

Title 3. Civil Rules

Chapter 1. Rules Applicable to All Civil Cases

Rule 3.1. Title

The rules in this title may be referred to as the Local Civil Rules.

Rule 3.1 adopted effective July 1, 2007.

Rule 3.10. Application

The Local Civil Rules apply to all civil cases in the court, including general civil, family, juvenile, and probate cases, unless otherwise provided in these rules or by rule in the California Rules of Court or by order in a particular case.

Rule 3.10 adopted effective July 1, 2007.

Rule 3.20. Designation of civil cases

For the purposes of these rules, the following definitions and designations apply.

(a) Unlimited and limited civil cases

Cases designated on the Civil Case Cover Sheet as Auto Tort; Other PI/PD/WD Tort, except Asbestos; Non-PI/PD/WD Tort; Employment; Contract, except Collection Cases; and Real Property are unlimited and limited civil cases under these rules.

(b) Complex cases

All cases provisionally designated as complex or determined after hearing to be complex.

(c) Asbestos and silica cases

All cases in which a primary theory of recovery concerns exposure to asbestos fibers or products or crystalline silica in any form, whether the theory plead is wrongful death, personal injury, product liability, or other causes of action will be designated as an asbestos or silica case.

(d) Petitions and writs

All cases seeking approval of a petition to compel arbitration filed as the initial pleading or to confirm an arbitration award, petitions for extraordinary relief sought pursuant to C.C.P. 1094.5 and 1085 and not

combined with other civil claims, including actions brought pursuant to the California Environmental Quality Act, will be designated as petition cases.

(e) Uninsured motorist cases

All cases designated on the Civil Cover Sheet as an Uninsured Motorist case are uninsured motorist cases under these rules.

(f) Small claims cases

Any case that is filed in the small claims court is a small claims case under these rules.

(g) Collection cases

A collection case is an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorneys fees, arising from a transaction in which property, services, or money was acquired. A collections case does not include an action seeking the following: (1) Tort damages; (2) Punitive damages; (3) Recovery of real property; (4) Recovery of personal property; or (5) A prejudgment writ of attachment.

(h) Unlawful detainer actions

All cases designated as unlawful detainer actions on the Civil Case Cover Sheet are designated unlawful detainer actions under these rules.

Rule 3.20 adopted effective July 1, 2007.

Rule 3.25. Status or case management conference

The court may set any case for a status or case management conference at any time upon notice. The notice may require the appearance of the parties, filing of a pleading, performance of an act, or any other matter the court orders.

Rule 3.25 adopted effective July 1, 2007.

Rule 3.26. Notice of death

Within ten calendar days of receiving notice of a party's death, counsel for the deceased party must file a Notice of Death with the court and serve it upon all other parties.

Rule 3.26 adopted effective January 1, 2009.

Rule 3.30. Law and motion

(a) Law and motion department

Law and motion matters are heard in Department 14 in any case that is not assigned to a judge for all purposes or all pretrial purposes under these rules.

(b) Reserving a hearing date

Any party who desires to have any demurrer, motion, or order to show cause set for hearing must contact the clerk of the department in which the motion will be heard to reserve a hearing date.

(c) Courtesy copies

An identical courtesy copy of any paper filed, lodged, or otherwise submitted in support of, in opposition to, or in connection with any motion or application must be delivered to the courtroom clerk assigned to the Department in which the motion or application will be heard. For regular motions, such delivery must be made by noon the court day after the paper is filed, lodged or otherwise submitted. For in limine motions or matters on which the hearing will be two court days or fewer from filing, the courtesy copies shall be delivered the same day as filing. This rule does not apply to administrative records in writ proceedings.

(d) Tentative rulings

The court adopts the tentative ruling procedure set out in California Rules of Court, rule 3.1308(a)(1). The tentative ruling or notice to appear will generally be available by 4:00 p.m. two court days prior to the scheduled hearing and no later than 3:00 p.m. the court day before the hearing. Unless the court directs otherwise, the court's tentative ruling will be available on the court's website at www.alameda.courts.ca.gov/tentativerulings or by calling (866) 223-2244. Whenever a tentative ruling has not been issued, the parties are to appear at the hearing unless otherwise ordered.

