



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  
Hall of Justice and Records  
400 County Center  
Redwood City, California 94063-0965

NEAL TANIGUCHI (650) 261-5016  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

September 29, 2020

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on the date indicated in the proposal. The Court invites you to review and provide your comment on these proposals as afforded pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

[smsccomment@sanmateocourt.org](mailto:smsccomment@sanmateocourt.org)

with a subject line stating "Comments on Proposed Rule Changes". Please state the section and paragraph number on which you are commenting and your comment.

Comments must be received in our office no later than **2:30 P.M., November 13, 2020**.

Sincerely,  
Neal Taniguchi, Court Executive Officer

A handwritten signature in cursive script that reads "Blake Cox".

By: Blake Cox  
Court Rules Committee Staff

DIVISION II  
COURT MANAGEMENT – SUPERIOR COURT

CHAPTER 2. CIVIL TRIAL COURT MANAGEMENT RULES  
PART 1. MANAGEMENT DUTIES

Rule 2.2 Trial Court Management

**REPEALED.**

~~Reference CRC, rules 3.700, 3.710-3.713, 10.900, 10.901~~

~~(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Repealed effective January 1, 2021.)~~

**PART 2. CASEFLOW MANAGEMENT**

Rule 2.3 New Case Management

**REPEALED.**

~~This rule applies to all civil cases with the exception of the following: (1) juvenile court matters; (2) probate matters; (3) family law matters; and (4) civil cases which, based on subject matter, have been assigned to a judge, or to more than one judge, for all purposes. For rules applicable to these exceptions, see CRC 2.20, 2.30, 2.570-2.573, 2.585, 2.810-2.819, 2.830-2.834, 3.650, 3.700-3.735, 3.920-3.927, 3.1370, 3.1380-3.1385, 3.1590-3.1591, 3.1806, 5.590, 10.900-10.901, 10.910, 10.950-10.953.~~

~~A. Purposes and Goals~~

~~The purposes and goals of the San Mateo Superior Court Civil Case Management System effective January 1, 1992 are:~~

- ~~(1) To manage fairly and efficiently, from commencement to disposition, the processing of civil litigation.~~
- ~~(2) To prepare the bench and bar for full implementation of the Trial Court Delay Reduction Act (A.B. 3820) on July 1, 1992; and~~
- ~~(3) To encourage parties to agree to informal discovery early in the life of the case, to use standard form interrogatories and to promote alternative dispute resolution. Nothing in these rules is intended to prevent the parties from stipulating to an earlier intervention by the court by way of a case management conference, settlement conference or any other intervention that seems appropriate.~~
- ~~(4) In accordance with Sections 3.710-3.715, 10.900, 10.901 of the California Rules of Court, Local Rule 2.3 is adopted to advance the goals of Section 68603 of the Government Code and Section 2.1 of the Standards of Judicial Administration recommended by the Judicial Council.~~

~~B. Case Management Judges~~

~~The clerk will assign the case to a Case Management Judge at the time the complaint is filed. The case shall be managed by the assigned Case Management Judge until disposition or until the case is assigned to a trial department.~~

~~C. Filing and service of pleadings; exceptions.~~

- ~~(1) Complaint: Except as provided in paragraph 5 below, plaintiff shall within 60 days after filing of the complaint serve the complaint on each defendant along with:~~

- (A) — A blank copy of the Judicial Council Case Management Statement;
- (B) — A copy of Local Rule 2.3;
- (C) — The Notice of Case Management Conference.

~~If a matter has been submitted to arbitration pursuant to uninsured motorist insurance, the plaintiff shall file a notice to that effect with the court at the time of filing the complaint, or at the time the matter is submitted. The notice shall include the name, address and telephone number of the insurance company, along with the claim number or other designation under which the matter is being processed.~~

~~(2) — Cross complaint: Except as provided in paragraph (5) below, each defendant shall within 30 days after answering the complaint file any cross complaint (within 50 days if compliance with a governmental claims statute is a prerequisite to the cross complaint) not already served with the answer under Code of Civil Procedure section 428.50 and serve with that cross-complaint:~~

- (A) — A blank copy of the Judicial Council Case Management Statement;
- (B) — A copy of Local Rule 2.3;
- (C) — The Notice of Case Management Conference.

~~(3) — Responsive pleadings: Except as provided in paragraph 5 below, each party served with a complaint or cross complaint shall file and serve a response within 30 days after service. The parties may by written agreement stipulate to one 15-day extension to respond to a complaint or cross-complaint.~~

~~If the responsive pleading is a demurrer, motion to strike, motion to quash service of process, motion for a change of venue or a motion to stay or dismiss the case on forum non conveniens grounds, and the demurrer is overruled or the motion denied, a further responsive pleading shall be filed within 10 days following notice of the ruling unless otherwise ordered. If a demurrer is sustained or a motion to strike is granted with leave to amend, an amended complaint shall be filed within 10 days following notice of the ruling unless otherwise ordered. The court may fix a time for filing pleadings responsive to such amended complaint.~~

~~(4) — Proofs of service of process: Proofs of service of process must be filed at least 10 calendar days before the case management conference.~~

~~(5) — Exceptions for longer periods of time to serve or respond:~~

~~(A) — Time to serve may be extended for good cause: Upon ex parte application to the court, in compliance with California Rules of Court 3.1200–3.1206, within 60 days of the date the complaint was filed, plaintiff may obtain an extension of time to serve to a date on or before the case management conference, if good cause is shown by declaration of counsel (or plaintiff filing in propria persona). An additional extension of the time to serve (an initial extension if the application is by a cross-complainant) may be obtained upon written application to the court upon good cause shown before the prior extension has expired. The filing of a timely application for an extension will automatically extend the time to serve by five days, whether or not the application is granted.~~

~~Good cause will be found if the declaration shows that the action is filed against a defendant who is an uninsured motorist, and the plaintiff's claim is subject to an arbitration provision in plaintiff's contract of insurance. In determining good cause in other cases, the court will give due consideration to any standards, procedures and policies which have been developed in consultation with the bar of the county through the bench-bar trial court delay committee.~~

~~(B) — Additional extension of time if uninsured motorist arbitration is pending. In addition to any extension of time obtained pursuant to subsection (5)(A) above, if an uninsured motorist arbitration is still pending between plaintiff and plaintiff's insurance carrier 30 days prior to the expiration of the extension, plaintiff may obtain an additional extension of time by an ex parte application supported by a declaration showing the scheduled or anticipated date of the arbitration hearing and the diligence of plaintiff in pursuing arbitration.~~

~~(C) — Time to respond may be extended for good cause: Before the time to respond has expired, any party served with a complaint or cross-complaint may, with notice to all other parties in the action, make ex parte application to the court upon good cause shown for an extension of time to respond. The filing of a timely application for an extension will automatically extend the time to respond by five days, whether or not the application is granted.~~

~~D. — Case management conference~~

~~(1) — Date of conference: Unless the parties stipulate in writing and the court orders that the case be earlier referred to arbitration, a case management conference will be set by the clerk at the time the complaint is filed. (Government Code 68616)~~

~~(2) — Attendance at the case management conference is mandatory for all parties or their attorneys of record.~~

~~(3) — Plaintiff must serve the Notice of Case Management on all parties no later than 30 calendar days before the conference, unless otherwise ordered by the Court.~~

~~(4) — The Court will deem the case to be at issue at the time of the conference (Reference: CRC 3.714(a)) absent a showing of extraordinary circumstances.~~

~~(5) — The conference may be set at an earlier date by order of the Court or by written stipulation of the parties.~~

~~(6) — Designation of trial counsel: Trial counsel and, except for good cause shown, back up trial counsel, must be specified at the case management conference. If such counsel is not specified, relief from the scheduled trial date may not be obtained based upon the ground that counsel is engaged elsewhere.~~

~~(7) — Conference orders: At the initial conference, the Case Management Judge will make appropriate pre-trial orders that may include the following:~~

~~(A) — An order referring the case to arbitration, mediation or other dispute resolution process;~~

~~(B) — An order transferring the case to the limited jurisdiction of the superior court;~~

~~(C) — An order assigning a trial date;~~

~~(D) — An order identifying the case as one which may be protracted and determining what special administrative and judicial attention may be appropriate, including special assignment;~~

~~(E) — An order identifying the case as one which may be amenable to early settlement or other alternative disposition technique;~~

~~(F) — An order of discovery; including but not limited to establishing a discovery schedule, assignment to a discovery referee, and/or establishing a discovery cut-off date;~~

~~(G) — An order scheduling the exchange of expert witness information;~~

~~(H) — An order assigning a mandatory settlement conference date pursuant to Local Rule 2.3(k) and 2.4; and~~

~~(I) — Other orders to achieve the interests of justice and the timely disposition of the case.~~

~~(8) — CourtCall Telephonic Appearances~~

~~(A) — Reference CRC, Rule 3.670~~

~~(B) — Procedure. Telephonic appearances through the use of CourtCall, an independent vendor, are permitted at case management conference hearings. A party wishing to make a telephone appearance must serve and file a Request for Telephone Appearance Form with CourtCall not less than five court days prior to the case management conference hearing. Copies of the Request for CourtCall Appearance form and accompanying information sheet are available in the Clerk's office. There is a fee to parties for each CourtCall appearance and fees are paid directly to CourtCall. CourtCall will send confirmation of the request to parties.~~

~~(C) — On the day of the case management conference hearing, counsel and parties appearing by CourtCall must check in five minutes prior to the hearing. Check in is accomplished by dialing the courtroom's dedicated toll free teleconference number and access code that will be provided by CourtCall in the confirmation. Any attorney or party calling after the check in period shall be considered late for the hearing and shall be treated in the same manner as if the person had personally appeared late for the hearing.~~

~~(D) — At a case management conference, parties may be referred to an appropriate dispute resolution ("ADR") process (e.g., mediation, binding arbitration or neutral evaluation). If parties are referred ADR, they must redial the dedicated toll free teleconference number immediately following their case management conference appearance and use a second CourtCall access code to telephonically appear at the ADR referral meeting with ADR staff. If a case has been referred to ADR, a party's case management conference appearance is not complete until they have also telephonically appeared at the mandatory ADR referral. If parties are referred to judicial arbitration, they do not have to appear at the ADR referral.~~

~~E. — Case Management Statement~~

~~At least 15 calendar days before the scheduled case management conference, each party shall file with the court and serve on all other parties a completed Judicial Council Case Management Statement. If the case is set for further case management conference hearing(s), all parties must file updated Case Management Statements 15 (fifteen) calendar days prior to the scheduled hearings(s).~~

~~F. — Appropriate Dispute Resolution, ADR, Policy Statement~~

~~The Court finds it is in the best interests of parties to litigation to participate in appropriate dispute resolution procedures, including but not limited to mediation, neutral evaluation, private or judicial arbitration, voluntary settlement conferences, and the use of special masters and referees. Therefore, all parties shall stipulate to, or be referred to, an appropriate form of dispute resolution before being set for trial, unless there is good cause to dispense with this requirement. Parties are encouraged to stipulate to judicial arbitration or ADR prior to the case management conference.~~

~~G. — Stipulations to Arbitration~~

~~(1) — If the case is at issue, and all counsel and each party appearing in propria persona stipulate in writing to judicial arbitration prior to the case management conference, discovery will remain open following judicial arbitration. A written stipulation to judicial arbitration must be filed with the clerk and a copy immediately sent to the Master Calendar Coordinator at least 10 calendar days before the case management conference in order to avoid the need to appear at that conference. A written stipulation to arbitrate will be deemed to be without a limit as to the amount of the award unless it expressly states otherwise.~~

~~(2) — It is the policy of this court to make every effort to process cases in a timely manner. Parties who elect or are ordered by the court to judicial arbitration must complete the arbitration hearing within the time frame specified by the court.~~

~~—— Parties who wish to continue the arbitration hearing after the jurisdictional time frame must submit a court provided form entitled “*Ex Parte Motion and Stipulation for continuance of Judicial Arbitration Hearing.*” Parties can obtain a copy of the form by contacting the court’s judicial arbitration administrator [See Local Rule 10.1(d)(1)]. Continuances without adequate grounds will not be considered. A case management judge will either grant or deny the request for continuance. If the request is denied, the case may be assigned a trial date. If the request is granted, the judge will impose a new deadline by which the arbitration must be completed.~~

~~(3) — Parties who wish to change their election from judicial arbitration to another form of ADR must file a “Stipulation and [Proposed] Order to [Mediation, Neutral Evaluation, etc.] in Lieu of [Court Ordered] Judicial Arbitration” with the Clerk of the Court. The Stipulation must state that parties have: (i) notified both the judicial arbitration and ADR coordinators; (ii) cancelled the judicial arbitration hearing; (iii) scheduled the ADR session within five months of the previously scheduled judicial arbitration hearing; and (iv) stipulated to a trial date, which is not more than six months from the previously scheduled judicial arbitration hearing.~~

#### ~~H. — Stipulations to Private ADR~~

~~(1) — If a case is at issue and all counsel and each party appearing in propria persona stipulate in writing to ADR and file a completed Stipulation and Order to ADR with the clerk of the court at least ten (10) calendar days before the first scheduled case management conference, that conference shall be continued 90 days. The court shall notify all parties of the continued case management conference.~~

~~(2) — If counsel and each party appearing in propria persona are unable to agree upon an appropriate ADR process, they shall appear at the case management conference.~~

~~(3) — Following an appearance at a case management conference hearing, parties shall, within 21 calendar days, file a completed Stipulation to ADR and Proposed Order identifying the name of the ADR provider, date of ADR session and the names of those who will be in attendance at the ADR session. The completed Stipulation to ADR and Proposed Order shall be filed with the court by plaintiff’s counsel. The parties, through counsel, if represented, shall confer with the court’s Multi-Option ADR Project (M.A.P.) staff if they cannot agree on a provider. Plaintiff’s counsel, shall additionally, send a copy of the completed Stipulation to the court’s M.A.P. offices within the same 21-day period.~~

