

CHAPTER 2 - CIVIL

PART ONE. General

2.00 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.
(Adopted 1/1/2013)

2.01 Mandatory Civil Local Forms.

Local forms adopted for mandatory use shall, whenever applicable, be used. The current version of each of these forms is available for viewing and downloading on the court's website at <https://www.saccourt.ca.gov>.
(Adopted 1/1/2013)

2.02 Civil Filings.

When filing documents (except those related to Prerogative Writs), the parties shall furnish the court with one original which is unbound and clipped or rubber banded and one copy in a format pursuant to California Rules of Court, rule 3.1110. This section shall not apply to any motion or petition filed pursuant to California Rules of Court, rule 3.1114.
(Adopted 1/1/2013)

2.03 (Deleted effective 1/1/2015)

2.04 Appearance by Telephone.

(A) Parties are encouraged to appear by telephone, when appropriate, at all hearings and conferences, except unlawful detainer proceedings, judgment debtor exemptions, claims of exemption, contempt, default, emancipation of minors, name changes, orders of examination, preliminary injunctions, receiverships, writs of attachment and mandatory settlement conferences. Failure to appear by telephone may in the court's discretion be considered in awarding or denying attorney's fees for travel time.

(B) Notification of Intent to Appear by Telephone.

A party wishing to appear by telephone in a particular hearing or conference shall notify the court of his or her intention by any of the following methods:

(1) Placing the phrase "Telephone Appearance" below the title of the party's initial moving or opposition papers and all subsequent papers;

(2) Personally serving and filing, in the department in which the matter is to be heard, a separate notice at least five court days prior to the hearing;

(3) In civil law and motion departments only, parties may request a telephone appearance for matters designated in subsection (A) above by 4:00 p.m. the court day before the hearing.

(C) Failure to appear by telephone may be considered by the court in awarding or denying attorney's fees for travel time.

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(D) If a party noticing an intent to appear by telephone subsequently decides to appear in person, that party shall so notify the court and all other parties at least two court days before the hearing.

(E) Any party wishing to appear in person may do so.

(F) Court's Authority to Require Personal Appearances.

Notwithstanding any other provision of this rule, the court may at any time direct that all parties to a particular proceeding appear in person.

(G) For the purposes of this section, the court has designated CourtCall LLC as its conference call provider. Court Call LLC can be contacted at (888) 88-COURT.

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

2.05 Multiple Departments with Similar Proceedings.

Where two or more departments are designated to hear similar proceedings, matters shall be assigned on a rotating basis as designated by the Presiding Judge and posted on the court's website at <https://www.saccourt.ca.gov>.

(Adopted 1/1/2013)

2.06 Motions to Compel Entry of Judgment. Orders After Hearing.

Motions to compel entry of judgment pursuant to Code of Civil Procedure section 664.6 may be heard in the department of the judge before whom the parties stipulated, or in the law and motion departments.

(Adopted 1/1/2013)

2.07 Orders After Hearing.

(A) Unless otherwise provided in the minute order pursuant to tentative decision, orders after hearing shall be prepared pursuant to California Rules of Court, rule 3.1312 and shall specify, immediately below the case number, the date the matter was last calendared for hearing and the judge who heard the matter. Such order shall be served within five days of receipt of the order signed by the court. Unless otherwise directed, compliance with the order shall be within 10 days of service of the order.

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

(B) If the moving party has served and submitted a proposed order with the moving papers, and no opposition to the motion is filed, the court may deem that the party who failed to oppose the motion has approved the form of the proposed order, except as to any sanctions included in the proposed order. This rule is not intended to provide for the granting of sanctions not otherwise authorized by statute.

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

2.08 Substitution or Association of Attorneys or of Party In Pro Per.

(A) A substitution of attorneys or substitution of a party in pro per will not be accepted for filing unless the address and telephone number of the new attorney or party in pro per is included as part of the substitution.

(B) An association of attorney will not be accepted for filing unless the attorney's name, State Bar number, firm name, address, and telephone number of the associated attorney are included as part of the document.

(Adopted 1/1/2013)

2.09 Joining Motions of Other Parties.

If a party desires to receive the same relief as another party and files papers "joining" another party's motion, the court will not consider the papers to be a separate motion and will not grant relief to the party joining the motion unless that

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party has complied with all procedural requirements for the filing of motions, including payment of filing fees, proper notice, format of motion and method of service.

(Adopted 1/1/2013)

2.10 Examination of Judgment Debtors, Garnishees, and Others Noticed for Appearance at the Main Downtown Courthouse.

(A) Applications. All applications for such orders shall be delivered to the Civil Clerk's office for presentation to the department designated by the Presiding Judge to hear orders of examination (hereinafter Order of Examination Department). A file-endorsed copy of the Judgment, if entered prior to November 13, 2007, shall be submitted as an exhibit to the application.

(B) When service is completed, proofs of such service must be filed in the Order of Examination Department on the date of the hearing. If such proof is not filed in accordance with this rule, the court may refuse to issue a bench warrant for nonappearance of the judgment debtor or third party.

(C) Failure to Appear at Hearing:

(1) If the party or attorney who procured the order fails to appear at the time and place specified in any such order, but the person, corporation, association, or trust named in the order appears, the proceeding for such examination may be dismissed forthwith without costs.

(2) A bench warrant for the arrest of a party, or in case of a corporation, association, or trust, the person served on behalf of the entity may be issued using Order of Examination Bench Warrant with Instructions (local form CV/E-127A&B) which can be found on the court's website at <https://www.saccourt.ca.gov>. The judgment creditor shall prepare the bench warrant and submit it to the Civil Clerk's office, together with a check for service of the bench warrant in the appropriate amount and made payable to the Sacramento County Sheriff's Department. The bench warrant must be served on or before 120 days after its issuance. The judge in the Order of Examination Department will set bail in an amount to be determined. Upon receipt of a bench warrant for service, the Sheriff may send a courtesy letter offering the named party seven days within which to appear voluntarily.

(3) When a bench warrant is served and the field officer determines that the named party cannot afford to pay the bail, and if the field officer further determines that it would require extraordinary time and additional manpower to book the defendant, the field officer may call the clerk of the Order of Examination Department and request the judge thereof to determine whether said named party can be released on his or her own recognizance.

(Adopted 1/1/2013)

2.11 Motions to Continue Trial Date.

(1) All trial continuances, including those requested upon the parties' stipulation pursuant to Code of Civil Procedure section 595.2, are within the court's discretion.

(2) For the purpose of assigning a trial date in the tentative rulings, all motions to continue a trial date shall include the moving party's attorney's calendar showing the attorney's availability as follows:

(a) If no new trial date is requested, for the 90-day period following the current trial date.

(b) If a new trial date is requested, for the 60-day period following that date.

All other parties, whether or not they oppose the motion to continue the trial date, shall, within the time limits for filing an opposition, file papers showing the attorney's calendars for the time period specified above.

(Adopted 1/1/2013)

2.12 Trial Judge Motions.

The following motions shall be made to the trial judge:

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- (1) Motions in limine;
 - (2) Motions for new trial, or to set aside and vacate a judgment and enter a different judgment pursuant to the provisions of Code of Civil Procedure section 663;
 - (3) Motions to stay judgments;
 - (4) Proceedings to settle any statement on appeal;
 - (5) Motion to tax costs after trial;
 - (6) Motion for attorney's fees after trial.
- (Adopted 1/1/2013; revised 1/1/2017)

2.13 Attorney's Fees in Residential Unlawful Detainer Actions.

In actions for unlawful detainer for possession of residential property, except for property governed by Civil Code section 798 et seq., the attorney's fees awarded by the court will not, under normal circumstances, exceed the amounts indicated below. Normal circumstances include, but are not limited to, contested trials of one hour or less.