Rule 3.30 amended effective January 1, 2015; adopted effective July 1, 2007; previously amended effective January 1, 2010.

Rule 3.35. Standing pretrial orders

(a) Application of the pretrial orders

Unless otherwise specified in these rules or modified by the judge to whom the case is assigned at the time of trial setting, the following standing orders will apply to:

- (1) All civil jury trials; and
- (2) With the exception of provisions for jury instructions and verdict forms, to all civil court trials.

(b) Exhibits

Each counsel, and any self-represented party, must prepare an index of all exhibits to be offered at trial, other than those to be used for impeachment or rebuttal, for submission with one extra copy to the courtroom clerk at the pretrial conference or on the first day of trial if no pretrial conference is scheduled. The index must identify as separate exhibits each discrete document or item to be offered at trial and the index must include a brief description of each exhibit sufficient to distinguish it from the other exhibits. These indices and copies of the exhibits must be exchanged by counsel, and any self-represented party, at least three court days before the pretrial conference or three court days before trial if a pretrial conference is not scheduled. The parties must meet and confer to eliminate duplicate exhibits and stipulate whenever possible to authenticity and admissibility. Failure to disclose or exchange a copy of any exhibit may result in its exclusion at trial. All objections to an exhibit must be in the form of a motion in limine pursuant to paragraph (e). Failure to file and serve a motion in limine objecting to an exhibit may waive all objections to that exhibit at trial.

(c) Depositions and discovery responses

- (1) Originals of all depositions to be used at trial must be lodged with the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled. Counsel, and any self-represented party, must meet and confer to edit depositions as necessary and make a good faith effort to resolve admissibility issues related to depositions.
- (2) If depositions, requests for admissions, interrogatory responses, or any other discovery responses, are to be used in lieu of live testimony at trial, the proponent must submit the excerpts to be used to opposing counsel, or any self-represented party, at least three court days before the pretrial conference, or three court days before trial if a pretrial conference is not scheduled. The parties must meet and confer on the admissibility of depositions, requests for admissions, interrogatory responses, or other discovery responses and whenever possible to authenticity and admissibility. Legal grounds for objections to such excerpts must be raised by motion in limine pursuant to subdivision (e).

(d) Transcripts

The parties must meet and confer concerning the proposed use of any video or audio presentation and stipulate whenever possible to the use of the presentation. Objections to any audio or video presentation or transcripts must be raised in a motion in limine pursuant to subdivision (e).

(e) Motions in limine

(1) Applicability

This rule does not apply to motions in limine in unlawful detainer, probate, family, and juvenile cases.

(2) Form and filing of motions

Unless otherwise ordered by the trial judge, all motions in limine subject to this rule must be in writing, numbered consecutively, and filed in the clerk's office at least three court days before the pretrial conference or, if there is no pretrial conference, three court days before trial. Motions in limine addressing separate evidence or issues shall not be aggregated into one motion. Reservation numbers are not required for motions in limine subject to this rule.

(3) Hearing

Unless otherwise ordered by the trial judge, all motions in limine subject to this rule will be set for hearing. The trial judge shall determine the hearing date and time and how service of the motion is to be made. The timing and service requirements of the opposition and reply, if any, shall be at the discretion of the trial judge.

(4) Courtesy copies

Unless otherwise ordered by the trial judge, courtesy copies of any moving papers filed under this rule, as well as any opposition and reply papers, shall be delivered to the trial department on the date of filing.

(f) Witnesses

A list of all witnesses, including both expert and non-expert witnesses, to be called at trial, other than those to be called solely for impeachment or in rebuttal, must be personally served upon opposing counsel, or any self-represented party, three court days before the pretrial conference or three court days before trial if a pretrial conference is not scheduled and presented in triplicate to the courtroom clerk at the pretrial conference or on the first day of trial if no pretrial conference is scheduled.