~~(4) — All parties and counsel shall participate in the ADR process in good faith.~~

~~(5) — To maintain the quality of ADR services the court requires cooperation from all parties, counsel and ADR providers in completing ADR evaluation forms, and returning these forms to the M.A.P. offices within 10 calendar days of the completion of the ADR process.~~

~~(6) — ADR Program Complaint Policy If mediation session participants have a concern about the mediation process or the conduct of a mediator affiliated with the court’s program, the court encourages them to speak directly with the mediator first. In accordance with California Rules of Court §3.865 et seq., parties may also address written complaints, referencing the specific Rule of Court allegedly violated, to the Court’s Civil ADR Program. (For complete complaint procedure guidelines, see court web site:~~

~~[https://www.sanmateocourt.org/court\\_divisions/adr/civil](https://www.sanmateocourt.org/court_divisions/adr/civil))~~

~~(7) — In accordance with the Code of Civil Procedure, section 1033.5(e)(4), the court, in its discretion, may allow the prevailing party at trial the fees and expenses of the ADR provider, unless there is a contrary agreement by the parties.~~

#### ~~I. — Setting Short Cause Matters~~

~~If the parties agree that the time estimated for trial is 5 hours or less prior to the conference, a written stipulation shall be filed at least 10 calendar days before the case management conference in order to avoid the need to appear at that conference and a copy immediately sent to the Master Calendar Coordinator. In the absence of a stipulation, either party may file a motion to have the matter designated a "short cause" and set the case accordingly. All such matters shall be presumed short cause unless the contrary is established at the hearing on the motion.~~

~~J. Law and Motion~~

~~All law and motion matters shall be heard by the regularly assigned Law and Motion judge.~~

~~K. Settlement Conferences~~

~~All cases not assigned to arbitration or some other dispute resolution mechanism will be assigned two settlement conference dates, the first of which will be at the earliest practicable date under the circumstances presented by the case, and the second within approximately two weeks prior to the assigned trial date.~~

~~Cases assigned to arbitration or other form of ADR may be subjected to a settlement conference prior to the arbitration or ADR process, but will be assigned to a pre trial settlement conference only if the arbitration/ADR procedure fails to resolve the case.~~

~~All cases which fail to resolve by the trial date will be subject to an additional settlement conference on the trial date.~~

~~All settlement conferences shall be subject to the requirements specified in Local Rule 2.4.~~

~~L. Sanctions~~

~~Sanctions pursuant to CRC 2.30 shall be imposed for any violation of the civil case management system rules. The minimum sanction imposed shall be \$150.00 payable to the court; sanctions payable to the court may be larger where appropriate and will be in addition to appropriate attorney fees and calendar changes, including any appropriate change in calendar status of the action.~~

~~Sanctions mandated hereby may be waived by the judge conducting the conference only upon an application showing good cause why sanctions should not be imposed.~~

~~(Adopted, effective July 1, 1996)(Amended, effective January 1, 2000) (Amended, effective January 1, 2003) (Amended effective July 1, 2003) (Amended, effective January 1, 2005)(Amended, effective January 1, 2006) (Amended, effective January 1, 2007) (Amended, effective January 1, 2010)(Amended, effective July 1, 2017) (Amended, effective January 1, 2020.)(Repealed or Renumbered effective January 1, 2021.)~~

Rule 2.3.1 Orders to Show Cause re: Dismissals

***REPEALED.***

~~(a) A hearing on an order to show cause why the case should not be dismissed for failure to prosecute the matter shall be set at the two year anniversary of the filing of the complaint and/or cross complaint.~~

~~(b) An order to show cause hearing shall be set 45 days after court's receipt of notice of settlement.~~

~~(c) An order to show cause hearing regarding dismissals may be set by the court to achieve the interests of justice and the timely disposition of the case.~~

~~(d) An order to show cause hearing re: failure to complete judicial arbitration within the court ordered time frame may be heard during the case management calendar. Sanctions may be imposed and a trial date may be assigned.~~

~~(Adopted, effective January 1, 2000) (Amended, effective January 1, 2003)(Amended, effective January 1, 2006)(Repealed effective January 2, 2021.)~~

Rule 2.4 Settlement Conference

~~Reference: California Rule of Court, rule 3.1380.~~

~~A. At all settlement conferences, notwithstanding any other Rule:~~

~~(1) The attorney who will try the case or an informed associate with full authority to negotiate a settlement of the case shall personally attend.~~

~~(2) Any persons whose consent is required to authorize settlement shall personally attend; those parties that are corporations shall have in attendance an officer or other employee with authority to bind the corporation. Powers of attorney, oral or written, granting counsel settlement authority are unacceptable as a substitute for personal attendance at this conference. Defendant and cross defendant shall personally attend if there is no insurance coverage, if there is an unsatisfied deductible, or if the insurance carrier is demanding that the insured contribute to settlement.~~

~~(3) With respect to any insured party, a representative of the insurance carrier with authority to settle which is meaningful considering the exposure to loss presented shall personally attend. If the claims representative in personal attendance has any limitation on his or her settlement authority, a representative of the carrier who has no such limitations shall be available to the court by telephone and shall remain available until released by the judge conducting the conference, regardless of the time of day at the location of that representative.~~

~~(4) Upon arrival at the department to which the conference has been assigned, counsel shall check in with the clerk and shall verify the attendance of those persons whose presence is required.~~

~~(5) Notwithstanding the provisions of CRC 3.1380(e), no later than five (5) court days before the date set for the settlement conference each party shall lodge with the office of the court administrator and serve on all other parties a written statement setting forth the following:~~

~~\_\_\_\_\_ (A) A statement of facts.~~

~~\_\_\_\_\_ (B) The contentions of each party to the action regarding liability and damages.~~

~~\_\_\_\_\_ (C) An itemized list of special damages.~~

~~\_\_\_\_\_ (D) In any case in which personal injury is claimed:~~

~~\_\_\_\_\_ (i) A description of the nature and extent of any injury claimed, including residuals.~~

~~\_\_\_\_\_ (ii) A description of the basis for and method of calculation of any claimed wage loss.~~

~~\_\_\_\_\_ (E) The most recent demand and offer or a description of any other proposed settlement between or among the parties.~~

~~(6) All parties shall be prepared to make a bona fide offer of settlement.~~

~~B. The personal attendance of any person who is required by these rules to be present may be excused only by the presiding judge upon application made prior to the day on which the conference is scheduled. Any such person whose attendance is excused must remain available by telephone until he or she has been excused by the judge conducting the conference regardless of the time of day at the location of that person.~~

~~C. No conference may be continued without the consent of the presiding judge or, if known, the judge to whom the case has been assigned for conference.~~

~~D. At all such conferences, the judge of the department to which the conference has been assigned shall first attempt to settle the case. If settlement discussions are inconclusive, the judge may adjourn the conference to a later date for further settlement discussions.~~

~~E. Sanctions pursuant to CRC 2.30 shall be imposed for any violation of this rule. The minimum sanction imposed shall be \$150.00 payable to the court; sanctions payable to the court may be larger where appropriate and will be in addition to appropriate attorney fees and calendar changes.~~

~~Sanctions mandated hereby may be waived by the judge conducting the conference only upon an application showing good cause why sanctions should not be imposed.~~



(Adopted, effective July 1, 1996) (Amended, effective January 1, 2003)(Amended, effective July 1, 2005) (Amended, effective January 1, 2007) (Amended, effective January 1, 2009) (Amended January 1, 2020) (*Repealed or Renumbered effective January 1, 2021.*)

### PART 3. CALENDAR MANAGEMENT

#### Rule 2.5 Trial Date Settlement Conference

~~————A further settlement conference shall be held on the date the case is called for trial in accordance with the procedures outlined in and with the attendance of those persons designated in Local Rule 2.4.~~

~~(Adopted, effective July 1, 1996)(Repealed effective January 1, 2021.)~~

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### CHAPTER 7. COMPLEX CASES

#### Rule 2.30 Determination of Complex Case Designation.

##### ~~A.—Decision of Complex Case to be Made by Presiding Judge~~

~~————The Presiding Judge shall decide whether an action is a complex case within the meaning of California Rules of Court, Rule 3.400, subdivision (a), and whether it should be assigned to a single judge for all purposes. All status conferences or other hearings regarding whether an action should be designated as complex and receive a singly assigned judge shall be set in the Presiding Judge’s department.~~

##### ~~B.—Provisional Designation.~~

~~An action is provisionally a complex case if it involves one or more of the following types of claims: (1) antitrust or trade regulation claims; (2) construction defect claims involving many parties or structures; (3) securities claims or investment losses involving many parties; (4) environmental or toxic tort claims involving many parties; (5) claims involving massive torts; (6) claims involving class actions; or (7) insurance coverage claims arising out of any of the claims listed in subdivisions (1) through (6).~~

~~The Court shall treat a provisionally complex action as a complex case until the Presiding Judge has the opportunity to decide whether the action meets the definition in California Rules of Court, Rule 3.400, subdivision (a).~~

##### ~~C.—Application to Designate or Counter-Designate an Action as a Complex Case.~~

~~Any party who files either a Civil Case Cover Sheet (pursuant to California Rules of Court, Rule 3.401) or a counter or joinder Civil Case Cover Sheet (pursuant to California Rules of Court, Rule 3.402, subdivision (b) or (c)), designating an action as a complex case in Items 1, 2 and/or 5, must also file an accompanying Certificate Re: Complex Case Designation in the form prescribed by the Court. The certificate must include supporting information showing a reasonable basis for the complex case designation being sought. Such supporting information may include, without limitation, a brief description of the following factors as they pertain to the particular action:~~

- ~~(1) Management of a large number of separately represented parties;~~
- ~~(2) Complexity of anticipated factual and/or legal issues;~~
- ~~(3) Numerous pretrial motions that will be time consuming to resolve;~~
- ~~(4) Management of a large number of witnesses or a substantial amount of documentary evidence;~~
- ~~(5) Coordination with related actions pending in one or more courts in other counties, states or countries or in a federal court;~~
- ~~(6) Whether or not certification of a putative class action will in fact be pursued; and~~

~~(7) Substantial post judgment judicial supervision.~~

~~A copy of the Certificate Re: Complex Case Designation must be served on all opposing parties. Any certificate filed by a plaintiff shall be served along with the initial service of copies of the Civil Case Cover Sheet (pursuant to California Rules of Court, Rule 3.401), summons, and complaint in the action. Any certificate filed by a defendant shall be served together with the service of copies of the counter or joinder Civil Case Cover Sheet (pursuant to California Rules of Court, Rule 3.402, subdivision (b) or (c)) and the initial first appearance pleading(s).~~

~~**D. Noncomplex Counter Designation.**~~

~~— If a Civil Case Cover Sheet designating an action as a complex case and the accompanying Certificate Re: Complex Case Designation has been filed and served and the Court has not previously declared the action to be a complex case, a defendant may file and serve no later than its first appearance a counter Civil Case Cover Sheet designating the action as not a complex case. Any defendant who files such a noncomplex counter designation must also file and serve an accompanying Certificate Re: Complex Case Designation in the form prescribed by this Court and setting forth supporting information showing a reasonable basis for the noncomplex counter designation being sought.~~

~~— Once the Court has declared the action to be a complex case, any party seeking the Presiding Judge's decision that the action is not a complex case must file a noticed motion pursuant to Section H below.~~

~~**E. Decision by Presiding Judge on Complex Case Designation; Early Status Conference.**~~

~~— If a Civil Case Cover Sheet designating an action as a complex case and the accompanying Certificate Re: Complex Case Designation have been filed and served, the Presiding Judge shall decide as soon as reasonably practicable, with or without a hearing, whether the action is a complex case and should be assigned to a single judge for all purposes.~~

~~Upon the filing of a Civil Case Cover Sheet designating an action as a complex case and the accompanying Certificate Re: Complex Case Designation, the Clerk of the Court shall set a status conference at which the Presiding Judge shall decide whether or not the action is a complex case. This status conference shall be held no later than (a) 60 days after the filing of a Civil Case Cover Sheet by a plaintiff (pursuant to California Rules of Court, Rule 3.401) or (b) 30 days after the filing of a counter Civil Case Cover Sheet by a defendant (pursuant to California Rules of Court, Rule 3.402, subdivision (a) or (b)), whichever date is earlier.~~

~~— Alternatively, in his or her sole discretion, the Presiding Judge may make the decision on complex case designation and single assignment, without a status conference, based upon the filed Civil Case Cover Sheet and accompanying Certificate Re: Complex Case Designation alone.~~

~~**F. Notice.**~~

~~— The party who seeks a complex case designation or a noncomplex counter designation must give reasonable notice of the status conference to the opposing party or parties in the action even if they have not yet made a first appearance in the action. Such notice of the status conference shall be given in the same manner as is required for ex parte applications pursuant to California Rule of Court, Rule 379.~~

~~**G. Tentative Ruling Procedures. (New)**~~

~~— Tentative rulings by the Presiding Judge on the determination of whether a case will be deemed complex and receive a single assigned judge shall be posted by 3:00 p.m. one court day prior to the Complex Case Status Conference. Counsel for the parties and/or any self represented parties shall obtain the tentative ruling by telephoning (650) 261-5019 after 3:00 p.m. or by accessing the court's website at: [http://www.sanmateocourt.org/online\\_services/tentative\\_rulings.php](http://www.sanmateocourt.org/online_services/tentative_rulings.php), under the category "Presiding Judge Law and Motion Calendar Tentative Rulings". Parties seeking to contest the tentative ruling and present oral argument at the Complex Case Status Conference shall notify all other parties and the Court by 4:00 p.m. on the court day before the Complex Case Status Conference of that party's intention to appear.~~

~~That party shall notify the Court by telephoning (650) 261-5019 by 4:00 p.m. The tentative ruling will automatically become the ruling of the Court if the Court has not directed oral argument by its tentative ruling and notice of intent to appear has not been timely given.~~

