 Master Calendar Departments.

The Department of the Presiding Judge is designated as the primary Master Calendar Department and includes duties as set forth in California Rules of Court, rule 10.603.

(Adopted 1/1/2013)

1.05 Presiding Judge Law and Motion Proceedings.

(A) Law and motion matters in the Master Calendar Department will be called at a date, time and department to be designated by the Presiding Judge and posted on the website at <https://www.saccourt.ca.gov>.

(B) Unless otherwise directed by the Presiding Judge, in civil and limited civil actions, all motions for consolidation, severance, bifurcation, intervention, pretrial conference, coordination and to advance or for continuance of trial, a setting conference, or pretrial conference shall be heard by the Presiding Judge. All motions for change of venue in civil, limited civil and criminal actions shall be heard by the Presiding Judge or his/her designee. All other change of venue motions shall be heard by the judge assigned to hear the case. The notice shall be given and the motion made promptly upon the necessity for the continuance, change of venue, consolidation, coordination, intervention, severance, pretrial conference, or bifurcation being ascertained.

(Adopted 1/1/2013)

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1.06 Tentative Ruling System.

(A) In all civil law and motion, writ, and other departments as designated, a Tentative Ruling System is utilized. On the afternoon of the court day before each calendar, the judge will publish a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 2:00 p.m. on the court day before the matter is heard by accessing the court's website at <https://www.saccourt.ca.gov>. The complete text of the tentative rulings for the department may be downloaded off the court's website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling.

(B) The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the department clerk no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear. Notification to the clerk shall be made pursuant to instructions on the court's website at <https://www.saccourt.ca.gov>.

(Adopted 1/1/2013; revised 1/1/2016)

(C) Where appearance has been requested by counsel or invited by the court, limited argument will be entertained.

(D) All noticed motions in the designated department shall include the following information in the notice:

"Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court's website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held."

(Adopted 1/1/2013; revised 1/1/2016)

1.07 Ex Parte Applications in Presiding Judge's Department.

(A) All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other ex parte applications shall be set in the department of the Presiding Judge or his/her designee each day, by appointment only, with at least 24 hours' notice to the opposing party or counsel. Ex Parte Applications and supporting documents shall be filed and paid for at the court's public counter and endorsed copies shall be brought to the department at the time of the appointment. All applications must include a written supporting declaration, stating whether the opposing party is represented by counsel, whether that party has been contacted and has agreed to the requested order, or why the order should be issued without notice. The adequacy of the application for temporary relief will be determined on the papers submitted. If the application is deemed adequate, the court may allow supplemental argument, either oral or written. All documents shall be served and filed as required by California Rules of Court, rules 3.1203, 3.1205, and 3.1206. The motion, with the \$60 motion fee and all supporting documents, is required to be presented at the Ex Parte Hearing. The parties shall furnish the court with one unbound original that is clipped or rubber banded and two copies in a format pursuant to California Rules of Court, rule 3.1110.

(B) Except by order of the court, upon a showing of good cause, all ex parte applications presented to the court seeking to set a matter on shortened time must provide for opposition papers to be filed and served five court days and reply papers to be filed and served two court days prior to the hearing date. The court, in its discretion, may order a shorter time or that there be no reply, but in no event shall the last paper be filed later than 9:00 a.m. two court days before the hearing. The moving papers must be accompanied by a copy of the order and all papers, including subsequent papers filed in the matter, must indicate on the caption page that the matter was brought on an order shortening time with specific identification of the date of the order and name of the judge.

(Adopted 1/1/2013; revised 1/1/2018)

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1.08 Voir Dire Juror Questionnaire.

The Jury Commissioner shall cause prospective jurors to complete juror questionnaire forms before such jurors leave for their assigned trial department. The court shall retain all originals of any questionnaire completed by a juror who is sworn to hear the cause (herein "sworn jurors"). For all criminal cases, the following shall apply: Upon a verdict being rendered in a criminal case, counsel shall return to the court clerk all of their copies of the juror questionnaire forms of the sworn jurors. After discharge of the jury in a criminal case, and upon written request from counsel, counsels' respective copies of the such forms will be returned to them, provided that all personal identifying information shall be redacted from such juror questionnaire forms, and provided further that the court does not elect to seal such forms for good cause shown.

This procedure for the use, handling and retention of these questionnaire forms is subject to modification by the trial judge.

(Adopted 1/1/2013)

1.09 Waiver of Court Fees and Costs.

If the relief sought is the waiver of jury fees, the application shall be made at least 25 days prior to the commencement of the trial for which the relief from fees imposed is sought, or at least five days in unlawful detainer proceedings.