(g) Redaction of exhibits

If medical, personal, or consumer records are involved, the parties are to delete any information that counsel, or any self-represented party, agree should not come into evidence, including insurance information, so that such information is not received by the jury. The proponent must then prepare clean copies of the records for submission into evidence. Any disagreements or legal grounds for objection to the records must be set forth in a motion in limine filed pursuant to subdivision (e).

(h) Statement of the case

Each counsel, and any self-represented party, must, in advance of the pretrial conference or the first day of trial if no pretrial conference is scheduled, meet and confer for the purpose of agreeing upon a brief non-argumentative summary of the factual nature of the case and a brief statement regarding any alleged injuries and damages for submission to the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled.

(i) Jury instructions

Each counsel, and any self-represented party, must personally serve upon opposing counsel, or any self-represented party, three court days before the pretrial conference or the first day of trial if no pretrial conference is scheduled and submit a set of proposed jury instructions to the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled. The submission of a list of jury instructions, without the proposed instructions, does not comply with this requirement. The full text of the proposed instructions must be provided including proposed language to complete any blank portions of such instructions and proposed formatting to include or exclude bracketed language in such instructions. Any proposed instruction that is not taken verbatim from jury instructions approved by the Judicial Council of California must include citations to the authorities upon which it is based.

(j) Verdict forms

At least three court days before the pretrial conference or the first day of trial if a pretrial conference is not scheduled, each counsel, and any self-represented party, must meet and confer for the purpose of agreeing upon a form of verdict or special verdict and submit the agreed upon or proposed verdict form, if no agreement has been reached, to the courtroom clerk at the pretrial conference or on the first day of trial if a pretrial conference is not scheduled.

(k) Jury selection

Supplemental voir dire questions and any proposed written juror questionnaire must be personally served upon opposing counsel or any self-represented party three court days before the pretrial conference or the first day of trial if no pretrial conference is scheduled and submitted to the courtroom clerk at the pretrial conference if one is scheduled, or on the first day of trial if a pretrial conference is not scheduled.

(l) Glossary

If the case involves technical or unusual vocabulary, the parties must meet and confer on the contents of a glossary of terms to be included and their definitions. If the case involves technical or unusual vocabulary a special glossary must be prepared and must be submitted, in duplicate, to the courtroom clerk at the pretrial conference, or on the first day of trial if a pretrial conference is not scheduled.

(m) Electronic copies

If ordered, counsel must submit to the court and all other parties, electronic copies of proposed juror questionnaires, jury instructions, and verdict forms in addition to printed versions required by this rule. Electronic copies must be in the format ordered by the court.

(n) Consequences of noncompliance

In the discretion of the trial judge, the consequences of noncompliance with an order made under this rule may include imposition of any sanction or order authorized by law including, without limitation, restricting evidence, continuing the trial, sending the case back for further case management, reopening discovery, excluding an exhibit, precluding the testimony of a witness, striking an instruction, striking a motion in limine, or imposing sanctions.

Rule 3.35 amended effective July 1, 2014; adopted as rule 4.8 effective May 19, 1998; previously amended effective July 1, 1999 and January 1, 2001; previously renumbered to rule 4.4H effective July 1, 2002; previously amended to relocate and revise former rule 4.4H to revised rule 4.6 effective January 1, 2006; subsequently amended January 1, 2007; previously amended and renumbered to rule 3.35 effective July 1, 2007.

Rule 3.50. Requirement for clerk's finding of reasonable diligence for substituted service

For purposes of Code of Civil Procedure section 415.20(b), a party shows reasonable diligence in attempting personal service by attempting personal delivery in good faith on at least three occasions. The party's attempts at personal service must occur on at least two different days of the week. Where

the attempts at personal service are made at a person's dwelling house or usual place of abode, one of the attempts must occur before 8:00 a.m. and another attempt must occur after 7:00 p.m. If a party meets these requirements, a court clerk will find that the reasonable diligence requirement is met.

Rule 3.50 amended effective January 1, 2010; adopted effective January 1, 2008.