#### ~~H. Representations to the Court.~~

~~— By presenting to the Court a Certificate Re: Complex Case Designation, an attorney or unrepresented party is certifying to the best of that person's knowledge, information, and belief, formed after reasonable inquiry under the circumstances:~~

- ~~— (1) That the complex case designation or noncomplex counter designation is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;~~
- ~~— (2) That the claims, defenses, or other legal contentions referenced therein are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;~~
- ~~— (3) That the statement of supporting information relevant to the complex case designation or noncomplex counter designation have evidentiary support or are believed, in good faith, likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and~~
- ~~— (4) That there is a reasonable basis for that party's complex case designation or noncomplex counter designation.~~

~~— If, after notice and a reasonable opportunity to be heard, the Court determines that this subpart has been violated, the Court may impose an appropriate sanction upon the attorneys, law firms, or self-represented parties that have violated this subpart.~~

~~I. The Presiding Judge's Continuing Power. (Repealed, effective July 1, 2015)~~

~~J. Pilot Program; Sunset Provision. (Repealed, effective 1/1/2007).~~

~~(Adopted, effective July 1, 2004)(Amended, effective July 1, 2005) (Amended, effective January 1, 2006)(Amended, effective January 1, 2007) (Amended, effective July 1, 2015)(Repealed effective January 2, 2021.)~~

~~DIVISION III  
CIVIL LAW AND MOTION  
DIRECT CALENDAR CIVIL DEPARTMENTS  
ASSIGNMENT, CASE MANAGEMENT, AND LAW AND MOTION~~

#### ~~GENERAL PROVISIONS~~

~~The following rules are intended as a supplement to the California Rules of Court. California Rules of Court, Rules 2.200, 3.350, 3.1000 through 3.1390 are incorporated by reference. As used in these rules, CRC means California Rules of Court and CCP means the Code of Civil Procedure.~~

#### Rule 3.1 Application

~~**REPEALED.**~~

~~The following rules apply to cases of unlimited jurisdiction and to cases of limited jurisdiction except where the Economic Litigation Act provides otherwise and except where the civil action has been assigned for all purposes to a specific judge.~~

~~(Adopted, effective, January 1, 2000) (Amended, effective January 1, 2020)(Repealed effective January 2, 2021.)~~

### Rule 3.2.1 Law and Motion Calendar Matters

#### ***REPEALED.***

~~All Law and Motion matters in civil actions are heard in the Law and Motion Department except as follows:~~

- ~~a) All matters in cases which have been single assigned to a specific judge will be heard by the assigned judge;~~
- ~~b) All post trial motions shall be heard by the judge who presided over the trial in that civil action, pursuant to Local Rule 3.17;~~
- ~~c) These matters will be heard by the Presiding Judge:
  - ~~1) Motions affecting a trial date including preference setting and motions to continue trial;~~
  - ~~2) Motions to continue arbitration;~~
  - ~~3) Motions to designate a case as complex and motions for single assignment of a judge;~~
  - ~~4) Petitions for name change;~~
  - ~~5) Vexatious litigant motions pursuant to CCP Sections 391-391.8~~
  - ~~6) Orders for examination and judgment debtor examination proceedings pursuant to CCP Section 708.110 et seq.;~~
  - ~~7) Motion to appoint Special Master; and~~
  - ~~8) Motion to consolidate actions.~~~~
- ~~d) These matters will be heard in the Writs and Receivers Department:
  - ~~1) Writs of mandate and prohibition;~~
  - ~~2) Orders to show cause re preliminary injunction and other motions seeking imposition of an injunction; and~~
  - ~~3) All proceedings regarding receiverships ; and~~
  - ~~4) All other matters identified in Local Rule 6.20.~~~~

~~(Adopted effective January 1, 2000)(Amended, effective July 1, 2015) (Amended, effective January 1, 2020)(Repealed effective January 2, 2021.)~~

### Rule 3.2.2 Law and Motion Hearings

#### ***REPEALED***

~~Hearings in the Law & Motion Department are held at 1:30 p.m. Monday through Friday. Hearings in the Department of the Presiding Judge are held at 9:00 a.m. Monday through Friday. Hearings in the Writs and Receivers Department are held at 2:00 p.m. on Thursdays.~~

~~(Adopted, effective January 1, 2020)(Repealed effective January 2, 2021.)~~

### Rule 3.3 Form of Papers

Reference CRC, rules 2.100-2.119, 3.1110. Pursuant to CRC Rule 2.256(b)(3), all electronically filed documents (other than exhibits) must be text searchable. Pursuant to CRC Rule 3.1110(f)(4), exhibits to any electronically filed briefs, declarations or other documents must be electronically “bookmarked”. Failure to bookmark exhibits to electronically filed documents may result in rejection of the party’s e-filing by the Clerk of the Court or in continuance of the hearing by the Court on the related motion.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Amended, effective January 1, 2020)

### Rule 3.4 Points and Authorities

Reference CRC, rule 3.1113.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)

### Rule 3.5 Declarations and Affidavits

Reference CRC, rule 3.1115(a) and CCP '2015.5.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)

### Rule 3.6 Judicial Notice

Reference CRC, rule 3.1306

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)

## HEARINGS

### 3.7 Notice of Hearing and Filing of Papers

Reference CRC, rules 3.1300, 3.1302, CCP §§ 1005, 1005.5, 1010, et seq., 1011 and 1014

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)(Amended, effective July 1, 2008)

### 3.8 List of Parties

Reference CRC, rule 3.254

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)

### 3.9 Continuances and Taking Matters Off Calendar

#### ***REPEALED.***

~~a) — Reference CRC, rule 3.1304~~

~~b) — Monetary Sanctions. Failure to advise the court at least three court days before the hearing of the fact that the hearing will not proceed as scheduled, for any reason other than settlement of the case or resolution of the issue within the three day period, may be deemed by the court to be a violation of an order of the court, punishable by money sanctions payable to the County Clerk of the Court pursuant to Code of Civil Procedure section 177.5~~

~~e) — Off Calendar. Any request to withdraw a motion or other matter already set for hearing in the Law & Motion Department, or to otherwise vacate a hearing, must be in writing, and can only be requested by the moving party. Any such written request to take a Law & Motion matter off calendar must be either by (i) filing and service of a Notice of Withdrawal of Motion, or (ii) email correspondence to LawAndMotion@sanmateocourt.org with the email contemporaneously copied to all parties or their counsel of record. If by email, the moving party must include the name of the case, the case number, the particular motion and the date of the hearing, and the name of the party requesting the matter be taken off calendar. The filing and service of a Notice of Settlement or of a Dismissal as to the moving party will automatically vacate the Law & Motion hearing.~~

~~(d) — Continuances, or advances. Any request to change the hearing date of a motion or other matter already set for hearing in the Law & Motion Department must be in writing. Any such written request to the Law & Motion Department to change a hearing date must be either by (i) stipulation and order, (ii) ex parte application and order, or (iii) joint email correspondence by all parties or their counsel of record to LawAndMotion@sanmateocourt.org with the email contemporaneously reflecting the sender and recipients include all parties or their counsel of record. If a request to change a hearing date is granted, the original moving party shall immediately file and serve an Amended Notice of the motion or other matter reflecting the new hearing date.~~

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Amended, effective July 1, 2018) (Amended, effective January 1, 2020)(*Repealed or Renumbered effective January 1, 2021.*)

### 3.10 Tentative Rulings on Calendar of the Presiding Judge

- (a) Reference California Rules of Court, rule 3.1308
- (b) Availability. A tentative ruling on any law and motion matter *on the Calendar of the Presiding Judge* may be obtained by telephoning (650) 261-5019, after 3:00 p.m. on the first court day immediately preceding the hearing on the motion or by accessing the court's website at <http://www.sanmateocourt.org/director.php?filename=./lawmotion/alltentrules.php>
- (c) Notice of Intent to Appear. Reference California Rules of Court, rule 3.1308(a)(1).

Parties intending to appear on *any law and motion matter on the Calendar of the Presiding Judge* ~~the matter~~ shall notify the Department *of the Presiding Judge* ~~or the department hearing the case~~ and state their intent to appear. Parties shall follow the instructions as directed on the telephone Tentative Ruling notification message or on the Court's website.

~~————(1)—— A party intending to appear in order to contest the tentative ruling on a matter calendared for hearing in the Law & Motion Department must notify the Law & Motion Department by 4:00 p.m. on the court day before the hearing either by (i) telephoning (650) 261-5019, or (ii) emailing [LawAndMotion@sanmateocourt.org](mailto:LawAndMotion@sanmateocourt.org) with that email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling.~~

~~————(2)—— A party intending to appear in order to contest the tentative ruling on a matter calendared for hearing in the Department of the Presiding Judge must notify that department by 4:00 p.m. on the court day before the hearing either by (i) telephoning (650) 261-5019, or (ii) emailing [PJLawAndMotion@sanmateocourt.org](mailto:PJLawAndMotion@sanmateocourt.org) with the email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling.~~

~~————(3)—— A party intending to appear in order to contest the tentative ruling on a matter calendared for hearing in the Writs and Receivers Department must notify that department by 4:00 p.m. on the court day before the hearing either by (i) telephoning (650) 261-5019, or (ii) emailing [WRLawAndMotion@sanmateocourt.org](mailto:WRLawAndMotion@sanmateocourt.org) with the email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling.~~

(Adopted, effective July 1, 2000) (Amended, effective January 1, 2007) (Amended, effective July 1, 2007)(Amended, effective January 1, 2014) (Amended, effective January 1, 2020)(*Amended effective January 1, 2021.*)

### 3.11 Opposition on Ground of Unavailability of Evidence

#### **REPEALED.**

~~Any opposition on the basis of C.C.P. Section 437c (h) shall give detailed and specific information as to (1) facts establishing a likelihood that controverting evidence may exist, (2) specific reasons why such evidence cannot be presented at the present time, (3) an estimate of the time necessary to obtain such evidence, and (4) steps or procedures which the opposing party intends to take to obtain such evidence.~~

~~(Adopted, effective July 1, 1996)(Repealed effective January 1, 2021.)~~

### 3.12 Evidence at Hearing

Reference CRC, rule 3.1306.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007).

### 3.13 CourtCall Telephonic Appearances

#### ***REPEALED***

~~a) Reference CRC, rule 3.670 and 3.722~~

~~(b) Procedure.~~

~~(1) Telephone appearances through the use of CourtCall are permitted in non-evidentiary law and motion hearings. A party wishing to make a telephone appearance must serve and file a Request for Telephone Appearance Form with CourtCall not later than 4:30 p.m. on the first court day prior to the appearance. Copies of the Request Form and accompanying information sheet are available in the Clerk's office. There is a fee for each CourtCall appearance. There is a fee to parties for each CourtCall appearance and fees are paid directly to CourtCall. Confirmation of the request will be faxed by CourtCall.~~

~~(2) On the day of the hearing, counsel must check in five minutes prior to the hearing. Check-in is accomplished by dialing the courtrooms dedicated toll free teleconference number and access code that will be provided by CourtCall in the confirmation. Any attorney calling after the check-in period shall be considered late for the hearing and shall be treated in the same manner as if the attorney had personally appeared late for the hearing.~~

(Adopted, effective January 1, 2000) (Amended, July 1, 2005) (Amended, effective January 1, 2007)

(Amended, effective January 1, 2008)(*Repealed or Renumbered effective January 1, 2021.*)

#### **PARTICULAR PROCEEDINGS**

### 3.14 Motions for Summary Judgment and Summary Adjudication

#### ***REPEALED.***

~~Reference CRC, rules 3.1352, 3.1354.~~

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)(*Repealed effective January 1, 2021.*)

### 3.15 Unlawful detainers

#### ***REPEALED***

~~(a) Reference CCP §§ 418.10, 1005, 1013(a)(e)(e), 1167.4(a), 1170.5(b), 1170.7, and Rules 3.1327(a), 3.1200 to 3.1207 of the California Rules of Court.~~

~~(b) Timing.~~

~~1) Motion to Quash Service. A motion to quash service of summons pursuant to C.C.P. § 418.10(a) must be filed within the five (5) day period allotted for responding to the unlawful detain complaint. The hearing on the motion shall be set between three(3) and seven (7) days thereafter pursuant to C.C.P. § 1167.4(a) and CRC 3.1327(a).~~

~~2) Demurrers. When a demurrer, a motion pursuant to CCP 1170.5(b) or (e) or any other motion or pleading is filed other than an answer, the hearing thereon shall be set on the Law and Motion Calendar pursuant to C.C.P. § 1005 which requires 16 court days' notice. C.C.P. § 1005(b), CRC 3.1320(d). Any party desiring a hearing date on less than 16 court days' notice shall be required to obtain an ex parte order shortening time pursuant to CRC 3.1200 to 3.1207.~~

- 3) ~~Summary Judgment Motions. Motions for summary judgment or judgment on the pleadings shall be set on five (5) days' notice pursuant to C.C.P. §1170.7.~~
- 4) ~~Service of Notice. The C.C.P. §1013 time extensions, triggered where service is by mail, express mail, fax or other overnight delivery method apply in unlawful detainer actions. C.C.P. § 1013(a)(c)(e). See CRC 3.1327. Counsel and parties are cautioned to consider the additional time for service when calendaring motions. [Example: Summary judgment motions are set on 5 days' notice but if service is by mail, 5 additional days for service must be added.]~~
- 5) ~~Re-setting of Hearing Dates. Any demurrer, summary judgment motion or other motion set on a date beyond the time limitations set forth in the Code of Civil Procedure or this Local Rule may be the subject of an ex parte application by either party requesting an earlier hearing date. See CRC 3.1200—3.1207.~~

(Adopted, effective January 1, 2000). (Amended, effective January 1, 2013) (Amended, effective January 1, 2015)(*Repealed or Renumbered effective January 1, 2021.*)

### 3.16 Motions to Continue Arbitration

#### **REPEALED.**

- (a) ~~Reference CRC, rule 3.817.~~
- (b) ~~Declaration in support. Any application to continue an arbitration hearing shall be supported by a declaration showing:
 
  - (1) ~~The date the arbitrator was assigned;~~
  - (2) ~~The date on which the arbitration hearing is currently set;~~
  - (3) ~~The reason for and period of any previous continuance;~~
  - (4) ~~Good cause under the standards recommended in Section Nine of the Standards of Judicial Administration for the continuance and;~~
  - (5) ~~Whether all parties and the arbitrator have stipulated to the proposed continuance.~~~~

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)(*Repealed or Renumbered effective January 1, 2021.*)

### Rule 3.17 Motions After Trial

All motions after trial until judgment is final shall be heard in the department where the case was tried, at a date and time designated by the judge of that department. The judge who presided at the trial shall hear all post-trial motions, including but not limited to motion for new trial, motion to vacate the judgment, motion for judgment notwithstanding the verdict, motion for award of attorneys' fees, or motion to tax costs, but not writs or motions regarding enforcement of judgment pursuant to CCP Sections 680.010 – 724.260. Counsel should contact the trial judge's department directly to schedule a hearing on any post-trial motions.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2020)

### Rule 3.18 Motions to Reconsider

Reference CCP '1008.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2000)

### 3.19 Ex Parte Applications and Orders in the Department of the Presiding Judge

- (A.) Reference CRC Rules 3.1200-3.1207 and 2.306.
- (B.) Time and Place.