(Adopted 1/1/2013)

1.10 Jury Fees.

(A) Advance jury fees shall be paid pursuant to Code of Civil Procedure section 631.

(B) At the commencement of the second day of voir dire examination, and on each succeeding day of voir dire, such party shall deposit with the Clerk of the Court a sum equal to the panel's one-day jury fees and mileage.

(C) When the trial commences after voir dire, and on each succeeding day of the trial, such party shall deposit with the Clerk of the Court a sum equal to one day's jury fees and mileage for the jurors and alternates.

(D) If, during voir dire or trial, the party responsible for jury fees waives the jury or fails to pay jury fees as prescribed in (C) or (D), any other party may preserve their right to jury trial by depositing fees as therein required. If no other party deposits jury required jury fees, the jury is waived and the trial shall proceed without a jury.

(Adopted 1/1/2013)

1.11 Court Reporting Services.

In civil and family law cases, the parties requesting reporting services shall pay in equal proportion the appropriate fee to the Clerk of the Court prior to the commencement of each day of trial. Should any party refuse to pay the pro rata fee, the other party may elect to pay the entire fee. In either case, all amounts so paid may be recovered as taxable costs. If the entire fee is not paid, reporting services shall be deemed waived.

The party(ies) requesting a daily transcript in a civil case shall pay the fees therefore to the Clerk of the Court prior to the commencement of each day of trial.

(Adopted 1/1/2013)

1.12 Requesting Reporting Services.

(A) The services of official court reporters are normally available for civil trials. The services of official court reporters for all other civil matters, including civil harassment restraining orders, can be arranged by contacting the department prior to the date set for hearing in accordance with section (B). The Court Reporter will not report any proceeding unless a request is made and the requisite fees are paid in advance of the hearing.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

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(B) Any party desiring an official record of a civil proceeding other than a civil trial shall make arrangements for reporting services not later than the court day prior to the date set for hearing or, in a department using a tentative ruling system, not later than 4:00 p.m. on the day before the hearing.

(C) The court does not regularly provide services of official court reporters in Family Law or Probate proceedings. Any party desiring an official record of a proceeding shall arrange for reporting services not later than two court days prior to the date set for hearing by contacting the Court Reporter's Office at (916) 876-7588.
[Rule required by CRC 2.956(b)(2)(B) and 5.123]

(D) The services of official court reporters are not available for unlawful detainer hearings at the Carol Miller Justice Center.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017)

1.13 Contacting Court's Legal Research Staff.

No party, or attorney for a party, in any action or proceeding pending in this court shall contact or attempt to contact any member of the court's legal research staff concerning such pending matter, without the prior approval of the judge to whom the matter has been assigned, or if the matter has not been assigned, the Presiding Judge.
(Adopted 1/1/2013)

1.14 Replacing Lost Papers.

If an original pleading or paper previously filed with the court is lost, an order authorizing the filing of a copy in lieu of the original is required, and may be based upon declaration of the requesting counsel, or the certificate of the clerk.
(Adopted 1/1/2013)

1.15 Typing Services or Non-Attorney Court Document Preparers.

(A) The name, address and phone number of the litigant who is representing him/herself must appear at the top of all filed pleadings.

(B) Non-attorney court document preparers shall comply with the requirements of Business and Professions Code section 6408. The clerk shall not accept for filing any document presented by a non-attorney court document preparer that does not comply with these requirements.

(C) A litigant in a family law or probate case designating a non-attorney court document preparer to act as a courier to submit documents for processing or to receive endorsed copies of documents from the court shall file an Authorization for Non-Attorney Court Document Preparer (local form FL/E-LP-609 or local form PR/E-LP-021).

(D) Notices of Entry shall be sent directly to the litigant, even when presented for filing by a non-attorney court document preparer.

(E) Nothing in this rule is intended to encourage or condone the unauthorized practice of law. In the event it appears that a preparer is engaging in the unauthorized practice of law under the guise of this rule, that matter will be reported to the appropriate authorities.
(Adopted 1/1/2013; revised 1/1/2018)

1.16 Drop Box.

A depository is available to file documents with the court but shall not be used to file documents that must be filed in a specific department. Documents placed in the drop box must be time-stamped on the back of the last page of the document except for items deposited at the Carol Miller Justice Center. If time-stamped before 5:00 p.m., the document will be filed on the date of deposit. Any document date/time stamped after 5:00 p.m., will be deemed filed the next court business day.
(Adopted 1/1/2013)

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1.17 Issuance of Writs and Abstracts.

Except as to matters subject to the Electronic Filing Program, a file-endorsed copy of the judgment(s) and memos of costs, if applicable, shall be submitted for issuance of writ of execution or possession and/or abstract of judgment. (Adopted 1/1/2013)

1.18 Sexually Violent Predator Cases.

(A) As petitions requesting that a respondent be committed as a sexually violent predator pursuant to Welfare and Institutions Code section 6600 et seq. are civil matters, each party is entitled to six peremptory challenges.