- (A) \$200.00 in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure section 1170.
 - (B) \$300.00 in cases uncontested at trial where the defendant failed to appear, has filed an answer and a non-appearance default prove-up hearing is required.
 - (C) \$500.00 in cases where a represented party and an unrepresented litigant commence a contested trial.
 - (D) \$750.00 in cases where both parties are represented by counsel and the case proceeds to contested trial.
- (Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2016)

2.14 Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees, and Foreclosures; Attorney's Fee Schedule.

The following attorney's fees shall, under normal circumstances, be awarded in actions on promissory notes, contracts providing for the payment of attorney's fees, and foreclosures:

- (A) (Default action on note or contract) Exclusive of costs:
 - 25 percent of first \$1,000 with minimum fee of \$150
 - 20 percent of next \$ 4,000
 - 15 percent of next \$ 5,000
 - 10 percent of next \$10,000
 - 5 percent of next \$30,000
 - 2 percent of the amount over \$50,000
- (B) Notwithstanding subdivision (A), in a default action to obtain a judgment in which attorney's fees are awarded under Civil Code section 2983.4 or section 2988.9, in no event shall attorney's fees exceed \$1,000 except in unusual circumstances. Any application for attorney's fees for an amount in excess of \$1,000 shall be filed before the default hearing and shall be accompanied by a declaration.
- (C) (Contested action on note or contract) The same amount as computed under subdivision (A), increased by such reasonable compensation computed on an hourly or per-day basis for any additional research, general preparation, trial, or other services as may be allowed by the court.

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(D) (Foreclosure of mortgage or trust deed) The same amount as computed under subdivision (A) or (B), increased by 10 percent.

(E) (Foreclosure of assessment or bond lien relating to a public improvement) The same amount as computed under subdivision (A) or (B), except that the minimum fee shall be \$75 in an action involving one assessment or bond, and an additional \$20 for each additional assessment or bond being foreclosed in the same action.

(F) Where a defendant is the prevailing party, the fee will be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

(G) Where prevailing party is entitled to the recovery of a reasonable attorney's fee in an otherwise appropriate clerk's judgment, the clerk shall include an attorney fee computed pursuant to the schedule set forth in subdivision (A) above.

(H) In any case where a party claims fees in excess of those allowed by this rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fee will thereupon be fixed by the court.

(Adopted 1/1/2013)

2.15 Form of Judgment.

In drafting forms of judgment for the trial judge to sign, counsel shall:

(A) Clearly show the full names of the parties for whom, and against whom, the judgment is rendered, including their capacities as plaintiffs, defendants, cross-complainants and cross-defendants.

(B) Refer to such full names as they appear in the pleadings, or obtain an order amending the pleadings in respect to such names.

(C) Unless costs have already been awarded in a specific amount, leave a blank space for insertion of any costs, as follows:

" . . . and costs in the sum of \$_____."

(Adopted 1/1/2013)

2.16 Motion to Tax Costs.

Except as to matters subject to the Electronic Filing Program, all motions to tax costs must have a copy of the memorandum of costs attached. Motions to tax costs shall be filed at the court's public filing counter.

(Adopted 1/1/2013)

2.17 Stipulated Judgment Form to Be Separate from Stipulation.

If the parties enter into a written stipulation for judgment, the form of the proposed judgment to be signed and filed shall be a separate document. A copy thereof may be attached as an exhibit to, or incorporated by recital in, such stipulation.

(Adopted 1/1/2013)

2.18 Appeal from Decision of Labor Commissioner Under Labor Code Section 98.2.

(A) Any party filing a Notice of Appeal of the order, decision or award of the Labor Commissioner pursuant to Labor Code section 98.2, shall file with the Clerk of the Court:

- (1) A copy of the complaint and any answer filed with the Labor Commissioner;

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(2) A copy of the order, decision or award of the Labor Commissioner, which shall include a summary of the hearing and the reasons for the decision; and

(3) A declaration of proof of service of a copy of the Notice of Appeal upon the Labor Commissioner.

(B) Appellant shall file the papers prescribed in paragraph (A) with the Notice of Appeal or within 10 days thereafter. The clerk shall set the matter for hearing de novo upon the filing of said papers.

(1) Appellant is deemed to be on notice that the trial judge will consider sanctions against the appellant for delay in prosecution of the appeal under Code of Civil Procedure section 177.5 if the appellant fails to file such papers timely;

(2) If sanctions are imposed under Code of Civil Procedure section 177.5, appellant shall file the papers prescribed in paragraph (A) within 30 days thereafter. If the appellant fails to file such papers timely, appellant is deemed to be on notice that the trial judge will consider sanctions against the appellant under Government Code section 68606, including dismissal of the appeal.

(C) The Notice of Appeal filed pursuant to Labor Code section 98.2 shall be treated as the first paper for the purpose of determining the filing date.

(Adopted 1/1/2013)

2.19 (Deleted effective 1/1/2015)

2.20 Amended Complaints.

A party filing an amended complaint or cross-complaint shall list the names of all parties in the case caption or include an addendum to the document listing all party names.

(Adopted 1/1/2015)

2.21 Limited Civil Cases.

Pursuant to California Rules of Court, rule 3.720(b), all Limited Civil Cases are exempt from the Case Management Program. Rules applicable to limited civil actions, including requests for trial setting, arbitration, mediation, and expedited jury trials can be found on the court's website at <https://www.saccourt.ca.gov/civil>.

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

2.22 Exhibits.

All exhibits submitted in an electronic medium must be labeled with the case number, case title and exhibit number/letter designation and be accompanied by a declaration providing a general description of the contents of the medium.

(Adopted 1/1/2015)

2.23 Small Claims – Request to Correct or Cancel Judgment and Answer.

In small claims matters, the parties submitting a request to correct or cancel a judgment must file using a Request to Correct or Cancel Judgment and Answer (Small Claims) (Judicial Council form SC-108 (page 1)) and must also include the Order on Request to Correct or Cancel Judgment (Small Claims) (Judicial Council form SC-108(A)). The party answering the request to correct or cancel a judgment must file the answer using a Request to Correct or Cancel Judgment and Answer (Small Claims) (Judicial Council form SC-108 (page 2)).

(Adopted 1/1/2018)

(Rules 2.24-2.25 Reserved)

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PART TWO. Prerogative Writs

2.26 Prerogative Writs.

(A) Except as provided in paragraph (H), petitions for writs of mandate, review, and prohibition shall be filed with the clerk of the court and shall be immediately assigned to a judge for all purposes, as directed by the Presiding Judge and a Notice of Assignment shall issue. If the petition is combined with a complaint for injunctive and/or declaratory relief, the assignment shall apply to the complaint as well as the petition.

(B) When filing any papers related to a petition for prerogative writ, the parties shall furnish the court with one original which is unbound and clipped or rubber banded and two copies in a format pursuant to California Rules of Court, rule 3.1110.

(C) All subsequent documents in the case shall be filed and paid for at the court's public filing counter. Documents filed within one day of the hearing shall be filed and paid for at the court's public counter and an endorsed copy shall be delivered to the assigned department.