~~(1) Ex parte applications for all matters in civil actions to be heard in the Law & Motion Department, as set forth in Local Rule 3.2, shall be submitted and heard at 10:00 a.m. Monday through Friday in the Law & Motion Department. The applicant shall pay any ex parte application filing fee due to the Clerk of the Court prior to presenting the ex parte application to the judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Law & Motion Department no later than 10:30 a.m. on the date of the ex parte hearing.~~

~~(2) Ex parte applications for all matters to be heard by the Presiding Judge, as set forth in Local Rule 3.2, and any petitions for Civil Harassment or Workplace Violence Temporary Restraining Orders pursuant to CCP Sections 527.6 or 527.8, shall be submitted and heard at 2:00 p.m. Monday through Friday in the Department of the Presiding Judge. Except for ex parte applications seeking Civil Harassment or Workplace Violence Temporary Restraining Orders, or where the ex parte applicant has previously been granted a fee waiver, the applicant shall pay the ex parte application filing fee to the Clerk of the Court, located in Room A on the first floor of the Hall of Justice in Redwood City, prior to presenting the ex parte application to the Presiding Judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department of the Presiding Judge no later than 2:15 p.m. on the date of the ex parte hearing.~~

~~(3) Ex parte applications for all matters to be heard in the Writs and Receivers Department, as set forth in Local Rules 3.2 and 6.22, shall be submitted and heard at 2:00 p.m. Monday through Friday by the Writs and Receivers Department. The applicant shall pay any ex parte application filing fee due to the Clerk of the Court prior to presenting the ex parte application to the judge.~~

C.) Notice. Reference CRC Rule 2.306.

D.) Filing. Ex parte applications, ex parte oppositions, and all other ex parte filings must be submitted and filed in paper form, and cannot be electronically filed.

E. Personal Appearance. Ex parte applicants must appear in person, subject to the exceptions set forth in CRC Rule 3.1207, as ex parte telephone appearances cannot be accommodated at the present time.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007). (Amended, effective January 1, 2019) (Amended, effective January 1, 2020)(Amended effective January 1, 2021.)

## ***DIRECT CALENDAR CIVIL DEPARTMENTS***

### ***Rule 3.100 Application***

*Unless otherwise stated, these Direct Calendar Civil Departments Local Rules apply to all general civil cases and all unlawful detainer actions.*

## ***ASSIGNMENT OF CIVIL CASES***

### ***Rule 3.200 Single Assignment of Civil Cases***

***(a) All Purposes Civil Judges.*** *All general civil cases as defined by Rule 1.6(4) of the California Rules of Court (including complex cases), and all unlawful detainer actions pursuant to Code of Civil Procedure Section 1159 et seq., will be randomly assigned to a single Civil Judge for all purposes at the time of filing of the action. At least five (5) active judges will be*

assigned by the Presiding Judge to serve as all-purposes single-assigned Civil Judges; and one (1) commissioner will be assigned by the Presiding Judge to serve as a Civil Commissioner.

(b) **Single Assignment of CEQA Actions.** *If a petition for writ of mandate or complaint includes claims under CEQA (Public Resources Code section 21000 et seq.), the case will be assigned to a civil Judge designated to hear CEQA actions pursuant to Public Resources Code Section 21167.1. Plaintiff/Petitioner shall identify the petition or complaint as being filed pursuant to “CEQA” on the face of the petition or complaint. (Existing Local Rule 2.1.3.)*

**Rule 3.300 Complex Case Designations**

(a) **Civil Cases Automatically Deemed Complex.** *Recognizing that certain civil cases are defined as provisionally complex pursuant to California Rules of Court, Rule 3.400(c), considering the factors which make a case complex enumerated in CRC Rule 3.400(b), and consistent with the policy to determine as soon as reasonably practicable whether a case is complex under CRC Rule 3.403, the following case types are presumed to be complex and shall be automatically deemed a “complex case”:*

(1) *All general civil cases designated as a “class action” on the Civil Case Cover Sheet (form CM-010) per CRC Rule 3.401, or on the caption of the complaint as required by CRC Rule 3.761(a);*

(2) *All general civil cases alleging a claim under the Private Attorneys General Act (PAGA), Labor Code Section 2698 et seq., as a representative of aggrieved employees;*

(3) *All general civil cases identified as “provisionally complex civil litigation” on the Civil Case Cover Sheet (form CM-010);*

(4) *All Construction Defect cases, including all general civil cases seeking recovery of damages arising out of or related to deficiencies in the construction, design, specifications, surveying, planning, supervision, testing or observation of construction of a private or public residence or commercial building; and including all general civil cases seeking payment under contract for services of a general contractor, subcontractor, architect or designing, where a cross-complaint is filed alleging claims for deficiencies in the construction, design, specifications, surveying, planning, supervision, testing or observation of construction of a private or public residence or commercial building.*

(5) *All Judicial Council Coordination Proceedings. (See CRC Rules 3.501 et seq. and 3.712(c).)*

*Accordingly, no hearing or further order is required under CRC Rule 3.403 for determination of that case as complex, except as provided in subsection (c) herein.*

(b) **Complex Fees Due Upon Initial Filing.** *Pursuant to Government Code Section 70616(a) and (b), the complex case fee and the first appearance fee must be paid at the time of the filing of the first paper by plaintiff and by defendant in a provisionally complex civil case.*

(c) **Determination of Contested Complex Designation.** *If the plaintiff has not designated the civil case as provisionally complex or as a class action on the Civil Case Cover*

Sheet, and a defendant files a Civil Case Cover Sheet counter-designating the action as complex (under CRC Rule 3.402(b)), or if the plaintiff has designated the case as provisionally complex or as a class action on the Civil Case Cover Sheet and a defendant files a Civil Case Cover Sheet counter-designating the action as not a complex case (under CRC Rule. 3.402(a)), the case will be set for complex determination within 30 days on the calendar of the Civil Supervising Judge.

(d) **Mandatory E-Service.** Pursuant to Code of Civil Procedure Section 1010.6(c), and California Rules of Court, Rule 2.253(c) and Rule 2.251(c), all parties and their counsel in complex civil cases shall serve all documents electronically, and accept service of documents electronically from all other parties, in conformity with Code of Civil Procedure Section 1010.6 and the California Rules of Court, except when personal service is required by statute. Counsel for the parties shall meet and confer, agree upon, and keep updated, an e-service list for that complex civil action. The parties are reminded that electronic service of documents may extend time periods for response by two (2) court days, pursuant to Code of Civil Procedure Section 1010.6(a)(4)(B).

(e) **Mandatory E-Service of Discovery.** All discovery methods (C.C.P. § 2019.010), including but not limited to notice of deposition, special interrogatories, form interrogatories, requests for production of documents, and requests for admissions, shall be served electronically upon counsel for the parties. All discovery responses by a party in response to a discovery method by another party shall be served electronically upon counsel for the parties. Production of documents shall be provided in electronic form, unless the parties agree otherwise in writing. If not previously established, counsel for the parties shall meet and confer regarding possible establishment of a joint electronic document depository for the uploading and downloading of electronic document productions.

### **CIVIL LAW & MOTION CALENDAR**

**Rule 3.400 Law and Motion in Single Assigned Civil Cases.** All Law and Motion matters in all general civil cases as defined by Rule 1.6(4) of the California Rules of Court, and all unlawful detainer actions pursuant to Code of Civil Procedure Section 1159 et seq., are heard by the Civil Judge assigned to that civil case.

**Rule 3.401 Matters Not Heard in Civil Law and Motion Calendar.** To be clear, the following matters are not single assigned to any Civil Judge for determination:

(a) **Post-Trial Motions.** All post-trial motions shall be heard by the judge or commissioner who presided over the trial in that civil action.

(b) **Matters on Presiding Judge's Calendar.** The following Law & Motion matters and ex parte applications should be scheduled on the Presiding Judge's Calendar, to be determined by the Presiding Judge or other designated judicial officer:

- (i) Petitions for name change;
- (ii) Petitions for gender change;
- (iii) Vexatious litigant motions pursuant to C.C.P. Sections 391-391.8; and
- (iv) Petitions for Civil Harassment or Workplace Violence Temporary Restraining Orders pursuant to C.C.P. Section 527.6 or 527.8, and CRC Rules 3.1160-3.1161.

(c) **Matters on Probate Calendar.** *The following Law & Motion matters and ex parte applications should be scheduled on the calendar of the Probate Department, to be determined by the Probate Judge or other designated judicial officer:*

- (i) *All matters identified in Local Rule 4.1; and*
- (ii) *All Lanterman-Petris-Short Act conservatorship proceedings.*

**Rule 3.402 Scheduling Civil Law and Motion Hearings.** *To reserve a date and time for the hearing of any motion in a general civil action or unlawful detainer action assigned to a Civil Judge, the requesting party shall consult the assigned Civil Department's Law & Motion Calendar Availability section of the Court's website at [www.sanmateocourt.org](http://www.sanmateocourt.org), and reserve an available date for hearing. In the discretion of the assigned Civil Judge, complex civil cases may be required to calendar any law and motion matters on a separate Complex Civil Law & Motion Calendar for that Civil Department.*

**Rule 3.403 Tentative Rulings in Civil Law and Motion.**

(a) **Posting of Tentative Rulings.** *Reference CRC Rule 3.1308(a)(1). Each Civil Judge will post tentative rulings for their Law & Motion Calendars on the civil cases assigned to that Civil Judge. The tentative ruling on any law and motion matter assigned to a Civil Judge may be obtained after 3:00 p.m. on the first court day immediately preceding the hearing on the motion (i) by accessing the court's website at <http://www.sanmateocourt.org> or (ii) by telephoning that Civil Department at the telephone number listed on the Court's website.*

(b) **Notice of Intent to Appear Required.** *Reference California Rules of Court, Rule 3.1308(a)(1).*

(i) *A party intending to appear in order to contest the tentative ruling on a law and motion matter calendared for hearing must notify all counsel of record, self-represented parties, and the Civil Department of the Civil Judge assigned to that civil case by 4:00 p.m. on the court day before the hearing either by (A) emailing that Civil Department with that email contemporaneously copied to all parties or their counsel of record, or (B) by telephoning that Civil Department at the telephone number listed on the Court's website.*

(ii) *If notice is given by email, the contesting party must state in the subject line of the email the case name and case number. In the text of the email, the contesting party must state the specific motion, the party contesting, and the time estimate of counsel for oral argument by all parties. All emails must be sent in at least 12 point type. The Civil Department's email address is for the sending and receiving of notices to contest tentative ruling, and is not a venue for back-and-forth communications with the Court. Communications to the Civil Department email address is not part of the official court files – just like a paper letter, they are not “filed” documents – and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.*

(iii) *If there is no contest to the tentative ruling, the Court will adopt the tentative as its order.*

**Rule 3.404 Off Calendar or Continuance of Civil Law & Motion Matters**  
*Reference CRC Rule 3.1304*

(a) **Off Calendar.** *Any request to withdraw a motion or other matter already set for hearing on the Civil Law & Motion Calendar of a Civil Department, or to otherwise vacate a hearing, must be in writing, and can only be requested by the moving party. Any such written*

*request to take a law and motion matter off calendar must be either by (i) filing and service of a Notice of Withdrawal of Motion, or (ii) email correspondence to the Department of the Civil Judge assigned to the civil case, with the email contemporaneously copied to all counsel of record and any self-represented parties. If by email, the moving party must include the name of the case, the case number, the particular motion and the date of the hearing, and the name of the party requesting the matter be taken off calendar. The filing and service of a Notice of Settlement or of a Dismissal as to the moving party will automatically vacate the Law & Motion hearing.*

*(b) **Continuances or Advances.** Any request to change the hearing date of a law and motion matter already set for hearing on the Civil Law & Motion Calendar of a Civil Department must be in writing. Any such written request must be either by (i) stipulation and order, (ii) ex parte application and order, or (iii) joint email correspondence by all parties or their counsel of record to the email address of the Department of the Civil Judge assigned to the civil case, with email contemporaneously copied to all counsel and self-represented parties. If by email, it must include the name of the case, the case number, the particular motion and the date of the hearing, and the names of the parties requesting continuance or advance of the hearing. If a request to change a hearing date is granted, the original moving party shall immediately file and serve an Amended Notice of the motion or other matter reflecting the new hearing date.*

*(c) **Monetary Sanctions.** Failure to advise the Court at least three court days before the hearing of the fact that the hearing will not proceed as scheduled, for any reason other than settlement of the case or resolution of the issue within the three-day period, may be deemed by the Court to be a violation of an order of the Court, punishable by money sanctions payable to the County Clerk of the Court pursuant to Code of Civil Procedure Section 177.5*

### **3.500 Ex Parte Applications in General Civil Actions and Unlawful Detainer Actions**

*(a) Ex parte applications in general civil actions and unlawful detainer actions are heard by the Civil Judge assigned to that civil case. The Department of each Civil Judge is available for ex parte applications two days per week at 1:30 p.m. Parties and their counsel must check the Court's website at [www.sanmateocourt.org](http://www.sanmateocourt.org) under the Civil Departments section for the specific days of the week when ex partes are heard by the assigned Civil Judge. The parties must meet all requirements of CRC Rule 3.1200 et seq.*

*(b) The applicant shall pay any ex parte application filing fee due to the Clerk of the Court prior to presenting the ex parte application to the Civil Judge. Except where the ex parte applicant has previously been granted a fee waiver, the applicant shall pay the ex parte application filing fee to the Clerk of the Court, located in Room A on the first floor of the Hall of Justice in Redwood City, prior to presenting the ex parte application to the Civil Judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department of the assigned Civil Judge no later than 15 minutes from the time set for ex parte hearings.*

*(c) Ex parte applications, ex parte oppositions, and all other ex parte filings must be submitted and filed in paper form, and cannot be electronically filed. Failure to present a proposed order at the time of presentation of the ex parte application will result in denial of the ex parte application.*

(d) *Ex parte* applicants and opponents must appear in person, subject to the exceptions set forth in CRC Rule 3.1207, as *ex parte* telephone appearances cannot be accommodated at the present time.