(B) All such petitions filed by the District Attorney's office shall be numbered sequentially with the last two digits of the year the petition was filed, followed by the letters "SVP," followed by a three digit sequential number representing the number of cases filed in the year in question. Thus, 03SVP001 would be the civil number assigned to the first such case filed after January 1, 2003. All such petitions shall make reference in the text of the heading for the case to the Sacramento County felony case file number the respondent was originally confined under, i.e., such as:

The People of the State of California,	
Petitioner,	Case No. 03SVP001
vs.	
	(underlying felony case number 00F01234)
John Doe,	
Respondent.	

(C) In the absence of any specific demand from any party for civil discovery to be conducted in accordance with otherwise applicable civil discovery rules, the court deems it necessary to have a discovery cut-off date, an exchange of witness list date, and an exchange of expert witness list/data date. Nothing in these rules precludes a party from pursuing formal civil discovery proceedings or relieves any party or attorney from complying with all of the discovery requirements set out in the Sexually Violent Predator law, Welfare and Institutions Code section 6600 et seq.

(D) There is a general discovery cut-off date of 15 calendar days before the date initially set for trial. Absent a court order, discovery shall not be allowed within 15 days of trial in any Sexually Violent Predator proceeding. No later than the 15th day before the date initially set for trial of the action, each side is required to submit and exchange their list of witnesses they plan to call at trial. Included with this submission shall be a brief statement of the subject of each witness's testimony and an estimate of the time required for direct examination of each witness. Separate and apart from the above requirement, no later than the 15th day before the date initially set for trial of the action, each side is required to submit and exchange a list of all expert witnesses they plan to call at trial. Included with this submission shall be a declaration from the expert stating the expert's qualifications, the general substance of the expert's expected testimony, and a copy of all written reports, writings, and testing data made by the designated expert in the course of preparing their opinion.

(E) If a trial is rescheduled after the date initially set for trial and the rescheduled date is more than 30 days after the date previously set for trial, discovery shall reopen until a new cut-off date of 15 calendar days before the newly set trial date and each side shall be required to submit a new witness list and a new expert witness list/data. If a prior exchange has already taken place and nothing has changed in regard to discoverable matters, a party may comply with this new list requirement by informing the other side in writing that a previous witness list and/or a previous expert witness list/data remains unchanged.

(Adopted 1/1/2013)

1.19 Resolving Conflicting Protective Orders.

Courts issuing criminal protective orders shall make reasonable efforts to determine whether there exists any child custody or visitation orders that involve any party to the pending criminal action. At a minimum, this would include court staff checking reasonably available resources to determine such information. Courts issuing orders involving child custody or visitation shall make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the pending civil action. At a minimum, this would include court staff checking

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reasonably available resources to determine such information. Judges in either criminal or civil actions are expressly authorized (1) when necessary, to directly consult with another judge that has issued a subsequent order involving or impacting child custody or visitation, and (2) to modify any protective order to allow or restrict contact between the person restrained by the order and his or her children any time such actions appear to the judge to be in the best interest of any child concerned.

(Adopted 1/1/2013)

1.20 Electronic Filing Program/Scope.

The Superior Court of California, County of Sacramento allows the electronic filing of documents in accordance with Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.255 et seq. for specific case types as listed on the court's website at <https://www.saccourt.ca.gov>.

The Superior Court of California, County of Sacramento allows and is phasing in the ability for electronic filing in criminal cases. Additional technical details will be made available at <https://www.saccourt.ca.gov/indexes/e-filing.aspx>, as electronic filing services are expanded.

(Adopted 1/1/2013; revised 1/1/2016)

1.21 Electronic Filing Process.

Electronically transmitted documents must be both submitted to the court and accepted for filing by the court in order to be considered duly filed with the court in accordance with these rules.

(A) Date/Time of Filing.

A document may be electronically transmitted to the court at any time of the day. Acceptance of the document for filing with the court shall be deemed to occur (1) on the date the document was submitted to the court if the submission occurred during normal business hours of the clerk's office, and (2) on the next business day the clerk's office is open for business if the submission occurred after normal business hours of the clerk's office. For purposes of this section, normal business hours shall be 8:30 a.m. through 4:00 p.m., Monday through Friday, excluding court holidays. Nothing in this section shall limit the clerk's ability to reject filings.

(B) Receipt of Data.

Upon receiving a document submitted electronically for filing with the court, a Notice of Acknowledgment of Receipt shall be electronically transmitted to the filer. The Notice of Acknowledgment of Receipt shall confirm the date and time of receipt of the document by the court for review and filing. The clerk shall thereafter determine if the document is acceptable for filing with the court.