(D) Unless otherwise ordered by the court, points and authorities prepared for a hearing on the merits of a writ petition shall be filed in accordance with the following schedule and page limits: The opening memorandum of points and authorities shall be filed at least 45 calendar days prior to the hearing date; the opposition shall be filed at least 25 calendar days prior to the hearing date; and the reply shall be filed at least 15 calendar days prior to the hearing. The opening and opposition memorandum shall not exceed 30 pages in length with double spaced lines (or 22 pages with one and one-half spaced lines). The reply shall not exceed 20 pages in length with double spaced lines (or 15 pages with one and one-half spaced lines). The court prefers that all memoranda use double spaced lines. Points and authorities prepared for a motion to be heard prior to the merits of a writ petition shall comply with the filing schedule and page limits specified in California Rules of Court, rule 3.1113 and rule 3.1300. In the event that the points and authorities exceed 10 pages in length, the filing party must also comply with subsection (B) above. If the assigned writ department uses a tentative ruling system, any notice of hearing or notice of motion must contain the tentative ruling language in Local Rules, rule 1.06.

(E) A guide to the procedures for prosecuting petitions for prerogative writs in the Sacramento Superior Court is provided by the legal process clerks to each party filing a civil writ petition, is available from the clerk in each assigned writ department, and is posted on the Sacramento Superior Court's internet website (<https://www.saccourt.ca.gov>). Counsel shall obtain and follow this procedural guide in applying for a stay, setting a hearing by notice or alternative writ on the merits of a writ petition, bringing a motion prior to a hearing on the merits, and taking other actions covered in the guide.

(F) All applications for relief from this rule shall be made to the judge assigned the case.

(G) Mediation in Land Use and Environmental Actions. The petitioner in land use and environmental writ proceedings, at the time of the deadline for the response to the petition, shall prepare and lodge with the assigned department a notice form for the court's signature inviting mediation pursuant to Government Code section 66031(b). A sample form may be obtained from the clerk in the assigned department.

(H) Petitions for writs of mandate, review, and prohibition arising from any misdemeanor case, infraction case, or limited civil action shall be filed with the clerk of the appellate unit of the clerk's office and heard by the Appellate Division of the Superior Court in accordance with the rules of the Appellate Division.

(Adopted 1/1/2013)

(Rules 2.27-2.29 Reserved)

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PART THREE. Civil Law and Motion

2.30 Civil Law and Motion Departments.

(A) Civil law and motion proceedings (on all matters other than small claims and unlawful detainer cases) for the court shall be heard in departments and will be called at such times as are designated by the Presiding Judge and posted on the court's website at <https://www.saccourt.ca.gov>. In addition to the matters defined in California Rules of Court, rule 3.1103, except for those matters specifically excluded herein, such departments shall also hear petitions for change of name and applications for appointment of a guardian ad litem pursuant to Code of Civil Procedure section 373. All probate matters will be heard in the Probate Department. As to any matter for which an appearance is required, a failure of the moving party to appear when called may, in the court's discretion, cause the matter to be ordered off calendar or denied.

(B) When a matter is to be dropped, counsel for the moving party shall promptly notify the law and motion calendar clerk or, if within one week prior to the hearing date, the clerk of the assigned department pursuant to California Rules of Court, rule 3.1304(b).

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

(C) Requests for continuance must be made in writing by letter to the clerk of the department and must be requested by the moving party. No matters will be continued by stipulation of the parties without approval by the court for good cause shown.

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

2.31 Filing of Papers.

(A) All papers relating to a law and motion matter shall be filed with the Law and Motion Public Filing counter at 813 6th Street, Room 212 (2nd Floor), Sacramento, CA 95814. Papers filed by mail shall be addressed to 720 9th Street, Room 102, Sacramento, CA 95814.

(Adopted 1/1/2013; revised 1/1/2017; revised 1/1/2019)

(B) All opposition and reply papers shall be served upon opposing counsel by personal delivery, telecopy, express mail, or other means designed to ensure that the opposition and reply papers are received by opposing counsel no later than one court day after filing.

(C) Failure to comply with the requirements of this rule concerning filing and serving opposing and reply papers may, in the discretion of the court, be deemed cause for acting on the matter without consideration of the document filed in violation of the rule and cause for imposing sanctions. (California Rules of Court, rule 2.30; Code of Civil Procedure section 177.5 and section 575.2.)

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

(D) When more than one motion in the same case is to be heard in different departments, they shall be set on different dates. All motions to be heard by different departments must be separately noticed and served.

(E) Unless previously filed, proofs of service must be filed by 9:00 a.m. five calendar days before the hearing, or the matter may be dropped from the law and motion calendar.

(F) Lodging of deposition transcripts is not permitted unless requested by the court. Copies of pertinent portions of depositions shall be attached as exhibits to the motion and incorporated by reference in a declaration.

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

2.32 Demurrers in Limited Civil Cases.

Demurrers and decisions thereon shall comply with Code of Civil Procedure section 90 et seq., which provide limits on pleadings in limited civil cases.

(Adopted 1/1/2013)

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2.33 Motions to Strike in Limited Civil Cases.

Motions to strike shall comply with Code of Civil Procedure section 90 et seq., which provide limits on motions to strike in limited civil cases. The court will exercise its inherent power to strike an unauthorized pleading or a pleading filed in violation of a court order.

(Adopted 1/1/2013)

2.34 Defaults and Default Judgments.

(A) A party who submits an Application for Default in reliance upon service of summons by substituted service pursuant to Code of Civil Procedure section 415.20(b) shall submit a declaration by the process server indicating:

(1) The factual basis upon which the process server concluded that the place of service and mailing was either the "dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service box" of the person served;

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

(B) If a default judgment is requested by affidavit pursuant to Code of Civil Procedure section 585(d), the request and accompanying declarations shall be submitted to the courtroom clerk in the appropriate law and motion department. If, after reviewing the materials submitted, the court determines that personal testimony is required, the clerk shall so advise the moving party. If testimony is required, the moving party must notify the law and motion clerk to arrange a hearing date.

(C) Requests for Entry of Default must be accompanied by either the original summons and proof of service for filing or filed endorsed copies. On cases where the complaint was filed prior to January 1, 2006, or if the original summons was issued and given to filing party at the time of filing, said summons (or file endorsed copy) must be provided prior to entry of default.

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

2.35 Ex Parte Applications.

(A) All ex parte applications, including applications for temporary relief, orders to show cause and orders shortening or extending time, shall be reserved by appointment only with the assigned Law and Motion Department no later than 10:00 a.m. the court day before the ex parte appearance, at such times as are designated by the Presiding Judge and published on the court's website at <https://www.saccourt.ca.gov>. Ex Parte Applications and supporting documents shall be filed and paid for by 4:00 p.m. one court day prior to the appointment at the Law and Motion public filing counter at 813 6th Street, Room 212 (2nd Floor), Sacramento, CA 95814. An original plus one copy shall be presented at the time of filing. All applications shall include a written supporting declaration, stating whether the opposing party is represented by counsel, whether the opposing party or counsel has been given notice of the application as required by the California Rules of Court and has agreed to the requested order and if not, setting forth facts establishing good cause for the issuance of the order without notice. The merits of the application for temporary relief shall be determined on the documents submitted in support of and opposition to the application. The court may allow supplemental oral or written argument by either party.