### **3.600 Correspondence with Civil Departments**

(a) **Mandatory Electronic Correspondence to Civil Departments.** Correspondence to the Department of any Civil Judge, such as requested letter briefs, requests to take matters off calendar, and requests for rescheduling, regarding civil actions assigned to a Civil Judge shall be submitted electronically, rather than paper, by e-mail addressed to that Civil Department. For example, emails to Department 2 shall be addressed to: [Dept2@sanmateocourt.org](mailto:Dept2@sanmateocourt.org). All electronic correspondence must be sent in at least 12 point type. The Department's email address is for the sending and receiving of correspondence, and is not a venue for back-and-forth communications with the Civil Judge. Communications to the Civil Department email address is not part of the official court files – just like a paper letter, they are not “filed” documents – and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.

(b) **Mandatory Email Header.** All communications to any Civil Department email address must include in the header “subject line” the Case Number and Name of Case (e.g., 20CIV04321 Smith v. Jones).

### **3.700 Informal Discovery Conferences in General Civil Actions.**

(a) **Mandatory Informal Discovery Conference.** Pursuant to Code of Civil Procedure Section 2016.080, in all general civil cases actions as defined by CRC Rule 1.6(4), no party may move to compel discovery or file any other discovery motion until the parties have had an Informal Discovery Conference with the Court. Counsel must have exhausted all meet and confer obligations before the Informal Discovery Conference.

(b) **Permissive Informal Discovery Conference with Third Parties,** The procedures set forth in Local rule 3.700 apply to parties. With regard to discovery disputes with non-parties, the non-parties may elect to participate in the Informal Discovery Conference procedure, but are not required to do so.

(c) **Conducted by Civil Commissioner.** Informal Discovery Conferences will be scheduled with and conducted by the Civil Commissioner. As an Informal Discovery Conference does not involve the adjudication of any issue of disputed law or fact by the Civil Commissioner, Code of Civil Procedure Section 170.6 does not apply. Pursuant to Code of Civil Procedure Section 2016.080(e), the outcome of an Informal Discovery Conference does not bar a party from subsequently filing a discovery motion or prejudice the disposition of a discovery motion.

(d) **Remote Only by Conference Call.** Informal Discovery Conferences are conducted remote only by telephone conference call, set up by the party requesting the IDC, and are not recorded by any party and are not reported by any court reporter.

(e) **Request for Informal Discovery Conference.**

(i) To request an Informal Discovery Conference, counsel must contact the Court by email at [IDC@sanmateocourt.org](mailto:IDC@sanmateocourt.org), which email must be contemporaneously copied to counsel for all parties to the action and any self-represented parties. Any party requesting an Informal Discovery Conference shall identify the case name and number, the name of the party

requesting the Informal Discovery Conference, the date and time reserved by that party for the Informal Discovery Conference, the estimated length of the IDC session, and the telephone number and any access code for the IDC conference call (which the requesting party is required to set up and schedule themselves).

(ii) To reserve a date and time for the Informal Discovery Conference, the requesting party shall consult the Informal Discovery Conference Calendar Availability section of the Court's website at [www.sanmateocourt.org](http://www.sanmateocourt.org), and reserve an available IDC session for a date that is, at least, ten calendar days, but no later than 29 calendar days, from the date of the request for Informal Discovery Conference.

(f) **Tolling of Deadline to File Motion.** Pursuant to Code of Civil Procedure Section 2016.080(c)(2), the time for bringing any motion to compel or other discovery motion is tolled starting on the date a party makes the email request for an Informal Discovery Conference to the Court. All requests for Informal Discovery Conference must be made well prior to the expiration of the statutory time to bring a motion to compel or other discovery motion.

(g) **Email Correspondence Detailing Discovery Dispute.**

(i) Within five (5) calendar days of the initial email request to the Court for an Informal Discovery Request, the disputing parties shall, jointly or separately, email correspondence to the Court at [IDC@sanmateocourt.org](mailto:IDC@sanmateocourt.org), and contemporaneously to all parties, an electronic letter of no more than five (5) pages, without attachments, summarizing the discovery dispute(s). It shall include on the first line (i) the case name and number, (ii) the date and time reserved by the parties for the Informal Discovery Conference, (iii) the estimated length of the IDC session, and (iv) the telephone number and any access code for the IDC conference call (which the requesting party is required to set up and schedule themselves).

(ii) Failure to timely provide the Court with email correspondence summarizing the discovery dispute(s) may, and likely will, result in the Informal Discovery Conference being vacated/cancelled, and tolling of the time to file and serve any discovery motion will cease.

(h) **Statutory Declaration Waived.** The Court waives the statutory requirement for the parties involved in the discovery dispute to file "meet and confer" declarations pursuant to Code of Civil Procedure Sections 2016.040 or 2016.080(b) prior to the Informal Discovery Conference. The dispute will be addressed by the e-correspondence method/procedure set forth above; and the parties are requested not to file any such declarations unless and until the Informal Discovery Conference is unsuccessful and a formal discovery motion is subsequently filed.

(i) **Email Requirements.**

(i) All communications to the [IDC@sanmateocourt.org](mailto:IDC@sanmateocourt.org) email address **must** include in the header "subject line" the Case Number and Name of Case (e.g., 19CIV06543 Smith v. Jones).

(ii) All correspondence regarding any Informal Discovery Conference, such as IDC letter briefs, requests to take matters off calendar, and requests for rescheduling, shall be submitted electronically, rather than paper, by e-mail addressed to [IDC@sanmateocourt.org](mailto:IDC@sanmateocourt.org). All electronic correspondence must be sent in at least 12 point type. The IDC Department's email address is for the sending and receiving of correspondence, and is not a venue for back-and-forth communications with the Civil Commissioner.

(iii) Communications to the IDC email address are not part of the official court files; and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.

(j) **Authorization of Civil Commissioner.**

(i) *Good cause appearing, the Civil Commissioner may, and is authorized to, continue the Informal Discovery Conference, or schedule further proceedings on the same discovery disputes via Informal Discovery Conference. The Civil Commissioner shall enter minutes in the civil case docket indicating that an Informal Discovery Conference was held, the date held, the counsel and parties attending, and whether or not all discovery disputes were resolved.*

(ii) *If a party to a discovery dispute is notified of the Informal Discovery Conference and fails to appear, the Civil Commissioner may, and is authorized to, reschedule or cancel the Informal Discovery Conference, or issue an Order to Show Cause Re: Sanctions for failure to appear.*

(k) **Motion if Unresolved Discovery Disputes.** *If any discovery dispute is not resolved following the Informal Discovery Conference, any party may proceed to file and calendar hearing on a motion to compel or other discovery motion in the department of the Civil Judge assigned to that civil case.*

### **CASE MANAGEMENT**

**3.800 Scope.** *These Rules 3.800 et seq. apply to Case Management of all general civil cases as defined by Rule 1.6(4) of the California Rules of Court, which are not complex cases. These Rules are adopted to meet and advance the goals of Government Code Sections 68603 and 68602, Section 2.2 of the Standards of Judicial Administration, and Rules 3.710-3.735, 10.900, and 10.901 of the California Rules of Court.*

**3.801 Setting of the Initial Case Management Conference.** *Upon the filing of an initial complaint or petition in all general civil cases, as defined by CRC Rule 1.6(4), the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes and Setting of Case Management Conference. The initial Case Management Conference shall be set for a date within 120 days of filing the complaint, and scheduled before the Civil Commissioner.*

**3.802 Petitions for Writ and CEQA Actions.** *Upon the filing of any petition for writ, or of any action under CEQA (whether by complaint or by petition for writ), the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes and Setting of Case Management Conference. The initial Case Management Conference shall be set for a date within sixty (60) days, and scheduled before the assigned Civil Judge. Petitions for Writ and CEQA cases are exempt and not otherwise subject to these Case Management Rules or ADR process, unless otherwise ordered by the assigned Civil Judge; except that at the same time as service of the petition for writ or CEQA complaint/petition, plaintiff/petitioner must also serve all defendants, respondents and real parties in interest with the Notice of Assignment for all Purposes and Setting of Case Management Conference.*

**3.803 Complex Civil Cases.** *Upon the filing of any complaint in a provisionally complex cases or a civil case deemed complex, the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes, Designation as Complex Case, Setting of Case Management Conference, and Complex Fees. The initial Case Management Conference shall be set for a date within ninety (90) days, and scheduled before the assigned Civil Judge. Complex civil cases are exempt and not otherwise subject to these Case Management Rules or ADR process, unless otherwise ordered by the assigned Civil Judge; except that at the same time as service of the complaint and summons, plaintiff must also serve all defendants with Plaintiff's*



*Civil Case Cover Sheet (per CRC Rule 3.220) and Notice of Assignment for All Purposes, Designation as Complex Case, Setting of Case Management Conference, and Complex Fees. Pursuant to CRC Rule 3.110(b), the complaint must be served upon all named defendants within sixty (60) days after filing of the complaint; and proofs of service of process upon all named defendants, must be filed with the Court within sixty (60) days after filing of the complaint.*

**3.804 Service of Process Requirements.**

(a) *At the same time as service of the complaint and summons, plaintiff must also serve all defendants with the following documents:*

- (i) *Plaintiff's Civil Case Cover Sheet, if required by CRC Rule 3.220;*
- (ii) *Notice of Assignment for All Purposes and Setting of Case Management Conference;*
- (iii) *Court's ADR information package, per CRC Rule 3.221; and*
- (iv) *A blank form of the Case Management Statement (CM-110).*

(b) *Pursuant to CRC Rule 3.110(b), the complaint must be served upon all named defendants within sixty (60) days after filing of the complaint; and proofs of service of process upon all named defendants, must be filed with the Court within sixty (60) days after filing of the complaint.*

(c) *Pursuant to CRC Rule 3.110(c), any cross-complaint adding a new party must be served upon all named cross-defendants (and contemporaneously served upon all parties who previously appeared in that civil case), and proofs of service of process upon the new parties must be filed within thirty (30) days of the filing of the cross-complaint.*

**3.805 Initial Case Management Conference Requirements.**

(a) *The goal is that all parties be served and appear in the civil case prior to the initial Case Management Conference. All proofs of service of process must be filed no later than ten (10) days prior to the initial Case Management Conference. Failure of plaintiff to timely serve the complaint and timely file proofs of service of process upon all named defendants may result in the Court continuing the initial Case Management Conference and/or issuance of any Order to Show Cause re: Sanctions.*

(b) *No later than thirty (30) calendar days prior to the date of the initial Case Management Conference, the parties must meet and confer, in person or by telephone, to consider each of the issues identified in CRC Rule 3.724.*

(c) *Pursuant to CRC Rule 3.725, all parties must file and serve a Case Management Statement (form CM-110) at least fifteen (15) calendar days prior to the date set for the initial Case Management Conference. Failure of any party to timely file and serve a Case Management Statement may result in the Court continuing the initial Case Management Conference and/or issuance of an Order to Show Cause re: Sanctions.*

(d) *Pursuant to CRC Rule 3.722(d), based upon the Court's review of the filed documents and the docket of that general civil action, the Court may determine that appearances at the initial Case Management Conference are not necessary at that time, and determine that the Case Management Conference should be continued due to the fact that the case is not yet at-issue, or due to failure of the parties to comply with the Code of Civil Procedure, the California Rules of Court, and/or these Local Rules. This is likely to occur when (i) plaintiff has failed to timely file proofs of service of the summons and complaint upon all defendants, (ii) not all*

*Defendants have filed an appearance in the action and/or had a default entered against them, or (iii) not all Defendants have filed an answer and/or had a default entered against them.*

*(e) If the Case Management Conference is continued, all parties must file and serve a new Case Management Statement (form CM-110), individually or jointly, at least fifteen (15) calendar days prior to the date of the latest Case Management Conference.*

*(f) After all parties have made a formal appearance in a general civil action, the parties may directly proceed to an Appropriate Dispute Resolution (“ADR”) process by filing a Stipulation and Order to Appropriate Dispute Resolution (local form ADR-CV-1). If all parties file a completed Stipulation and Order to ADR at least twelve (12) calendar days prior to the date of the Case Management Conference, the Case Management Conference will be vacated (i.e., taken off the Court’s calendar), and the general civil action will be referred to the ADR Analyst.*