(C) Errors or Malfunctions in Submissions.

If for any reason the court does not receive an electronically transmitted document for submission and filing with the court, the filer will not receive an electronically transmitted Notice of Acknowledgment of Receipt of the document from the court. The filer shall be solely responsible for the accuracy of the information contained in the filing and for obtaining confirmation of the filing of the document by the court.

(D) Acceptance of Filing.

Documents electronically submitted to the court for filing may be reviewed by the clerk for required data elements. Upon acceptance of the document submitted for filing, an endorsed copy of the document confirming the date and time the document was in fact filed with the court shall be electronically transmitted to the filer. The confirmation of filing shall include the transaction number associated with the filing, the titles of the documents as filed by the court, and the fees (if any) assessed for the filing.

The court, in its discretion, may elect to automatically accept electronically filed documents. The court's system will electronically transmit an endorsed copy of the document to the filer confirming the date and time the document was

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in fact filed with the court. The confirmation of filing shall include the transaction number associated with the filing, the titles of the documents filed by the court, and the fees (if any) assessed for the filing.

(Adopted 1/1/2013; revised 1/1/2016)

(E) Rejected Filings.

If an electronically transmitted document is submitted to the court but subsequently determined to be unacceptable for filing, the clerk shall cause to be electronically transmitted to the filer a notice of rejection of the document for filing with the court. The notice shall set forth the grounds for rejection of the document. It shall be the responsibility of the filer to resubmit rejected documents, with appropriate corrections and any required filing fee, to the court for filing. The court will retain a log confirming the rejection of electronically transmitted documents.

(F) Confirmation of Submission.

The confirmation of submission, subsequent resubmission of rejected documents with corrections and/or fees, as well as the filing of documents with the court electronically is the sole responsibility of the filer. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document.

(G) Endorsement.

The clerk's endorsement of documents electronically filed shall consist of the words "Electronically filed by the Superior Court of California, County of Sacramento" followed by the date and time of filing and the printed name of the court clerk. Electronically filed documents so endorsed carry the same force and effect as a manually affixed endorsement stamp with the clerk's signature and initials.

(H) Payment.

All applicable filing fees shall be paid as a condition for electronically filing a document. Any applicable refunds shall be made in the same manner as fees were originally paid.

(I) Waiver of Fees/Costs for Party in Forma Pauperis.

The court will permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court will consider and determine the application in accordance with Government Code section 68511.3 and will not require the party or attorney to submit any documentation other than that set forth in Government Code section 68511.3. Nothing in this section requires the court to waive a filing fee that is not otherwise waivable.

(J) Signed Documents.

A party who electronically files a document represents that a signed copy of the document is in his or her possession or control. At any time after filing or service of an electronically filed document, the court, or any party to the action, may require the filing party to produce the signed copy of the electronically filed document. The demand shall be served on all other parties but shall not be filed with the court.

(K) Change of Electronic Mail Address.

An attorney, electronic service provider or in pro per party appearing whose electronic mail address changes while an action is pending shall serve and file written notice of the change of address.

(Adopted 1/1/2013; revised 1/1/2016)

1.22 Responsibility for Errors in Electronically Filed Data.

In those instances where a document is submitted for e-filing in conjunction with data imbedded in an XML header format (data which creates the filer's information utilized by the court for initial and subsequent filings), the data in the header will be presumed to be correct and may be imported into the court's database. The filing party shall be solely responsible for the accuracy of such data. In the event that an inaccuracy in the data is discovered subsequent to submission, any interested party may request that the data be corrected by filing a "Request for Correction" with the

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court. Such errors may be corrected without notice and shall not constitute an amended filing. There shall be no fee for filing a request for correction.

(Adopted 1/1/2013)

1.23 Electronic Filing System Inquiries.

Inquiries, disputes or complaints regarding any aspect of the Electronic Filing System may be directed to:

For Small Claims Cases Only:

Small Claims Electronic Filing Help Desk
301 Bicentennial Circle
Room 200
Sacramento, CA 95826
Telephone: (916) 875-7746
E-mail: scefile@saccourt.ca.gov

For Limited Civil Unlawful Detainer Cases Only:

Unlawful Detainer Electronic Filing Help Desk
301 Bicentennial Circle
Room 200
Sacramento, CA 95826
Telephone: (916) 875-7746
E-mail: udefile@saccourt.ca.gov

The court may implement and/or expand its use of electronic filing in case types not listed here. Additional information for these case types will be posted at <https://www.saccourt.ca.gov/indexes/e-filing.aspx>.

(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2018)