(Adopted 1/1/2013; revised 1/1/2015; revised 1/1/2017; revised 1/1/2019)

(B) Except by order of the court, upon a showing of good cause, all ex parte applications seeking a hearing on shortened time shall 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. Upon a showing of good cause, 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 proposed order and all papers, including those subsequently filed regarding the application, must indicate on the caption page that the matter was brought on an order shortening time with specific indication of the date of the order and the name of the judge.

(Adopted 1/1/2013; revised 1/1/2015; revised 1/1/2017)

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2.36 Discovery Sanctions. Code of Civil Procedure Section 2023(c).

When seeking monetary sanctions under the Civil Discovery Act, the requesting party must so state in the notice of motion, and state against whom sanctions are sought. The request must be supported by the appropriate legal authority (e.g., interrogatories, Code of Civil Procedure section 2030(k).) The motion shall be accompanied by a declaration setting forth facts supporting the amount of any monetary sanctions sought, including the service provided, the date and the attorney's fee for the service. Conclusory allegations that the amount of sanctions sought is reasonable are insufficient to support the request.

(Adopted 1/1/2013)

2.37 Matters Regarding Discovery in Limited Civil Cases.

(A) Motions regarding discovery in limited civil cases shall comply with Code of Civil Procedure section 94 et seq., if applicable.

(B) If discovery is sought in violation of Code of Civil Procedure section 94, it is a sufficient response to object on the ground of violation of that section, setting forth specifically the manner in which the discovery sought violates that section. Failure to timely so object will be deemed a waiver of such objection.

(C) Where an order compelling or limiting discovery is sought, and relevancy to the subject matter is in issue, the moving papers shall set forth a synopsis of each pertinent cause of action and each defense in a manner sufficient that it will not be necessary for the court to read the pleadings.

(Adopted 1/1/2013)

2.38 Compensation of Discovery Referees.

In the absence of an order to the contrary, all counsel and all parties are jointly and severally liable for the costs and expenses of discovery referees.

(Adopted 1/1/2013)

2.39 Reserving Hearing Dates.

Hearing dates for motions for summary judgment, summary adjudication, judgment on the pleadings, special motions to strike pursuant to Code of Civil Procedure section 425.16, and demurrers must be reserved in advance by telephoning the calendar clerks at (916) 874-7848 (Department 54) or (916) 874-7858 (Department 53).

(Adopted 1/1/2013)

(Rules 2.40-2.44 Reserved)

PART FOUR. Case Management Program (CMP)

2.45 Case Management Program.

Except as expressly excluded here and elsewhere in these rules, all parties shall adhere to all applicable statute included in the Trial Court Delay Reduction Act (Government Code section 68600 et seq.) and all applicable rules contained in the Case Management Rules adopted by the Judicial Council (California Rules of Court, rule 2.2 et seq).

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

2.46 Included Actions; Exceptions; Excluded Actions.

(A) All civil actions as defined in subdivision (B) of this rule shall be included in the court's Civil Case Management Program.

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(B) Civil actions refer to all civil cases except limited civil, 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 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.

(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.

(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.

(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.

(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, or any other department assigned to manage the complex case under California Rules of Court, rule 3.750 et seq.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

2.47 CMP Tentative Rulings and Preparation of Notices.

(A) 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 on the court’s website at <https://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.

(B) 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.

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

(Adopted 1/1/2013)

2.48 Form of Case Management Documents.

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

(Adopted 1/1/2013)

2.49 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 (local form CV/E-132) 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

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the claim is otherwise concluded, or 180 days after the case is designated an uninsured motorist case, whichever is earlier.

(C) 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.

(D) 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.

(Adopted 1/1/2013; revised 1/1/2019)

2.50 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 the filing parties at the time the case is filed with the court. 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 all parties to the action. 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 Rules of Court, rule 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 Rules of Court, rule 3.724 and rule 3.727.

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

(C) Case Management Conferences will not be held in limited civil cases.

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

2.51 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 filing the Case Management Statements, parties shall utilize the form mandated by the Judicial Council.

(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 Rules of Court, rule 3.724 to develop their joint Case Management Statement.

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

(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.

(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, rule 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.

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

(E) In cases where a Case Management Statement will be filed, the Mediation Statement shall be filed concurrently with the Case Management Statement unless the parties have filed a Stipulation for Alternative Dispute Resolution form with the Arbitration/Mediation Clerk at any time up to 15 calendar days prior to the Case Management Conference.

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

2.52 Exemption for Short Cause Cases Upon Certification of All Parties.

With respect to those cases subject to civil case management, 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 Certificate of Short Cause (local form CV\E-131) located on the court's website at <https://www.saccourt.ca.gov>. 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.

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

2.53 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.

(Adopted 1/1/2013)

2.54 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.

(Adopted 1/1/2013)

2.55 Orders to Show Cause.

(A) Failure to comply with these Local Rules or California Rules of Court, rules 3.720-3.735 shall result in filing and service of an Order to Show Cause Re: Non-Compliance on the responsible party, setting the matter for hearing in the designated department. The order shall require the responsible party to show good cause why reasonable monetary sanctions should not be imposed as a result of the non-compliance. Not later than 15 days before the date of the hearing, the responding party shall file an Attorney/Party Compliance Statement (local form CV\E-112).

(B) Repeated failure to comply with these Local Rules, California Rules of Court, rules 3.720-3.735, or the orders of this court shall result in filing and service of an Order to Show Cause Re: Dismissal, requiring the responsible party to show good cause why dismissal of their entire action or cross action should not be entered.

(C) Not later than 15 days before the date of hearing for any Order to Show Cause, the responding party shall file local form CV\E-112.

(Adopted 1/1/2019)

(Rules 2.56-2.59 Reserved)

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PART FIVE. Alternative Dispute Resolution

2.60 Alternative Dispute Resolution 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 the policy of the Sacramento Superior Court to strongly support the use of Alternative Dispute Resolution (ADR). It is expected that litigants will utilize some form of ADR as an alternative to traditional litigation, including arbitration or mediation, in addition to traditional settlement conferences.

(Adopted 1/1/2013)

2.61 ADR Information.

Attorneys shall provide their clients with a copy of the Sacramento County Superior Court ADR information package at the earliest available opportunity and prior to completing the Case Management Conference Statement. The ADR information package may be obtained from the Mediation Clerk, 720 9th Street, Room 102, Sacramento, CA 95814 or on the court's website at <https://www.saccourt.ca.gov>. Plaintiffs and cross-complainants shall serve a copy of the Sacramento County Superior Court ADR information package on each defendant or cross-defendant at the time the complaint or cross-complaint are served as required by California Rules of Court, rule 3.221.

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

2.62 ADR Program Administrator.

Management of the Superior Court judicial arbitration and mediation programs is conducted under the supervision of the ADR Program Administrator. The principal office of the ADR Program Administrator is located in the Gordon D. Schaber Courthouse, 720 9th Street, Room 102, Sacramento, CA 95814.

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

2.63 ADR Participation.

Participation in any of the court's ADR programs is strongly encouraged. Parties may request ADR by choosing an ADR option on the Case Management Form (Judicial Council form CM-110), or by jointly filing a Stipulation for ADR.

(Adopted 1/1/2013)

2.64 ADR Assessment at Case Management Conference.

The Case Management Conference is intended, in part, to assist those parties who have not stipulated to ADR to select the most effective and appropriate ADR method to fully resolve the case.