*(g) Pursuant to CRC Rule 3.722(d), based upon the Court’s review of the filed documents and the docket of that general civil action, the Court may determine that appearances at the initial Case Management Conference are not necessary at that time, as the general civil case is at-issue and the parties have indicated in their Case Management Statements that they are willing to participate in ADR and are agreeable to the same ADR procedure. If so, the Court may order that general civil case referred to the Court’s ADR Analyst.*

*(h) Pursuant to CRC Rule 2.30, the Court is empowered to impose monetary sanctions of a minimum of \$150.00 upon any party or their counsel for failure to follow the requirements of these Case Management Local Rules, or of the California Rules of Court, or of the Code of Civil Procedure.*

**3.900 Appropriate Dispute Resolution and ADR Division.** *Reference CRC Rules 3.800-3.860.*

**3.901 ADR Policy.** *The Court finds it is in the best interests of parties to litigation to participate in appropriate dispute resolution procedures, including but not limited to mediation, neutral evaluation, private or judicial arbitration, voluntary settlement conferences, and the use of special masters and referees. Therefore, all parties are expected to stipulate to, or be referred to, an appropriate form of dispute resolution before the case is set for trial. Parties are encouraged to stipulate to judicial arbitration or an ADR process prior to the initial Case Management Conference.*

**3.902 Uninsured Motorist Cases.** *If prior to the initial filing of the complaint a matter has been submitted to arbitration pursuant to uninsured motorist insurance, the plaintiff shall identify the case as “Auto Tort Uninsured Motorist” on the Civil Case Cover Sheet and shall file a notice to that effect with the Court at the time of filing the complaint. The notice shall include the name, address and telephone number of the insurance company, along with the claim number or other designation under which the matter is being processed.*

**3.903 Stipulation to Judicial Arbitration.**

*(a) The Court may order general civil cases subject to Code of Civil Procedure Section 1141.10 et seq., to judicial arbitration. If the case is at issue, and all counsel and self-represented parties stipulate in writing to judicial arbitration prior to the Case Management Conference, discovery will remain open following judicial arbitration. In order to avoid any*

*need to appear thereat, a written stipulation to judicial arbitration must be filed with the Court and a copy immediately emailed to the Case Management Coordinator at [CMC@sanmateocourt.org](mailto:CMC@sanmateocourt.org) at least the twelve (12) calendar days before the Case Management Conference. A written stipulation to judicial arbitration will be deemed to be without a limit as to the amount of the award unless it expressly states otherwise.*

*(b) If the general civil case is subject to judicial arbitration, by stipulation or by court order, the matter will be referred to the ADR Analyst. The ADR staff will send a list to all counsel and self-represented parties of the panel of arbitrators within 15 days, pursuant to CRC Rule 3.815. Each side will have ten (10) calendar days to file any written rejection. Promptly upon the expiration of the 10-day period, the ADR staff will appoint the judicial arbitrator and send notice of that appointment to the arbitrator and to all parties. Notice shall include the expiration date of the arbitrator's jurisdiction. The judicial arbitration shall complete the arbitration hearing within ninety (90) days from appointment, unless a continuance is granted pursuant to CRC Rule 3.817. Within ten (10) days after the conclusion of the arbitration hearing, the arbitrator must file the arbitration award with the Court, including proof of service on each party to the arbitration, pursuant to CRC Rule 3.825. The arbitration award will be entered as a judgment if no trial de novo is timely filed pursuant to CRC Rule 3.826. If a trial de novo is filed, the general civil case will be scheduled for Trial Setting Conference with the assigned Civil Judge.*

*(c) It is the policy of this Court to make every effort to process cases in a timely manner. Parties who elect or are ordered by the Court to judicial arbitration must complete the judicial arbitration hearing within the time frame specified by the Court.*

*(d) Parties who wish to continue the arbitration hearing after the jurisdictional time frame must file local form Ex Parte Motion and Stipulation for Continuance of Judicial Arbitration Hearing with the Court, with a copy contemporaneously emailed to the ADR staff at [ADR@sanmateocourt.org](mailto:ADR@sanmateocourt.org). Continuances without adequate grounds and good cause will not be considered. The Civil Commissioner or assigned Civil Judge will either grant or deny the request for continuance. If the request is denied, the case may be set for further Case Management Conference. If the request is granted, the Court will impose a new deadline by which the judicial arbitration must be completed.*

*(e) Parties who wish to change their ADR process from judicial arbitration to another form of ADR must file a Stipulation and [Proposed] Order to Mediation in Lieu of Court-Ordered Judicial Arbitration (local form ADR-CSARB) with the Court, with a copy contemporaneously emailed to the ADR Director at [ADR@sanmateocourt.org](mailto:ADR@sanmateocourt.org). The Stipulation must state that parties have: (i) notified both the judicial arbitration and ADR coordinators; (ii) cancelled the judicial arbitration hearing; (iii) scheduled the ADR session within five months of the previously scheduled judicial arbitration hearing; and (iv) stipulated to a date for Trial Setting Conference, which is not more than six (6) months from the previously scheduled judicial arbitration hearing.*

#### **Rule 3.904     *Stipulations to Private Appropriate Dispute Resolution***

*(a) If a case is at-issue and all counsel and self-represented parties stipulate in writing to an ADR process, and file a completed Stipulation and Order to ADR with the Court at least twelve (12) calendar days before the Case Management Conference, that conference shall be vacated.*

(b) *If a case is at-issue and all counsel and self-represented parties have indicated in their Case Management Statements that they are willing to participate in ADR and all willing to proceed to the same ADR process, such as mediation, private arbitration, or neutral evaluation (other than judicial arbitration), the general civil case will be referred by the Court to the ADR Analyst. Counsel and self-represented parties will be instructed to sign and submit a formal Stipulation and Order to ADR within 21 days.*

(c) *If a case is at-issue and the counsel and self-represented parties have yet to mutually agree upon any appropriate ADR process, they shall appear at the initial Case Management Conference before the Civil Commissioner, unless the Court issues an Order requiring the parties to meet and confer to select an ADR process and continues the Case Management Conference in the interim. A blank Stipulation and Order to ADR will be included with such Order.*

(d) *The ADR process shall be completed within ninety (90) days, unless a request for continuance is made by ex parte application (prior to expiration of the 90 days) and is granted.*

(e) *Failure of the parties to comply with these ADR Local Rules, and the deadlines set forth herein, may result in the issuance of an Order to Show Cause re: Sanctions.*

**Rule 3.905 Completion of ADR Process.**

(a) *Upon the completion of the selected ADR process, other than judicial arbitration, if a resolution of disputes is achieved, the parties shall file and serve either (i) a Notice of Settlement; (ii) a Request for Dismissal; (iii) a Stipulated Judgment; or (iv) a motion for approval of settlement, if a motion is required by law. An Order to Show Cause Re: Dismissal will be issued and hearing set before the Civil Commissioner for a date at least 45 days after the filing of any Notice of Settlement where the settlement unconditional, or a date after the completion date indicated in the Notice of Settlement where the settlement is conditional.*

(b) *Upon the completion of the selected ADR process, if not all disputes are resolved, the general civil case will be set for post-ADR Case Management and Trial Setting Conference before the assigned Civil Judge.*

**Rule 3.1000 Post-ADR Case Management and Trial Setting Conference.**

(a) *After the parties have participated in an ADR process in any general civil case, the Court will issue notice setting a Case Management and Trial Setting Conference before the assigned Civil Judge. At the Case Management and Trial Setting Conference, the Civil Judge will consider the facts and circumstances identified in CRC Rules 3.728 and 3.729. Trial counsel for all parties shall attend the Case Management and Trial Setting Conference. Thereafter, the Civil Judge will issue a Case Management and Trial Setting Order, including the date set for Mandatory Settlement Conference, the date set for commencement of trial, whether the trial will be by court or jury, and the anticipated length of trial.*

(b) *At least fifteen (15) calendar days before the date of the Case Management and Trial Setting Conference, counsel for the parties and any self-represented parties shall file and serve, jointly or individually, a written Case Management and Trial Setting Conference in prose and in detail, not using the standardized Judicial Council form CM-110. The Case Management and Trial Setting Conference Statement shall include all items set forth in CRC Rule 3.717 and any relevant facts or circumstances regarding the setting of the trial date as set forth in CRC Rule 3.729. The Case Management and Trial Setting Conference Statement shall also include*

*information as to the status of completion of production of documents, the status of completion of party and witness depositions, and the status of expert witness discovery.*

**Rule 3.110 Mandatory Settlement Conferences**

(a) *In all general civil cases actions as defined by CRC Rule 1.6(4), and in any complex cases in the discretion of the assigned Civil Judge, the civil case will be set for a Mandatory Settlement Conference prior to trial. The Mandatory Settlement Conference will be conducted by a Civil Judge who is not assigned as the single-assigned judge for that civil case.*

(b) *The following persons must attend the Mandatory Settlement Conference:*

(i) *The attorney who will try the civil case or an informed attorney with full authority to negotiate a settlement of the case shall personally attend.*

(ii) *All named parties who have appeared in the civil case, and are not subject to default, dismissal, or prior Notice of Settlement.*

(iii) *Any persons whose consent is required to authorize settlement shall personally attend; those parties that are corporations or other legal entity shall have in attendance an officer or other employee with authority to bind the corporation or other legal entity.*

(iv) *Powers of attorney, oral or written, granting counsel settlement authority are unacceptable as a substitute for personal attendance of parties and/or representatives of legal entities at the Mandatory Settlement Conference.*

(v) *With respect to any insured party, a representative of the insurance carrier with authority to settle which is meaningful considering the exposure to loss presented shall personally attend. If the claims representative in personal attendance has any limitation on his or her settlement authority, a representative of the carrier who has no such limitations shall be available to the court by telephone and shall remain available until released by the Civil judge conducting the Mandatory Settlement Conference, regardless of the time of day at the location of that representative.*

(c) *The personal attendance of any person who is required by this Rule or by CRC Rule 3.1380(b) to be present at the Mandatory Settlement Conference may be excused only by the Civil Judge assigned to that civil case upon application made prior to the day on which the Mandatory Settlement Conference is scheduled. Any such person whose attendance is excused must remain available by telephone until he or she has been excused by the Civil Judge conducting the Mandatory Settlement Conference regardless of the time of day at the location of that person.*

(d) *No later than five (5) court days before the initial date set for the Mandatory Settlement Conference, each party shall lodge with the Court and serve on all other parties a Mandatory Settlement Conference Statement containing any and all information, facts, and details as required by CRC Rule 3.1380(c).*

(e) *Upon arrival at the Civil Department to which the Mandatory Settlement Conference has been assigned, counsel shall check in with the courtroom clerk and shall verify the attendance of those persons whose presence is required.*

(f) *No Mandatory Settlement Conference may be continued without the consent of the assigned Civil Judge. At the Mandatory Settlement Conference, if settlement discussions are inconclusive, the Civil Judge conducting the Mandatory Settlement Conference may continue it to a later date for further settlement discussions before that same Civil Judge.*

(g) *Sanctions pursuant to CRC Rule 2.30 shall be imposed for any violation of this Rule. The minimum sanction imposed shall be \$250.00 payable to the court; sanctions payable to the Court may be larger where appropriate and will be in addition to appropriate attorney fees and calendar changes. Sanctions mandated hereby may be waived by the Civil Judge conducting the Mandatory Settlement Conference only upon an application showing good cause why sanctions should not be imposed.*

### **UNLAWFUL DETAINER ACTIONS**

**3.1200 Law & Motion Matters in Unlawful Detainer Actions.** *All Unlawful Detainer actions, pursuant to Code of Civil Procedure Section 1159 et seq., will be randomly assigned to a single Civil Judge for all purposes at the time of filing of the action. All law and motion matters in Unlawful Detainer actions shall be calendared with and adjudicated by the Civil Judge assigned to that civil case.*

**3.1201 Special Deadlines for Unlawful Detainer Law & Motion Matters.** *The Civil Law & Motion Calendar Local Rules shall apply to all unlawful detainer actions, except as otherwise provided below:*

(i) *Any motion to quash service of summons or motion to stay or dismiss the action on the ground of inconvenient forum, under Code of Civil Procedure Section 418.10(a), must be filed within the five (5) court day period allotted for responding to the Unlawful Detainer complaint, as required by Code of Civil Procedure Section 1167(a). Hearing on such motion shall be set between three (3) and seven (7) calendar days thereafter, pursuant to C.C.P. Section 1167.4.*

(ii) *As to any demurrer or other motion regarding the pleadings, other than a motion under C.C.P. Section 418.10(a), and as to any motion pursuant to C.C.P. section 1170.5(b) or (c), the hearing thereon shall be set on the Civil Law and Motion Calendar pursuant to C.C.P. Section 1005, which requires sixteen (16) court days' notice. Any party seeking a hearing date on less than 16-court-days' notice shall be required to obtain an ex parte order shortening time pursuant to CRC Rules 3.1200-3.1207.*

(iii) *As to any motion to compel or other discovery motion, pursuant to C.C.P. Section 1170.8, five (5) days' notice is required. Hearing on such discovery motion shall be set between seven (7) and ten (10) court days after the date the motion is filed.*

(iv) *As to any motion for summary judgment or motion for judgment on the pleadings, hearing on such motion shall be set between seven (7) and ten (10) court days after the date the motion is filed. (See C.C.P. Section 1170.7.) The notice of motion must comply with CRC Rule 3.1351(a).*

*The parties are reminded that the time extensions triggered pursuant to Code of Civil Procedure Sections 1005(b), 1010.6, and 1013 apply to Unlawful Detainer actions. Counsel and parties are cautioned to consider the additional time for service when calendaring motions. [Example: Summary judgment motions are set on 5 days' notice but if service is by mail, 5 additional days for service must be added.]*

**Rule 3.1202 Ex Parte Application to Advance Hearing.** Any motion in an Unlawful Detainer action set for hearing on a date beyond the time limitations set forth in the Code of Civil Procedure or this Local Rule may be the subject of an ex parte application by either party requesting an earlier hearing date. (See CRC Rule 3.1200 et seq.)