Rule 3.60. Default matters

Once a plaintiff has requested a court judgment under California Rules of Court, rule 3.1800, a civil uncontested hearing will not be set without a court order.

Rule 3.60 amended and renumbered effective July 1, 2007; adopted as rule 4.10 effective May 19, 1998; previously amended July 1, 1999; previously amended and renumbered to rule 4.8 effective July 1, 2002; subsequently amended January 1, 2007.

Rule 3.70. Recovery of costs and attorneys fees when judgment is for amount within small claims court jurisdiction

Costs and attorney fees will not be awarded to a prevailing plaintiff when the amount recovered is within the limitation on a small claims court action and the action could have been brought in small claims court in the absence of unusual circumstances. Where the amount sought is within the jurisdiction of small claims court but the party could not bring the action in that court, a declaration setting for the specific basis for such a claim and a copy of the notice required by CCP 1033(b)(2) must be submitted.

Rule 3.70 amended and renumbered effective July 1, 2007; adopted as rule 4.13 effective May 18, 1998; previously amended effective July 1, 1999; previously renumbered to rule 4.11 effective July 1, 2002.

Rule 3.90. Failure to comply with these rules

If any party or counsel fails to pursue a case to disposition or comply with the requirements of these rules, the Court may take any of the following actions against that party or counsel:

- (1) Strike all or any part of any pleading of the party;
- (2) Dismiss all or part of the party's action or proceeding;
- (3) Enter a judgment by default against the party;
- (4) Impose other penalties of a lesser nature as provided by law; and

- (5) Order the party or counsel to pay the moving party the reasonable expenses in making the motion, including reasonable attorney fees.

No penalty may be imposed against a party or counsel without notice and an opportunity to be heard.

Rule 3.90 amended effective January 1, 2016; adopted as rule 4.18 effective May 19, 1998; previously amended and renumbered to rule 4.16 effective July 1, 2002 and subsequently amended and renumbered effective July 1, 2007; previously amended effective January 1, 2007 and effective January 1 2008.

Rule 3.95. Court reporters

Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter.

Rule 3.95 amended effective June 1, 2012; adopted as rule 4.19 effective May 19, 1998; previously amended effective July 1, 1999; previously amended and renumbered to rule 4.17 effective July 1, 2002; previously amended and renumbered to rule 3.95 effective July 1, 2007; previously amended January 1, 2012.

Rule 3.97. Return of exhibits

(a) Return of exhibits

All exhibits and other materials offered in evidence or otherwise presented at civil trials, including transcripts of depositions and administrative records, will be returned at the conclusion of trial to the custody of the offering party. The custodial party must maintain all exhibits and other materials in the same condition as received from the clerk until 60 days after a final judgment or dismissal of the entire case is entered.

(b) Obtaining certified copies of exhibits

At the conclusion of trial and before the exhibits and other materials are returned to the offering party, any party may request that the court provide certified copies of exhibits and the clerk will prepare and provide such copies at the expense of the requesting party.

Rule 3.97 amended and renumbered effective July 1, 2007; adopted as rule 4.20 effective May 19, 1998; previously amended effective July 1, 1999; previously renumbered to rule 4.18 effective July 1, 2002.

Chapter 2. Limited and Unlimited Civil Cases

Rule 3.100. Title

The rules in this chapter may be referred to as the Civil Direct Calendar Rules.

Rule 3.100 adopted effective July 1, 2007.

Rule 3.110. Application of this chapter

This chapter applies to all cases that are designated as limited and unlimited cases. These cases may also be referred to as Direct Calendar Cases.

Rule 3.110 adopted effective July 1, 2007.

Rule 3.120. Assignment of cases

The presiding judge will assign each unlimited and limited civil case to a single judge for all purposes, including trial, except as further directed by the presiding judge or required by law. That judge may be referred to as a Direct Calendar Judge. The Direct Calendar Judge will schedule, hear, and decide all matters for each case assigned to that judge, except as may otherwise be required by law, provided in these rules, or directed by the presiding judge.

Rule 3.120 adopted effective July 1, 2007.