(Adopted 1/1/2013)

2.65 ADR Neutral List.

To assist parties and counsel in obtaining access to experienced and affordable ADR neutrals, the court shall develop and maintain panels of arbitrators and mediators. Eligibility criteria for appointment to the court's arbitration or mediation panel(s) shall be consistent with California Rules of Court, rule 10.781 and rule 3.810, et seq., and such other criteria as may be established by the court. Arbitrators on the court's panel are required to accept two cases within each calendar year. Arbitrators on the panel may arbitrate more than two cases in each calendar year. The panels of arbitrators and mediators, including names, qualifications, services provided and fees charged, shall be posted electronically on the court's website and shall be made available in hard copy for public inspection in the office of the ADR Program Administrator. Individuals interested in serving on either of the court's ADR panels must complete an application found on the court's website at <https://www.saccourt.ca.gov>, and update their panel member information as changes occur.

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

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2.66 Notice of Settlement.

If a case that has been scheduled for judicial arbitration or court mediation settles, plaintiff must immediately serve a copy of written notice of the settlement or other disposition on the ADR provider involved in the case and the Arbitration/Mediation Clerk.

(Adopted 1/1/2013)

2.67 ADR Grievance Procedure.

It is the goal of the Sacramento Superior Court to encourage excellence and the highest ethical standards in ADR practice. In the event of any concern regarding the ADR process or the conduct of any ADR panel member (judicial arbitration or court mediation), the parties are encouraged to first discuss that concern with the panel member. If the concern cannot be resolved in this manner, the parties may file a written complaint with the ADR Program Administrator.

(Adopted 1/1/2013)

2.68 Arbitration.

(A) A case may be referred to judicial arbitration at the direction of the CMP judge. All cases referred to arbitration will be referred to the Trial Setting Process.

(B) All counsel (including self-represented parties) shall confer and agree upon the names of three Arbitrators. Parties shall notify the court of the selection of Arbitrators in preference order no later than 30 days from the effective date of the order to Arbitration. Selections shall be made by completing the submission form located on the court's website at <https://www.saccourt.ca.gov/civil/arbitration-selection.aspx>.

If the parties fail to select and submit the names of the Arbitrators, an Arbitrator will be appointed by the court. Once the court appoints the Arbitrator, the court will mail a Notice of Appointment of Arbitrator to all parties.

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

(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.

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

2.69 Arbitration Proceedings Regarding a Limited Civil Case in General.

(A) Arbitration is mandatory in a limited civil case under the following circumstances:

(1) When all parties stipulate to arbitration pursuant to Code of Civil Procedure section 1141.12 and California Rules of Court, rule 3.812.

(2) When the plaintiff files a timely election to arbitration pursuant to Code of Civil Procedure section 1141.12 and California Rules of Court, rule 3.812.

(B) A stipulation for arbitration shall be filed pursuant to procedures set forth on the court's website at <https://www.saccourt.ca.gov/civil>.

(C) A written election by the plaintiff to submit an action or proceeding to arbitration shall be filed pursuant to procedures set forth on the court's website at <https://www.saccourt.ca.gov/civil>.

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

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2.70 Judicial Arbitration Under Code of Civil Procedure Section 1141.10 Et Seq.

(A) Should an objection to arbitration be raised in an unlimited civil case, the party may file a motion in the appropriate CMP department and notify the parties of the hearing date. Objections to arbitration in a limited civil case shall be submitted pursuant to procedures set forth on the court's website at <https://www.saccourt.ca.gov/civil>.

(B) If the objection to arbitration is sustained under paragraph (A), the action or proceeding shall thereafter proceed as if no stipulation or election regarding arbitration had been filed.

(C) Upon filing by the arbitrator of an award with the Arbitration/Mediation Clerk, the court shall proceed in accordance with California Rules of Court, rule 3.825.

(D) Notice to vacate a judgment based upon an arbitration award shall be governed by California Rules of Court, rule 3.825.

(E) A request for trial after an arbitration award shall be filed with the Arbitration/Mediation Clerk. The trial shall be governed by California Rules of Court, rule 3.826.

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

2.71 Arbitration of Attorney's Claims in Connection with Action to Recover Attorney's Fees and/or Costs.

The rules of this chapter do not apply to the arbitration of attorney's claims in connection with actions to recover attorney's fees or costs. Actions by attorneys or their assignees to collect attorney's fees, costs or both from their clients are governed by Business and Professions Code section 6200 et seq. and related rules of the Sacramento County Bar Association.

(Adopted 1/1/2013)

2.72 Failure to Meaningfully Participate in Arbitration Procedures.

(A) For the willful failure to meaningfully participate in arbitration proceedings, the CMP judge, on noticed motion, may impose sanctions, including arbitrator's fees, attorney's fees and costs.

(1) The following may be considered failures to meaningfully participate in arbitration:

(a) Non-appearance, at the time set for hearing, of any person necessary to proceed to a meaningful conclusion. (Phone calls to the arbitrator at the time set for hearing will not be deemed an appearance.)

(b) Failure to offer any evidence or rebuttal.

(c) Submission of a motion to continue the arbitration hearing less than five days before the scheduled date, except upon a showing of good cause.

(d) Failure to complete arbitration within the time fixed therefore.

(B) In the event of such failure to meaningfully participate, the arbitrator may present a declaration to the court requesting sanctions against the offending party or attorney. The declaration shall be lodged with the Arbitration Administrator, and an order to show cause shall be issued and set for hearing.

(Adopted 1/1/2013)

2.73 Voluntary Civil Mediation.

Mediation is a voluntary, flexible, and confidential process in which a neutral third party mediator facilitates negotiations. The goal of mediation is to reach a mutually satisfactory agreement that resolves all or part of the dispute after exploring the significant interests, needs, and priorities of the parties in light of relevant evidence and law.

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(Adopted 1/1/2013)

2.74 Type of Mediation Available.

Parties may elect to utilize either of the following options for mediation:

(A) Private Mediation. Parties to a civil action may agree to mediate their dispute with a mediator of their choice without court assistance.

(B) Court Mediation. Upon stipulation of the parties, a mediator will be selected from a court-approved list of mediators. The mediator will be compensated pursuant to Local Rules, rule 2.84. The court will confirm the selected mediator and send notice to the parties. The mediator will then be responsible for contacting the parties to confirm a date, time, and place for mediation.

(Adopted 1/1/2013)

2.75 Eligible Cases.

The mediation program provided for in these rules applies only to unlimited civil matters. The program does not apply to limited civil matters, unlawful detainer, family law, probate, writs, petitions, and small claims cases.

(Adopted 1/1/2013)

2.76 Stipulation to Mediation.

Parties may elect voluntary mediation in lieu of judicial arbitration. Parties may opt for mediation by filing a Stipulation and Order to Mediation (local form CV\E-MED-179) at any time up to 15 calendar days prior to the Case Management Conference. This form is included in the ADR information packet provided when the complaint is filed.

If parties agree to mediate the case within 15 days prior to the Case Management Conference, they shall appear at the Case Management Conference and request mediation unless the judge has excused their appearance by way of tentative ruling. The parties shall execute and file local form CV\E-MED-179 within 14 calendar days after the Case Management Conference.