**Rule 3.1203 Summary Dismissal for Failure to Prosecute.** Pursuant to C.C.P. Section 1167.1, if proof of service of the summons and complaint is not filed by plaintiff in an Unlawful Detainer action within 60 days of the initial filing of the complaint, the Court may issue summary dismissal without prejudice.

**Rule 3.1204 Unlawful Detainer Pretrial Conference.**

(a) If all defendants appear and file an answer to the complaint and/or have a default judgment entered against them and/or have a dismissal entered in their favor, upon the filing of a Request to Set Case for Trial – Unlawful Detainer (JCC form UD-150), the Unlawful Detainer action will be set for a Pretrial Conference date and Trial date within 20 days of filing the Request.

(b) The Unlawful Detainer Pretrial Conference will be held approximately four (4) days prior to the date set for trial, and conducted by the Civil Commissioner. All parties and their counsel of record must attend the Pretrial Conference in person, unless otherwise ordered by the Court. At the Pretrial Conference, the Civil Commissioner will work with the parties towards settlement of the Unlawful Detainer action. At the Pretrial Settlement Conference, the parties and the Civil Commissioner will also discuss (i) whether any party has timely demanded a jury and timely paid the jury fee deposit required by C.C.P. Section 631(c)(1), (ii) whether the trial will be by the Court rather than jury, (iii) whether the parties are willing to stipulate to trial before the Civil Commissioner, and (iv) estimated length of trial.

**Rule 3.1205 Unlawful Detainer Trial Assignment.**

(a) On the date set for trial, the Civil Commissioner shall call the trial calendar for all Unlawful Detainer actions set for court trial. If the parties stipulate or have stipulated to court trial adjudication by the Civil Commissioner, the matter will proceed. If the parties do not stipulate to the Civil Commissioner, the court trial adjudication will proceed before the assigned Civil Judge after appearing before the Civil Commissioner for call of the trial calendar.

(b) If the Unlawful Detainer action is still scheduled for jury trial after the Pretrial Conference, the matter will proceed before the assigned Civil Judge on the Trial Calendar scheduled for that Civil Department.

## **COLLECTIONS CASES**

**Rule 3.1300. Collections Cases.** Reference CRC Rules 3.740 et seq.

**Rule 3.1301. Proper Designation on Civil Case Cover Sheet.** For all Collections Cases, as defined by CRC Rule 3.740(a), the plaintiff must check the case type box “Rule 3.740 collections” on the Civil Case Cover Sheet (form CM-010) as mandated by CRC Rule 3.740(b). Failure to properly designate a civil action as a Collections Case may result in the issuance of an Order to Show Cause why monetary sanctions of \$250.00 or more should not be imposed for violation of the California Rules of Court and violation of these Local Rules.

**Rule 3.1302 Case Management of Collections Cases.**

(a) Upon filing the complaint, all Collections Cases shall be set for a Case Management Conference with the Civil Commissioner at least 180 days therefrom.

(b) Pursuant to CRC Rule 3.740(d), the complaint and summon in all Collections Cases must be served upon all defendants, and proofs of service of process upon all defendants filed with the Court, or the plaintiff must obtain an order for service by publication, within 180 days after filing of the initial complaint.

(c) Pursuant to CRC Rule 3.740(f), plaintiff must obtain a default judgment within 360 days after filing of the initial complaint against any defendants who do not file a responsive pleading,

(d) If all named defendants have filed an answer to the complaint prior to the Case Management Conference, the Collections Case will be referred to ADR, and proceed as a general civil case.

(e) If all named defendants have filed an answer to the complaint or have had a default entered against them prior to the Case Management Conference, the Collections Case will be reset for a Case Management Conference with the Civil Commissioner, at least 360 days after the filing of the initial complaint.

(f) If plaintiff fails to timely file proofs of service of process upon all defendants, the Court will issue an Order to Show Cause why monetary sanctions of \$250.00 or more should not be imposed, and set the Collections Case for OSC hearing with the Civil Commissioner.

(g) If plaintiff timely files proofs of service of process upon all defendants, but not all defendants have filed an answer to the complaint or had a default entered against them prior to the Case Management Conference, the Collections Case will be reset for a Case Management Conference with the Civil Commissioner, at least 360 days after the filing of the initial complaint.

(h) If all named defendants have filed an answer to the complaint or have had a default judgment entered against them prior to the 360-day Case Management Conference, the Collections Case will be referred to ADR and proceed as a general civil case as to those defendants who have appeared.

(i) If plaintiff fails to timely obtain a default judgment against all defendants who have not filed a responsive pleading, pursuant to CRC Rule 3.740(f), the Court will issue an Order to Show Cause why monetary sanctions of \$250.00 or more should not be imposed, and set the Collections Case for OSC hearing with the Civil Commissioner.

**Rule 3.1303 Collections Cases Law & Motion.** All Law & Motion matters in Collections Cases shall be calendared with and adjudicated by the Civil Judge assigned to that civil case.

**JUDGMENT CREDITOR ORDERS OF EXAMINATION**

**3.1400 Orders of Examination.** In all general civil actions and unlawful detainer actions, examination proceedings upon application of a judgment creditor, pursuant to Code of Civil Procedure Sections 708.110 et seq., shall be set for appearance before the Civil Commissioner. The Civil Commissioner is authorized, pursuant to C.C.P. Section 708.110, and given all powers over orders of examination and over examination proceedings as provided under Section 708.140(a).

**COURTCALL TELEPHONIC APPEARANCES**

**Rule 3.1500** Reference CRC, Rule 3.670.



(a) *Telephonic appearances through the use of CourtCall, an independent vendor, are permitted at all Case Management Conferences, Case Management and Trial Setting Conferences, and Law and Motion hearings in all general civil cases and unlawful detainer actions, unless otherwise ordered by the Court. Appearance by CourtCall is not permitted for Pretrial Conferences, Settlement Conferences, Mandatory Settlement Conference, or trial, unless otherwise ordered by the Court.*

(b) *A party choosing to appear by CourtCall must serve and file a Request for Telephone Appearance Form with CourtCall not less than five (5) court days prior to the conference or hearing. Copies of the Request for CourtCall Appearance form and accompanying information sheet are available in the Clerk's office. There is a fee to parties for each CourtCall appearance and fees are paid directly to CourtCall. CourtCall will send confirmation of the request to parties.*

(c) *On the day of the conference or hearing, counsel and parties appearing by CourtCall must check-in five minutes prior to time set for the conference or hearing. Check-in is accomplished by dialing that Department's dedicated toll-free teleconference number and access code that will be provided by CourtCall in its confirmation. Any attorney or party calling after the check-in period shall be considered late for the conference or hearing and shall be treated in the same manner as if the person had personally appeared late for the conference or hearing.*

\* \* \* \* \*

## DIVISION VI

### OTHER SPECIAL DEPARTMENTS AND CALENDARS

#### CHAPTER 1. UNCONTESTED ~~DEFAULT~~ CALENDAR

##### Rule 6.1 Hearing in Uncontested Matters in the Department of the Presiding Judge

~~Defaults, m~~Minors' settlements, adoptions and other uncontested matters *identified in Local Rule 3.400(b)* requiring hearing shall be assigned by the ~~p~~Presiding ~~j~~Judge to a department for hearing at 9:00 a.m. on any court day.

An application for a hearing in an uncontested matter must be made in writing and must be filed with the Clerk of the Court not less than five court days before the hearing. No matter will be set on the uncontested calendar until all required pleadings and other documents have been filed.

(Adopted, effective July 1, 1996)(Amended effective January 1, 2021.)

\* \* \* \*

#### CHAPTER 5. WRITS AND RECEIVERS CALENDAR

##### Rule 6.20. Writs and Receivers Calendar

###### **REPEALED.**

~~Except for a civil action assigned to a single judge or assigned to a judge for trial, or a CEQA action, the Writs and Receivers Calendar is designated to handle, hear and determine (1) all petitions for writs of mandate and prohibition, including all civil matters to which a writ petition is joined, all motions made prior to trial (such as, pleadings motions and discovery motions); (2) all motions for preliminary injunctions, orders to show cause re: preliminary injunction and other motions seeking imposition of an injunction; and (3) all proceedings regarding receiverships, including motions for appointment, and~~

~~motions authorizing actions, accountings, requests for compensation. Matters involving Writs of Attachment or other Civil Creditor Remedies are heard by the Judge assigned to Civil Law and Motion, or in the case of Order of Examination, the Presiding Judge. Matters involving a Writ seeking review of an order by this Court are heard by the Appellate Department.~~

~~(Adopted, effective July 1, 2015, Modified, effective January 1, 2019)(Repealed effective January 1, 2021.)~~

Rule. 6.21 Tentative Rulings

***REPEALED.***

~~Tentative rulings by the judge assigned to the Writs and Receivers Calendar shall be posted by 3:00 p.m. one court day prior to the hearing or other proceeding. Counsel for the parties and/or any self-represented parties shall obtain the tentative ruling by telephoning (650) 261-5019 after 3:00 p.m. or by accessing the court's website at: [http://www.sanmateocourt.org/online\\_services/tentative\\_rulings.php](http://www.sanmateocourt.org/online_services/tentative_rulings.php), under the category "Writs and Receivers Calendar Tentative Rulings". Parties should note that the Writs and Receivers Calendar Tentative Rulings are a separate set of tentative rulings and are not included as part of Civil Law and Motion Tentative Rulings or Presiding Judge Tentative Rulings. Parties seeking to contest the tentative ruling and present oral argument at the hearing or other proceeding shall notify all other parties and the Court by 4:00 p.m. on the court day before the hearing or other proceeding of that party's intention to appear. That party shall notify the Court by 4:00 p.m. on the court day before the hearing either by telephoning (650) 261-5019 or by emailing [WRLawAdMotion@sanmateocourt.org](mailto:WRLawAdMotion@sanmateocourt.org) with the email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling. The tentative ruling will automatically become the ruling of the Court if the Court has not directed oral argument by its tentative ruling and notice of intent to appear has not been timely given, subject to the Court's discretion.~~

~~(Adopted, effective July 1, 2015) (Amended, effective January 1, 2019) (Amended, effective January 1, 2020)(Repealed effective January 1, 2021.)~~

Rule 6.22 Ex Parte Matters

***REPEALED.***

~~Except for a civil action assigned to a single judge or a CEQA action, the Judge assigned to hear the Writs and Receivers Calendar is designated to handle, hear and determine (1) all ex parte matters involving writ petitions; (2) all ex parte matters involving preliminary injunctions or the issuance of an order to show cause regarding preliminary injunction, including Temporary Restraining Orders under CCP Section 526; and (3) all ex parte matters relating to receivers. See Rule 3.19.~~

~~(Adopted, effective January 1, 2019) (Amended, effective January 1, 2020) (Repealed effective January 1, 2021.)~~

Rule 6.23 Placing a Matter on the Writs and Receivers Calendar

***REPEALED***

~~A matter may be set for hearing in the Writs and Receivers Department either (1) by filing a Notice of Motion or Notice of Hearing with a pre-selected hearing date conforming with the designated day and time used for the Writs and Receivers Calendar, or (2) by presenting an ex parte application and obtaining an Order to Show Cause regarding the issuance of a Writ or the issuance of a Preliminary Injunction that orders the defendants or respondents to appear in the Writs and Receivers Department on a particular date and time.~~

~~(Adopted, effective January 1, 2019)(Repealed effective January 1, 2021.)~~

**DIVISION VIII**  
**APPOINTMENT OF SPECIAL MASTERS AND REFEREES**  
**FOR THE HANDLING OF COMPLEX CASES - SUPERIOR COURT**

Rule 8.1 Power to Appoint

The court may, at any stage in the proceedings, appoint a special master or referee for the purpose of conducting proceedings in complex cases, pursuant to Code of Civil Procedure sections 638-645.1, including settlement, in accordance with the provisions of this rule.

(Adopted, effective July 1, 1996)

Rule 8.2 Definition

*Reference CRC Rule 3.400.*

~~—"Complex cases" are those cases that require specialized management to avoid placing unnecessary burdens on the court or litigants. These include, but are not limited to, multiple related cases, cases with extensive pretrial activity, extended trial times, large numbers of parties, complex factual issues, and/or extensive post judgment court supervision.~~

(Adopted, effective July 1, 1996)(*Amended effective January 1, 2021.*)

Rule 8.3 Identification

**REPEALED.**

~~—Counsel shall, upon the filing of a complaint, cross complaint, answer, or at any point counsel so concludes, file and notice a motion with the presiding judge, stating that the case is complex, as herein defined. The presiding judge shall screen such cases and determine which cases are to be referred to a special master or referee.~~

(Adopted, effective July 1, 1996)(*Repealed effective January 1, 2021.*)

Rule 8.4 Appointment of Special Master or Referee

The ~~presiding~~ *assigned civil* judge may, in accordance with the provisions of Code of Civil Procedure sections 638-645.1, in any case ~~deemed determined by the presiding judge~~ to be complex, or on noticed motion of any party, appoint a special master or referee. The compensation of the special master or referee shall be fixed by the ~~presiding~~ *assigned civil* judge pursuant to Code of Civil Procedure section 645.1 or pursuant to the agreement of all parties.

(Adopted, effective July 1, 1996)(*Amended effective January 1, 2021.*)

Rule 8.5 Supervision of Special Master or Referee

The ~~presiding judge, or any judge designated by the presiding judge,~~ *assigned civil judge* shall supervise the work of the special master or referee.