Rule 3.130. Notice of Assignment

(a) Notice of Assignment

All Direct Calendar cases will be assigned to a judge within two court days of filing. A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for noticed motions and ex parte applications, and a Notice of Initial Case Management Conference will be prepared by the court.

(b) Notice of Assignment includes Notices of Reassignment

As used in this local rule, a Notice of Assignment includes an initial notice as well as any subsequent Notice of Reassignment.

Rule 3.130 adopted effective July 1, 2007.

Rule 3.135. Service of notices

(a) Service of notice by the clerk

The clerk will serve the Notice of Assignment and Notice of Initial Case Management Conference, either by mail on counsel of record for plaintiff and on any self-represented plaintiff, or personally on plaintiff or plaintiff's representative at the time the complaint is filed.

(b) Service of notice by a party

(1) Service by a plaintiff

When a plaintiff causes the summons and complaint to be served on a party in the case, a copy of the Notice of Assignment and Notice of Initial Case Management Conference must be served with the summons and complaint. If a plaintiff receives the Notice of Assignment from the court after that plaintiff has already served the summons and complaint on one or more parties, then the plaintiff must cause a copy of the Notice of Assignment to be served forthwith on those parties. If a party, including an intervenor or a voluntarily appearing defendant, appears without previously being served with a summons, then the plaintiff must cause a copy of the Notice of Assignment to be served forthwith on that party.

(2) Service by other parties

When a cross-complainant causes the summons and cross-complaint to be served on a new party in the case, a copy of the Notice of Assignment together with notice of any pending conference or hearing must be served with the summons and cross-complaint. If a cross-complainant receives the Notice of Assignment from the court after the cross-complainant has already effected service of the summons and cross-complaint on one or more new parties, then that cross-complainant must cause a copy of the Notice of Assignment together with notice of any pending conference or hearing to be served forthwith on those new parties.

(3) When service not required

Notwithstanding the requirements of the preceding section, a Notice of Assignment need not be served on any party that has already been served with that notice.

(4) Proof of service required

Any party serving a Notice of Assignment together with notice of any pending conference or hearing must forthwith file proof of service thereof with the court.

Rule 3.135 amended effective July 1, 2008; adopted effective July 1, 2007.

Rule 3.140. Designation of assigned judge in subsequent documents

After a case is assigned, all subsequent documents must state on the face page, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO:
JUDGE [insert name]
DEPARTMENT [insert number]

Rule 3.140 adopted effective July 1, 2007.

Rule 3.150. [Reserved]

Rule 3.150 (Improper refiling) repealed effective July 1, 2008; adopted effective July 1, 2007.

Rule 3.160. Unavailability of assigned judge

(a) Temporary unavailability of assigned judge

In the event of the temporary unavailability of the judge assigned for all purposes, another judge may be assigned to hear matters in that case. Until and unless the court issues an order or notice revoking the existing single assignment or assigning a new judge for all purposes, any hearing that may take place before another judge does not affect the status of the case as originally assigned for all purposes.

If, due to temporary unavailability, a judge must hear a matter assigned to another judge, the court will note on the record that the case remains assigned for all purposes to the assigned judge.

(b) Permanent unavailability of assigned judge

If for any reason, including but not limited to death, retirement, resignation, or elevation, a judge assigned to a case for all purposes is unavailable to continue to serve as such, the presiding judge will reassign the case to another judge.

Rule 3.160 adopted effective July 1, 2007.

Rule 3.170. Case management

(a) Case management conference

An initial case management conference will be scheduled approximately 150 days after filing of the complaint.

(b) Continuance of case management conference

Requests to continue a case management conference may be submitted to the assigned judge prior to the date the case management statement is due unless the reason for the continuance arose after that date. Request for continuance must explain the reason or reasons that the conference should be continued and must indicate that the requesting party has conferred with opposing counsel or self-represented party, if any, and indicate what the position is of such counsel or party with regard to the request. Requests for continuance that are not granted are deemed denied.