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

2.77 Vacancy and Challenge of ADR Neutral.

If the original mediator should resign, die, withdraw, be disqualified, refuse or be unable to perform the duties of a mediator, the parties shall within five days after receiving notice of such event inform the Arbitration/Mediation Clerk. An alternate mediator will then be substituted in the original mediator's place.

(Adopted 1/1/2013)

2.78 Mediation Statement.

The Mediation Statement shall be filed with the Case Management Statement as required under Local Rules, rule 2.51 unless the parties have filed a Stipulation and Order to Mediation (local form CV\E-MED-179) with the Arbitration/Mediation Clerk at any time up to 15 calendar days prior to the Case Management Conference.

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

2.79 Timing of Mediation and Trial Dates.

All cases referred to mediation will be referred to the Trial Setting Process. All mediations should be completed prior to the 60th day from the date of referral to the Trial Setting Process unless an extension of time is granted by the Case Management Program Judge.

(Adopted 1/1/2013)

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2.80 Exemption from Mandatory Settlement Conference Program.

All long cause civil matters shall be included in the Mandatory Settlement Conference Program. However, any party who has participated in mediation may submit a declaration to the Supervising Settlement Judge requesting that the party's case be exempted from the Mandatory Settlement Conference Program. The declaration shall state the grounds for the exemption. The Supervising Settlement Judge will then decide whether the matter shall be exempt. The declaration shall be submitted to the Supervising Settlement Judge at least 20 days prior to the scheduled Mandatory Settlement Conference. The declaration form can be found on the court's website at <https://www.saccourt.ca.gov>.

(Adopted 1/1/2013)

2.81 Appearances Required at Mediation.

The parties shall personally appear at all mediation sessions unless excused by the mediator. When the party is other than a natural person, that party shall appear by a representative with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such an agreement. Each party shall have counsel present at all mediation sessions unless excused by the mediator. An insurance representative of a covered party shall also be present unless excused by the mediator.

(Adopted 1/1/2013)

2.82 Mediation Program Statements and Supporting Documents.

(A) Not less than 10 days prior to a scheduled mediation, each party shall lodge an original and one copy of the Mediation Program Statement with the mediator and serve all other parties. The Mediation Program Statement shall comply with the format for Mandatory Settlement Conference Statements set forth in Appendix C to these rules, which may be obtained on the court's website at <https://www.saccourt.ca.gov/civil/docs/settlement-conference-statement.pdf>, the civil filing counter and Department 59. The statement and supporting material must be sufficiently detailed to enable the mediator to facilitate meaningful negotiations. Counsel shall certify good faith belief in the accuracy of the information provided and shall certify knowledge of the requirements of these rules. The Mediation Program Statement shall not be included in the court's file.

(B) In personal injury actions, counsel for each party claiming damages shall bring pertinent medical reports and records to the mediation. The Mediation Program Statement shall include a current statement of all economic damages claimed and counsel shall have corroborating evidence at the mediation for examination by the mediator. Opposing counsel shall have all reports and records of physicians employed by them, their insurance carrier or principal for consideration by the mediator.

(C) Counsel shall be prepared to submit all documents pertinent to resolution of the case for examination by the Mediator, including without limitation, medical reports and records, depositions (with relevant pages pre-marked), photographs, books, records, diagrams, maps, bills, contracts, and memoranda.

(Adopted 1/1/2013)

2.83 Discovery During Mediation.

During the period that a matter has been referred to mediation, the parties and counsel are encouraged to work cooperatively with the mediator and each other to obtain, exchange, and analyze the information needed to resolve the matter. The parties are urged to exercise restraint with respect to pursuing adversarial forms of discovery and technical analysis that relies primarily on the use of opposing experts. In an appropriate case, a protective order pursuant to Code of Civil Procedure section 2017.020(a) and related provisions may be issued by the court.

(Adopted 1/1/2013)

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2.84 Compensation of Mediators.

(A) (1) Private mediation. The cost of mediation shall be borne by the parties equally unless the parties agree otherwise. Parties will be charged an amount as set by the mediator.

(2) Court Mediation. Mediators on the court's approved panel have agreed to provide the first three hours of mediation at no charge to the parties or to the court. In the event the mediation extends beyond three hours and the parties determine that it would be beneficial to continue the mediation process, the parties shall be responsible for compensating the mediator in an amount established by the mediator.

(B) Mediators on the court's panel have agreed to accept two cases within each six-month period. Mediators on the panel may mediate more than two cases in each six-month period.

(C) If the plaintiff or other party seeking affirmative relief does not notify the mediator of the settlement of the case at least two days before a scheduled hearing or session, that party will be required to compensate the mediator. The amount of compensation will not exceed the maximum amount of compensation the mediator would have been entitled to receive for their services as a mediator.

(Adopted 1/1/2013)

2.85 Confidentiality.

Court mediations must adhere to the confidentiality provisions of Evidence Code sections 1115-1128. Except as otherwise provided by law or these rules, court staff, the mediator, all parties, all attorneys, and any other people facilitating or participating in the mediation process must treat all written and oral communications made during mediation, as confidential.

(Adopted 1/1/2013)

2.86 Mediator Statement.

Within 10 calendar days of the conclusion of the mediation, the mediator shall file a statement on Judicial Council form ADR-100, advising the court whether the mediation ended in full agreement, partial-agreement, or no agreement.

(Adopted 1/1/2013)

2.87 Mediator Qualifications.

Eligibility criteria for the appointment to the court's mediation panel shall be consistent with California Rules of Court, rule 10.781, rule 3.810, et seq., and such other criteria as may be established by the court. The panel of mediators, including names, qualifications, services provided and fees charged, shall be posted electronically on the court's website.

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

PART SIX. Trial Setting for Civil Cases

2.88 Setting Civil Cases for Trial.

(A) Short Cause Trials

All short cause civil trials shall be set for trial either by judicial order after review of a Case Management Statement or upon filing a Certificate in compliance with Local Rules, rule 2.52. Short cause civil cases (five hours or less) will be set for trial in Department 47 at 8:30 a.m. on Fridays.

(B) Long Cause Trials

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All long cause civil trials shall be set for trial by either: (1) a judge ordering the matter to trial setting after a Case Management Conference; (2) a judge who finds that direct trial setting to a date certain is appropriate in a particular case; or (3) a party filing a request for a trial de novo after arbitration.
(Adopted 1/1/2013; revised 1/1/2014)

2.89 Trial Setting Process for Civil Cases Other Than Short Cause Matters.

(A) Within 60 calendar days of the date of the referral to the Trial Setting Process or the filing of a request for trial de novo after arbitration, the parties must confer and agree on at least three trial dates and three settlement conference dates. Plaintiff's counsel will utilize the on-line submission form located at <https://www.saccourt.ca.gov> for this process. Once the dates are submitted, the court will select a settlement conference date and a trial date and will notify plaintiff's counsel via email. Plaintiff's counsel will serve on all parties and file a Notice of Time and Date of Trial and Mandatory Settlement Conference. Available trial and settlement conference dates are provided on the court's website at <https://www.saccourt.ca.gov> and will be updated daily.