(Adopted, effective July 1, 1996)(*Amended effective January 1, 2021.*)

Rule 8.6 Duties of Special Master or Referee

The special master or referee shall, in addition to the powers and duties conferred by Code of Civil Procedure section 639,

- (a) Review the court's file and meet with counsel;

- (b) When deemed appropriate, require counsel to provide statements pertaining to factual and legal issues;
- (c) Require the attendance of counsel and parties (or representatives of parties with full authority to settle) at all settlement conferences;
- (d) When deemed appropriate, meet with counsel and the parties (or their representatives) together and/or separately;
- (e) Refer special problems affecting settlement which require the assistance of the court to the ~~presiding judge, or to the supervising judge designated by the presiding judge;~~ assigned civil judge;
- (f) Determine the procedure, time, place and duration of all settlement conferences, subject to the direction of the ~~presiding assigned civil judge, or supervising judge designated by the presiding judge;~~ and
- (g) Determine the procedure, time, place and duration of all settlement conferences, subject to the direction of the ~~presiding judge, or supervising judge designated by the presiding judge~~ assigned civil judge; and
- (h) Upon determination that settlement cannot be reached under the circumstances then prevailing, report the status of the matter to the ~~presiding assigned civil judge~~ together with such recommendations as may assist the court in securing the ultimate settlement of the case.

(Adopted, effective July 1, 1996)(Amended effective January 1, 2021.)

#### Rule 8.7 Court Order

Upon determination by the ~~presiding assigned civil judge~~ that reference to a special master or referee should be made, the ~~presiding judge~~ shall sign and file an order designating the special master and referee and fixing compensation pursuant to this rule. In regard to appointment of special masters, the court designates its form order entitled “*Order Appointing Special Master[Local Form number CV-67]*” as the mandatory order to be submitted to the ~~presiding assigned civil judge~~. The ~~presiding assigned civil judge~~, upon recommendation of the special master or referee, may allocate compensation among parties on an equitable basis.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2010)(Amended effective January 1, 2021.)

#### Rule 8.8 Trial Judge

##### **REPEALED**

~~At the sole discretion of the presiding judge, the trial judge in complex cases may, or may not, be the judge designated by the presiding judge to supervise the special master or referee.~~

(Adopted, effective July 1, 1996)(Repealed effective January 1, 2021.)

#### Rule 8.9 Special Master Additional Powers

The special master or referee may, on his or her own motion or on motion of any party, and upon good cause shown, order the designation of experts and their availability for depositions.

(Adopted, effective July 1, 1996)

## DIVISION X

### JUDICIAL ARBITRATION FOR CIVIL CASES

#### Rule 10.1 Judicial Arbitration for Civil Cases

##### ***REPEALED***

##### ~~A. Use of Arbitrator's Panel~~

~~The combined courts shall use the same panel of arbitrators promulgated pursuant to CRC Rule 3.814.~~

##### ~~B. Pleadings Submitted to Arbitrator~~

~~Each party in a case referred to arbitration may lodge with the arbitrator a copy of the latest complaint, answer, cross-complaint, or answer to cross-complaint filed by that party and arbitration brief, if any. Documents shall be lodged with the arbitrator at least five (5) court days prior to the scheduled hearing or whenever the assigned arbitrator requires.~~

##### ~~C. Length of Arbitration Hearings~~

~~Hearings shall not exceed three (3) hours, or in the arbitrator's discretion, upon good cause shown, a maximum of five (5) hours except as otherwise provided herein. If any party believes that the hearing will require more than five (5) hours ("lengthy hearing"), that party may obtain permission for such lengthy hearing by either:~~

- ~~1. Filing at least five (5) court days before the hearing a written stipulation among the parties and the arbitrator for a lengthy hearing and providing for payment by the parties of a reasonable rate of compensation for the arbitrator for each hour of hearing in excess of five (5) hours; or~~
- ~~2. Obtaining a Court order by written application showing good cause for a lengthy hearing made to the Court at or before the time when the matter is referred to arbitration.~~

##### ~~D. Requests for Continuances—Hearing Date and Jurisdiction of the Arbitrator.~~

~~Any request to continue a judicial arbitration hearing will automatically vacate the current arbitration hearing date. Any application to the court for a continuance of the arbitration hearing shall be submitted on a Court provided form entitled "Ex Parte Motion and Stipulation for Continuance of Judicial Arbitration Hearing." Parties can obtain a copy of the form by contacting the court's judicial arbitration administrator.~~

##### ~~E. Requests to Change ADR Processes~~

- ~~1. It is the policy of this court that all judicial arbitration hearings shall be conducted in accordance with California Rules of Court, rules 3.810–3.829. At the time of the case management hearing, the court expects parties to be prepared to select the appropriate ADR process for their case. [CRC, rules 3.720–3.730].~~
- ~~2. Parties may not switch from court ordered judicial arbitration to another form of ADR on the day of the judicial arbitration hearing. However, if the parties believe that another ADR process might be more beneficial to their case, they may request permission from the court to switch ADR processes. Parties must submit their request to the court using the Court provided "Stipulation and [Proposed] Order to [Mediation, Neutral Evaluation, etc.] in Lieu of Court Ordered Judicial Arbitration" form. [See Local Rule 2.3(h)(3)].~~

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2005) (Amended, effective January 1, 2007)(*Repealed or Renumbered effective January 1, 2021.*)

Rule 10.2 Voluntary Arbitration

**REPEALED**

~~In all short cause matters, the parties may stipulate to arbitration. Cost of such arbitration will be borne as the parties stipulate or, if there be no stipulation, by the losing party.~~

~~(Adopted, effective, January 1, 2009 [formerly Rule 11.6])(Repealed effective January 1, 2021.)~~

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DIVISION XI

CIVIL RULES

RULE 11.1 Motions and Notice of Motions

~~(Adopted, effective July 1, 1996) (Repealed, January 1, 2008)~~

Rule 11.2 Information Forms for Data Processing

The court may prescribe forms for filing with such papers as may be necessary to accommodate data processing and statistical reporting requirements. These forms will normally be required with all first appearances or any other pleadings which affect the status of the parties in an action, including proofs of service of summons, memoranda to set, any documents requiring a hearing, and such other documents as may be identified by the court as requiring the input of special data to a case management/statistical reporting system. Specific statements of policy requiring the filing of these forms, and amendments thereto, will be published as they are approved by the court through customary media and bar liaison channels. These forms will be made available at the Court clerk's offices, as appropriate.

~~(Adopted, effective July 1, 1996)~~

Rule 11.3 Long-Cause Pre-arbitration, Settlement and Trial Setting

**REPEALED**

- ~~—(a)— For purposes of these rules, any civil action requiring more than four hours for trial or in which a Jury is demanded is deemed to be a long cause matter. All other actions are short cause matters.~~
- ~~—(b)— Pre arbitration, settlement and trial setting conferences shall be conducted in accordance with the California Rules of Court and the rules of this Court, with notice of such conferences to be given by the Clerk.~~
- ~~—(c)— The Presiding Judge or a Judge designated by him or her shall hold a combined Pre arbitration or mediation, settlement and setting conference for every long cause civil action. All matters which are or will be subject to arbitration or mediation under the provisions of Chapter 2.5, Title III, or title 11.6 of Part 3 of the Code of Civil Procedure (Sec. 1141.10 et seq., or Sec. 1775 et seq.) or Rules 3.810, et seq., or 3.870, et seq. of the California Rules of Court shall be arbitrated or mediated, except those matters which the conference Judge determines to be not amenable to arbitration or mediation or cases in which arbitration or mediation is not likely to result in a reduction in the time or expense of litigation. In all other long cause matters which are by law not subject to arbitration or mediation, or determined to be not amenable thereto, a settlement and setting conference shall be held.~~
- ~~(d)— Upon filing of a memorandum to set in all long cause matters, the Clerk shall forthwith set a conference. Notwithstanding any other provision of these rules, a judge of this court assigned to hear civil matters, upon that judge's own motion or upon application by a party, may require that any case, including those defined as short causes, may be subject to a settlement conference. In such event, the conference shall be conducted pursuant to this rule.~~

~~(e) — At the conference, the conference Judge shall attempt to effect settlement of the case. If no settlement is effected and the Judge determines it appropriate to do so, the Judge may adjourn the conference from time to time for further settlement discussions. If no settlement is effected, the matter shall be ordered to be submitted to arbitration unless it is not subject, or amenable, to arbitration. In all cases set for trial a final settlement conference shall be set approximately three weeks prior to trial date.~~

~~(f) — At all settlement conferences, all parties shall: (1) Have clients and principals in attendance or on telephone standby. (2) Prepare and submit to the Court, at least two full court days prior to the day of the conference, a written statement containing all of the following: (a) the facts and respective contentions of the parties to prove or disprove the right of recovery; (b) items and amounts of special damages; (c) nature and extent of injuries incurred and claimed residuals supported by written medical reports when available; (d) any wage loss claim, showing methods of computation; (e) any claim for future medical expenses and earnings loss; and (f) statements of the most recent demand and offer.~~

~~(g) — The trial attorney or a fully informed associate with settlement authority shall attend for each party.~~

~~(h) — Counsel shall be prepared to make a bona fide offer of settlement.~~

~~(i) — ARBITRATION. After a case has been ordered to arbitration and the arbitrator has been selected, not later than five (5) days prior to the date set for the arbitration hearing, each party shall lodge with the arbitrator a legible copy of each pleading that party has previously filed with the court and each court order which the party has obtained.~~

~~(j) — After arbitration, if a party elects to have a trial de novo pursuant to Code of Civil Procedure Section 1141.20, trial will be set by the Clerk. The case shall receive priority and shall be set on the first trial date reasonably available. A settlement conference shall also be set approximately three weeks prior to the trial date.~~

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007)(*Repealed effective January 1, 2021.*)

#### Rule 11.4 Civil Case Assignment (REPEALED)

(Amended, effective January 1, 1997) (REPEALED, effective July 1, 2013)

#### Rule 11.5 Juries: Fees and Demands

##### ***REPEALED***

~~— Jury fees shall be deposited as provided in Code of Civil Procedure Sections 631 and 631.3. Parties in civil actions shall be deemed to have waived their right to a trial by jury in all cases in which they would otherwise be entitled to such a trial, by an express waiver or failure to demand a jury, or in any other manner prescribed by C.C.P. § 631 or 631.3.~~

~~— In unlawful detainer cases in which a jury is demanded, a jury will be deemed to be waived unless the party demanding the jury either: (1) deposits jury fees as required pursuant to C.C.P. § 631(e)(1) or (2) obtains an order to proceed in forma pauperis prior to 10 AM on the fifth day prior to the day set for trial not counting weekends or non judicial days established pursuant to law.~~

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2009; effective January 1, 2013)(*Repealed effective January 1, 2021.*)

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Rule 11.16 Delay Reduction Policy and Standards

**REPEALED**

~~(a) TIMELY DISPOSITION OF CIVIL CASES STATEMENT OF POLICY. It is the policy of the Superior Court of California, County of San Mateo to manage all municipal court type cases from the time of filing the first document invoking court jurisdiction through final disposition. Parties are encouraged to proceed at a more accelerated pace, especially in those cases involving promissory notes, simple breach of contract, money due and other cases susceptible to early disposition. This policy is intended to comply with existing law, maximize efficient use of court resources and resolve cases within the Standards of Timely Disposition adopted by the American Bar Association.~~

~~(b) TIME STANDARDS. The following standards are adopted for resolution of civil cases.~~

~~(1) GENERAL CIVIL. A general civil case is any civil case other than a small claims or unlawful detainer.~~

~~(A) 90% of all the general civil cases shall be completed within twelve (12) months from the date of filing complaint~~

~~(B) 98% of all general civil cases shall be completed within eighteen (18) months from the date of filing complaint.~~

~~(C) 100% of all general civil cases shall be completed within twenty four (24) months from the date of filing complaint.~~

~~(2) UNLAWFUL DETAINER.~~

~~(A) 90 % of all unlawful detainer cases shall be completed within thirty (30) days from filing of the complaint.~~

~~(B) 100% of all unlawful detainer cases shall be completed within forty five (45) days from filing of the complaint.~~

~~(3) SMALL CLAIMS.~~

~~(A) 100% of all small claims cases where defendant resides within the county shall be completed within thirty (30) days from the filing of the claim of plaintiff.~~

~~(B) 100 % of all small claims cases where defendant resides outside the county shall be completed within sixty (60) days from the filing of the claim of plaintiff.~~

*(Adopted, effective July 1, 1996)(Repealed effective January 1, 2021.)*

RULE 11.17 General Civil Delay Reduction Procedural Rules

*(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2009)*

Rule 11.18 Continuances

**REPEALED**

~~Pursuant to CRC Rule 10.1004 and CRC Standards of Judicial Administration, Section 9, no case shall be continued except upon an affirmative showing of good cause. Motions to continue shall be in writing and supported by affidavits or declarations detailing specific facts showing that a continuance is necessary. A stipulation by all parties to a continuance does not constitute good cause.~~



(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007)(*Repealed effective January 1, 2021.*)

Rule 11.19 Required Action

Action shall be taken on all calendared cases and a future date for action shall always be set. No case shall go "off calendar" without a future action date being set.

(Adopted, effective July 1, 1996)

Rule 11.20 Failure to Comply With Delay Reduction Rules

***REPEALED***

~~— If, at any time, a party fails to pursue a case to disposition or fails to comply with the requirements of these rules, an order to show cause may be issued by the Court and a hearing held to determine whether good cause exists for such failure and to consider imposition of sanctions under the Local Rules of this Court, CCP Section 177.5, or Section 128.5, or dismissal of the action pursuant to CCP Section 583.410 and the appendix to the Standards of Judicial Administration Section 2.3.~~

(Adopted, effective July 1, 1996)(*Repealed effective January 1, 2021.*)

Rule 11.21 Unlawful Detainer

***REPEALED***

~~Unlawful detainer actions are controlled by these Rules. A Memorandum to Set or a default judgment must be filed with the Court and served within twenty five (25) days of the filing of the Complaint. If a memorandum to set or a default judgment is not so filed and served, the Court on its own motion, without further notice, may dismiss the action.~~

(Adopted, effective July 1, 1996)(*Repealed effective January 1, 2021.*)