Rule 3.170 amended and renumbered effective July 1, 2007; adopted as rule 4.2 effective May 19, 1998; previously amended effective July 1, 1999 and August 1, 2000; previously amended and renumbered to rule 4.3 effective July 1, 2002; subsequently amended effective July 1, 2005 and January 1, 2007.

Chapter 3. Complex, Asbestos, and Silica Cases

Rule 3.250. Determination of a case as a complex case or an asbestos or silica case

(a) Complex determination

Cases that are provisionally designated as complex will be assigned for a complex determination hearing. In all pending cases not previously designated as complex, counsel or self-represented parties may obtain a date for a hearing requesting complex designation by requesting a hearing with the clerk in the designated department.

(b) Determination of a case as an asbestos or silica case

Cases are determined to be asbestos or silica cases on the basis of the information provided on the Civil Case Cover Sheet.

Rule 3.250 amended effective January 1, 2009; adopted as section 'E' of Appendix to Chapters 4 and 5 effective August 1, 2000; previously amended effective March 1, 2006 and January 1, 2007; previously amended and renumbered effective July 1, 2007.

Rule 3.260. Assignment of complex, asbestos, and silica cases

(a) Assignment of cases

(1) Assignment of complex cases

Every case determined to be a complex case will be assigned for all purposes to a designated department.

(2) Assignment of asbestos and silica cases

Every case determined to be an asbestos or silica case will be assigned for all pretrial purposes and possibly for trial to a designated department.

(b) Notice of Assignment for noncomplex and asbestos and silica cases

(1) The court will issue a Notice of Assignment in all cases determined not to be complex.

(2) All asbestos and silica cases will be assigned within two court days of filing. A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for noticed motions and ex parte applications, and a Notice of Initial Case Management Conference will be prepared by the court.

(c) Service of notices

(1) Service of notice by the clerk

The clerk will serve the Notice of Assignment, Notice of Initial Complex Case Management Conference or Notice of Initial Case Management Conference, and any Complex Determination order made by the court by mail on counsel of record for plaintiff and on any self-represented plaintiff, or personally on plaintiff or plaintiff's representative at the time the complaint is filed.

(2) Service of notice by the plaintiff

The plaintiff must serve the Notice of Assignment or Complex Determination order and the most recent case management conference notice on each named defendant either when that defendant is served with the summons and complaint, or as soon as plaintiff receives the notice, whichever is later and file a proof of service thereof. Whenever a cross complaint is filed, cross complainant must serve the Notice of Assignment or Complex Determination order on all cross defendants who are not already

parties with the summons and cross complaint, and must file a proof of service thereof.

(d) Designation of assigned judge in subsequent documents

After a case is assigned, all subsequent documents must state on the face page, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO:
JUDGE [insert name]
DEPARTMENT [insert number]

(e) Case management conference for complex cases

Cases determined to be complex will be scheduled for a Complex Case Management Conference after the hearing or order determining that the case is complex.

(f) Complex case management conference statements

Attorneys or unrepresented parties must file complex case management conference statements in the assigned department within five court days prior to the Complex Case Management Conference.

Rule 3.260 amended effective January 1, 2009; adopted as section 'E' of Appendix to Chapters 4 and 5 effective August 1, 2000; previously amended effective March 1, 2006 and January 1, 2007; previously amended and renumbered effective July 1, 2007.

Rule 3.280. Service requirements in asbestos and silica cases

- (1) Within 45 days of filing the complaint, the plaintiff must serve each named defendant and file proof of service with the court.
- (2) Within 45 days of service of the complaint, each defendant must file and serve all responsive pleadings.
- (3) Within 45 days of service of the complaint, any cross-complaints must be served and proof of service filed and served upon all parties who have appeared in the action.
- (4) Any party adding a new party to the action must provide notice to the newly added party of the next scheduled conference or hearing.

Rule 3.280 amended and renumbered effective July 1, 2007; adopted as rule 7.4 effective May 19, 1998; previously amended effective July 1, 1999 and January 1, 2005.

Rule 3.285. Standard interrogatories in asbestos and silica cases

(a) Interrogatories to plaintiffs

All standard interrogatories to plaintiffs will be deemed served on plaintiff when the complaint is filed and answers must be served within 60 days of the filing of the complaint.