(B) If the parties cannot agree or fail to select dates within the time specified in paragraph (A) of this rule, the court will select a trial date and a mandatory settlement conference date and serve notice on the parties.
(Adopted 1/1/2013)

2.90 Continuance of Trial Setting.

No referral to the trial setting process may be dropped, extended or continued by stipulation of the parties.
(Adopted 1/1/2013; revised 1/1/2017)

2.91 Duties if Case Settles.

Whenever a case assigned a trial date settles, the parties shall immediately notify the court. The plaintiff has the primary obligation to notify the court. Notification must be made by a letter of confirmation or the filing of a Notice of Settlement. When written confirmation is received, the court will vacate the trial date and drop the action from the civil active list.
(Adopted 1/1/2013)

2.92 Civil Trial Readiness Notification.

All counsel **shall** notify the court of their readiness to begin trial, before a trial date, except on short cause trials. Such notification shall be done electronically by accessing the "Civil Trial Readiness Notification" link on the court's website at <https://www.saccourt.ca.gov/civil>. Program rules and instructions for accessing the program are available on the court's website. Upon accessing the website, all counsel shall provide information as to the status of the case.
(Adopted 1/1/2013; revised 1/1/2017)

PART SEVEN. Settlement Conferences – Long Cause Matters

2.93 Settlement Conferences.

(A) The court adopts the policy that good faith efforts to settle civil proceedings are an essential part of the judicial process. Good faith efforts to settle shall be made during settlement conferences in conformity with established local rules.

(B) All long cause civil matters heard at the Gordon D. Schaber Courthouse shall participate in the Mandatory Settlement Conference program, unless ordered exempt by the court. The mandatory settlement conference shall be scheduled in Department 59 approximately 30 court days before trial. A trial date settlement conference may be scheduled at the discretion of the Supervising Settlement Judge or the Presiding Judge or his/her designee.

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(C) Parties to any civil proceeding may apply to the Supervising Settlement Judge for a specially set voluntary settlement conference, which shall be subject to established local rules.

(D) If any counsel or party subject to these rules fails to comply with any rule in this chapter, the court on motion of a party or on its own motion, may strike all or part of any pleading of that party, dismiss the action or proceeding or any part thereof, enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order the offending attorney or party to pay reasonable costs, including attorney fees.

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

2.94 Settlement Conference Procedures; Assignments, Duties and Requirements of Counsel, Parties, and Insurers.

(A) Assignments.

The court will maintain a list of attorneys and retired judges who may act as settlement conference temporary settlement judges. The Supervising Settlement Judge may assign specific settlement conferences to one or more persons from said list and/or to a member of the judiciary. The Presiding Judge may authorize experienced attorneys to act as a Supervising Temporary Settlement Judge, who shall have all the powers of the Supervising Settlement Judge as set forth in these rules.

(B) Required Attendance.

All persons whose consent is required to effect a binding settlement shall be personally present at a settlement conference unless excused by the Supervising Settlement Judge as provided in paragraph (F) of this rule. Included among such persons, but without limitation, are the following:

(1) The attorney(s) for the plaintiff(s) and the plaintiff(s);

(2) The defendant(s), the attorney(s) for the defendant(s), and if the defendant is insured, the attorney for the carrier or carriers, and the claims adjuster or adjusters;

(3) If a named defendant is being defended with a reservation of rights or if there is personal financial exposure to the named defendant for any other reason (other than a small deductible), said named defendant must personally appear for the settlement conference in addition to the insurer.

(4) An authorized representative of a corporation or other business or governmental entity which is a litigant, whether plaintiff or defendant.

(C) Authority to Settle.

(1) Each person required by subdivision (B) to attend the settlement conference must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.

(2) Anyone appearing in a representative capacity must have full unlimited authority to resolve the case. Said representative must have adequate knowledge of the case to evaluate offers by the opposing side and to re-evaluate his/her own offer based upon information or questions presented during the settlement conference.

(3) The attorneys for all parties appearing in the action who attend the conference must be thoroughly familiar with the available evidence involving both liability and damages. The attorney assigned to try the case shall be present at the settlement conference, unless good cause for his/her absence is shown.

(4) All counsel shall ascertain whether there are claims or liens which may affect a settlement. Any party subject to a lien(s) shall initiate negotiations on all such liens. The parties shall advise the court regarding the status of negotiations to resolve any outstanding liens. A party subject to a lien may request in writing that the lien claimants or their representatives attend the settlement conference or in the alternative, provide contact information where they can be reached at the time of the settlement conference. This rule authorizes a party to give notice on behalf of the court pursuant to Government Code section 985(c) to collateral source providers that are state or local public entities.

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(D) Settlement Conference Statements and Supporting Documents.

(1) Not less than 10 days prior to the scheduled settlement conference, each party shall ensure that an original and one copy of the Settlement Conference Statement is received by the clerk of the Supervising Settlement Judge and received by every other party. Parties may submit their settlement conference statements in electronic form to the Department of the Supervising Settlement Judge by sending an email to the address specified on the court's website at <https://www.saccourt.ca.gov/civil/settlement-conference.aspx>.

The Settlement Conference Statement shall be in writing and comply with the format set forth in Appendix C to these rules, which may be obtained on the court's website at <https://www.saccourt.ca.gov/civil/docs/settlement-conference-statement.pdf>, or at the Department 59 filing counter at 813 6th Street, 1st Floor, Sacramento, CA 95814. The statement and supporting material (normally 3 to 10 pages) must be sufficiently detailed to enable the Supervising Settlement Judge and the settlement conference temporary judge to conduct a meaningful settlement conference. Counsel shall certify his/her good faith belief in the accuracy of the information provided and shall certify that he/she is fully aware of the requirements of these rules. The Supervising Settlement Judge, in his/her discretion, may order a settlement conference statement stricken that fails to comply with these rules (including untimely filing) and may impose appropriate sanctions. The settlement conference statement shall not be made a part of the court's file.

(2) The attorney(s) for each party claiming damages for personal injuries (including psychological injuries) shall bring all reports and records of all examining doctors to the conference, shall include a list of all special damages claimed in the settlement conference statement, and shall have corroborating evidence at the settlement conference for examination by the Supervising Settlement Judge and the settlement conference temporary judge.

In personal injury actions, the special damages for each plaintiff shall be current, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any.

Opposing counsel shall have all reports and records of all doctors employed by them, their insurance carrier or principal at the settlement conference for consideration by the Supervising Settlement Judge and the settlement conference temporary judge.

(3) All counsel shall organize and bring to the conference all documents pertinent to settlement of the case for examination by the settlement conference temporary judge, including without limitation, medical reports and records, depositions (with relevant pages pre-marked), photographs, books, records, diagrams, maps, bills, contracts, and memoranda.

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

(E) Powers of the Court at Settlement Conferences.

(1) Neither the Supervising Settlement Judge nor the settlement conference temporary judge shall hear or rule upon any motion not specifically authorized by this section.

(2) In all conferences resulting in settlement of an unlimited civil case, the terms thereof shall be placed on the record and recorded by a court reporter or shall be reduced to writing on a form provided by the court and signed by all necessary parties and the fact of the settlement shall be entered by minute order. All such settlements shall be deemed enforceable pursuant to Code of Civil Procedure section 664.6.

(3) Requests for a change of the date or time of a settlement conference only shall be addressed to the Supervising Settlement Judge. Requests for change of the settlement conference date in conjunction with a change of the trial date shall be made to the Presiding Judge or his/her designee. The Supervising Settlement Judge or the settlement conference temporary judge may, at the conclusion of the conference, continue it to any convenient date or time prior to the trial date.

(4) The Supervising Settlement Judge may issue judgment on compromise of minor's claims resolved in the settlement department, provided there is compliance with the provisions of Chapter 3 (Claims of Minors, Incompetent Persons and Persons with a Disability) of the Local Rules.

(F) Excuses from Attendance; Telephone Availability.

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(1) A request to the court to excuse attendance of any person whose attendance is required by these rules shall be made to the Supervising Settlement Judge not less than seven court days before the date set for the settlement conference with a copy contemporaneously served on all parties. The request shall state that all parties have been consulted and whether oppose or do not oppose the request. If there is opposition, the request must contain a brief recitation of the facts of the case and sufficient information to enable the court to make an informed decision whether to grant the request. Any formal opposition to the request must be submitted in writing to the Supervising Settlement Judge no less than three court days before the date of the settlement conference.

(2) Any person whose presence at a settlement conference is required by these rules may be excused by the court upon a showing of good cause. Persons so excused shall be immediately available for telephone communication with counsel and the court during the entire settlement conference, notwithstanding that they may be located in a different time zone. The attorney responsible for the appearance of such person shall notify the person appearing by phone of this requirement. The court shall impose sanctions on all persons failing to comply with this rule. The Supervising Settlement Judge or the settlement conference temporary judge shall have the discretion to order the personal appearance of the person excused for a further settlement conference whenever it appears that such personal appearance may be necessary to effectuate settlement.

(G) Notice to Court Upon Settlement.

If a case settles or otherwise terminates before the date of the settlement conference, the parties shall immediately notify the settlement conference department.

(H) Waiver of Rules.

Waiver of the provisions of this chapter is disfavored. However, the court may, in its discretion, waive any provisions for good cause; provided that the court shall not waive the provisions of subdivision (D) relating to settlement conference statements in the absence of extraordinary circumstances.

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

PART EIGHT. Settlement Conferences – Small Claims and Unlawful Detainer Cases **Heard at the Carol Miller Justice Center**

2.94.01 Settlement Conferences – Small Claims and Unlawful Detainer Cases Heard at the Carol Miller Justice Center.

(A) All Small Claims and Unlawful Detainer cases heard at the Carol Miller Justice Center (CMJC) shall participate in a Mandatory Settlement Conference program, unless ordered exempt by the court. In Small Claims cases and Unlawful Detainer court trials, the scheduled date of trial shall serve as the mandatory settlement conference date. In Unlawful Detainer cases set for jury trial at the Gordon D. Schaber Courthouse, the mandatory settlement conference shall be set at CMJC prior to the scheduled jury trial.

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

(B) For failure to comply with the mandatory settlement rules in this chapter, the court on motion of a party or on its own motion, may impose monetary sanctions against the offending attorney or party, including payment of reasonable costs and attorney fees.

(C) Required Attendance.

All persons to the case shall be personally present at a settlement conference. Included among such persons, but without limitation, are the following:

(1) The attorney(s) for the plaintiff(s) (Unlawful Detainer only) and the plaintiff(s);

(2) The defendant(s), the attorney(s) for the defendant(s) (Unlawful Detainer only);

(3) An authorized representative of a corporation or other business or governmental entity which is a litigant, whether plaintiff or defendant.

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(D) Authority to Settle.

(1) Each person required by subdivision (C) to attend the settlement conference must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.

(2) Anyone appearing in a representative capacity must have full unlimited authority to resolve the case. Said representative must have adequate knowledge of the case to evaluate offers by the opposing side and to re-evaluate his/her own offer based upon information or questions presented during the settlement conference.

(3) The attorneys for all parties appearing in the action who attend the conference must be thoroughly familiar with the available evidence.

(4) Parties shall ascertain whether there are claims or liens which may affect a settlement. Any party subject to a lien(s) shall initiate negotiations on all such liens.

(E) Notice to Court Upon Settlement.

If a case settles or otherwise terminates before the date of the mandatory settlement conference, the parties shall immediately notify the clerk of the court.

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

PART NINE. Duty to Meet and Confer and Exchange re Civil Trials: Motions, Jury Instructions, Exhibits, Witness Lists, and Statement of the Case

2.95 Motions in Limine.

(A) At least seven days prior to trial, the parties shall meet and confer and exchange motions in limine and identify the motions that are contested.

(B) The parties shall file their motions, oppositions, if any, and a list of disputed motions in the assigned department on the first day of trial.

(Adopted 1/1/2013)

2.96 General Motions.

The following motions shall be deemed filed, served and granted unless good cause is otherwise shown by counsel's declaration and request for hearing: (1) motions to exclude all non-party witnesses until called to testify; (2) motions to exclude all reference to settlement negotiations, mediation, and materials related thereto that are privileged under the California Evidence Code; (3) motions to exclude all reference to insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company; (4) motions to exclude all evidence of, or reference to, other claims or actions against any party to the litigation; and, (5) motions to exclude all reference to the financial position or wealth, or lack thereof, of any party to the litigation.

(Adopted 1/1/2013)

2.97 Jury Instructions.

(A) The parties shall meet and confer to identify jury instructions the parties can agree upon and jury instructions the parties cannot agree upon.

(B) On the first day of trial, the parties shall submit to the assigned trial judge in electronic (word) form: (1) a fully completed set of agreed upon jury instructions; and (2) all jury instructions that the parties cannot agree upon. If pinpoint or special jury instructions are offered, counsel shall provide case or statutory authority for the offered

instruction following the text of the instruction.

(Adopted 1/1/2013)

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2.98 Exhibits.

(A) The parties shall meet and confer to identify those exhibits that may be admitted without objection and those exhibits as to which admissibility is contested.

(B) Prior to the first day of trial, the parties shall prepare binders containing copies of the agreed exhibits for use by the trial judge, clerk, and counsel during trial.

(Adopted 1/1/2013)

2.99 Witness List.

(A) The parties shall meet and confer and prepare a joint witness list.

(B) On the first day of trial, the parties shall submit to the court an alphabetized, joint witness list.

(Adopted 1/1/2013)

2.99.01 Trial Brief.

On the first day of trial, each party shall submit a trial brief.

(Adopted 1/1/2013)

2.99.02 Statement of the Case.

(A) The parties shall meet and confer to agree on a joint statement of the case.

(B) The parties shall submit the joint statement to the assigned judge on the first day of trial. If the parties cannot agree on a joint statement, each party shall submit its proposed statement to the trial judge.

(Adopted 1/1/2013)

2.99.03 Judicial Modification.

The above rules shall not prevent any trial judge to whom a case is assigned from adopting such supplemental, additional or different pretrial orders as may appear necessary or appropriate.

(Adopted 1/1/2013)

2.99.04 Presentation of Testimony by Remote Video Access.

Subject to the California Evidence Code and discretion of the Court, witness testimony at the trial of any action may be presented in real time via Skype or other forms of remote video access.

(A) Not later than one week prior to the date of trial, a party intending to offer testimony via remote access shall serve and file a written request to the Master Calendar Clerk and notice to opposing counsel, including the following information:

- (1) Date of trial;
- (2) Estimated length of testimony;
- (3) Email address and phone numbers of all parties;
- (4) Remote Contact Name, phone number and Skype Name, for court testing prior to use;
- (5) Name of witness and area of testimony.

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(B) A party intending to offer testimony via Skype or other remote video access must have an established account with Skype or the application to be used to transmit the testimony in real time.

(C) The Information Technology department at the court will conduct testing prior to the anticipated date of testimony to ensure connectivity, sound and video quality are acceptable to the court and counsel.
(Adopted 1/1/2019)