(b) Interrogatories to defendants

All standard interrogatories to defendants and cross-defendants will be deemed served with the complaint or cross-complaint and answers must be served pursuant to the provisions of Code of Civil Procedure section 2030 or order of the court.

Rule 3.285 amended and renumbered effective July 1, 2007; adopted as rule 7.4 effective May 19, 1998; previously amended effective July 1, 1999 and January 1, 2005.

Rule 3.290. Case management for asbestos and silica cases

(a) Initial case management conferences

- (1) The initial case management conference will be conducted within 120 days after the filing of the complaint or as otherwise ordered by the court.
- (2) Counsel thoroughly familiar with the case must attend the initial case management conference. All deadlines and schedule dates ordered by the court or stipulated to by counsel attending the initial case management conference will be binding on trial counsel.
- (3) The court may set deadlines for exchange of written demands and offers, stipulations, completion of depositions and interrogatories, filing of motions, disclosing exhibits, and designation of experts.
- (4) The court will consider and may order consolidation for the purpose of hearing motions, conducting settlement conferences, or for trial.

(b) Second case management conference

- (1) A second case management conference will be held by the court 180 days after the initial case management conference unless the court orders otherwise.

- (2) The court will review discovery; schedule settlement conferences; schedule the trial date and further conference dates; consider diversion of the case to a special master, hearing officer, or temporary judge; consider ordering the case to judicial arbitration or other form of alternative dispute resolution; and will set a deadline for independent medical examinations.

(c) Third case management conference

- (1) A third case management conference will be held by the court 60 days before trial or as otherwise ordered by the court.
- (2) The court will order a final discovery deadline; rule on pending motions; dismiss or substitute fictitious defendants; and schedule summary judgment or summary adjudication of issues if appropriate.

(d) Fourth case management conference

- (1) A fourth case management conference will be held by the court 30 days before trial or as otherwise ordered by the court.
- (2) The court will confirm the trial date and trial management and settlement conference dates; review previous orders for compliance; assure readiness for trial; and make any other orders determined to be necessary or appropriate.

(e) Final case management conference

A final case management conference will be held 14 days before trial unless otherwise ordered by the court.

Rule 3.290 amended and renumbered effective July 1, 2007; adopted as rule 7.4 effective May 19, 1998; previously amended effective July 1, 1999 and January 1, 2005

Chapter 4. Other Special Civil Case Types

Rule 3.300. Cases involving the California Environmental Quality Act

(a) Assignment of CEQA cases

Unless otherwise specified in these rules or ordered by the presiding or supervising judge, all CEQA cases will be assigned to a single judge for all purposes, including trial.

(b) Notice of assignment

A Notice of Assignment indicating the name and department number of the assigned judge, as well as the assigned judge's departmental schedule for notice motions and ex parte applications, will be prepared by the court.

(c) Service of notices

(1) Service of notice by clerk

The clerk will serve the Notice of Assignment either by mail on counsel of record for petitioner and on any self-represented petitioner, or personally on petitioner or petitioner's representative at the time the petition is filed.

(2) Service of notice by petitioner

The petitioner must serve the Notice of Assignment and the most recent case management conference notice on each named respondent or defendant either when that respondent or defendant is served with the summons and complaint, or as soon as petitioner receives the notice, whichever is later, and file a proof of service thereof.

(d) Designation of assigned judge in subsequent documents

After a CEQA case is assigned, all subsequent documents must state on the face page, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO:
JUDGE [insert name]
DEPARTMENT [insert number]

(e) Unavailability of assigned judge

In the event of the temporary unavailability of the judge assigned to a CEQA case for all purposes, another judge may be assigned to hear matters in that case. Until and unless the court issues an order or notice revoking the existing single assignment or assigning a new judge for all purposes, any hearing that may take place before another judge does not affect the status of the case as originally assigned for all purposes.

If, due to temporary unavailability, a judge must hear a matter assigned to another judge, the court will note on the record that the case remains assigned for all purposes to the assigned judge.

Rule 3.300 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.310. Invitation to mediation

Petitioner must prepare and lodge with the designated CEQA department a notice form for the court's signature inviting mediation. The clerk will mail the notice of invitation to all parties.

Rule 3.310 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.320. Preparation of the administrative record

(a) Preparation by the public agency

Within 20 days after receipt of a request to prepare the administrative record, the public agency responsible for such preparation must personally serve on petitioner a preliminary notification of the estimated cost of preparation, setting forth the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages. This notice must also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, must designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and must provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice must be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.

(b) Notification that petitioner elects to prepare the record

Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five days of such receipt. If petitioners so elect, then within 40 days of service of the initial notice to prepare the administrative record, petitioner must prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven calendar days of this notification, the agency, or other parties if any, must prepare

and serve the petitioners and all parties with a document notifying them of any document or item that such parties contend should be added to, or deleted from, the record. The agency must promptly notify petitioners of any required photocopying procedures or other conditions with which petitioners must comply in their preparation of the record.

(c) Notice by agency of proposed record

If petitioners do not so elect, then within 40 days after service of the request to prepare the administrative record, the agency must prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven calendar days of receipt of this notification, petitioners, or other parties if any, must prepare and serve the agency and all parties with a document notifying the agency of any document or item that such parties contend should be added to, or deleted from, the record.

(d) Preparation by Petitioner

(1) Notice designating location of documents

Within 20 days after receipt of petitioner's notice of election to prepare the record, the public agency responsible for certification of the record must personally serve on petitioner a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice must also state any required photocopying procedures or other conditions with which petitioners must comply in their preparation of the record. This notice must be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.

(2) Service of index

Within 40 days after service of petitioner's notice of election, petitioners must prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within 7 calendar days of this notification, the agency, or other parties if any, must prepare and serve the petitioners and all parties with a document notifying them of any document(s) or

item(s) that such parties contend should be added to, or deleted from, the record.

Rule 3.320 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.330. Format of the administrative record

(a) Binding and length of volumes of the administrative record

The administrative record must be provided in one or more volumes of not more than 300 pages that are separately bound. The pages of the administrative record must be numbered consecutively and bound on the left margin. The cover of each volume of the records must be the same size as its pages and contain the same material as the cover of a brief, but must be labeled "Administrative Record."

(b) Index

At the beginning of the first volume of the administrative record, there must be an index of each paper or record in the order presented in the record referring to each paper or record by title or description and the volume and page at which it first appears.

(c) Organization

The administrative record must be organized in the following order:

- (1) The Notice of Determination;
- (2) All resolutions or ordinances adopted by the lead agency approving the project or required by law;
- (3) The Draft or revised Draft Environmental Impact Report and initial study;
- (4) The comments received on and the responses to those comments prepared for the Draft Environmental Impact Report or Negative Declaration, including any modification of the environmental documents and project made after the comment period;
- (5) The remainder of the Final Environmental Impact Report, including all appendices and other materials;

- (6) The staff reports prepared for the approving bodies of the lead agency;
- (7) Transcripts or minutes of all hearings; and
- (8) The remainder of the administrative record.

Rule 3.330 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.335. Disputes regarding the contents of the administrative record

Once the administrative record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the administrative record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified administrative record with additional documents or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioner's opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ.

Rule 3.335 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.340. Briefing schedule and length of memoranda

Unless otherwise ordered by the court, the following briefing schedule must be followed:

- (1) Petitioner must file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax, an opening memorandum of points and authorities in support of the petitioner within 30 days from the date the administrative record is served.
- (2) Respondent and Real Party in Interest must file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax, opposition points and authorities, if any, within 30 days following service of petitioner's memorandum of points and authorities.

- (3) Petitioner has 20 days from service of the opposition's points and authorities to file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax, a reply memorandum of points and authorities.

Rule 3.340 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.350. Settlement meeting

The initial notice must provide that, if the parties agree, the first settlement meeting will be continued so as to take place no later than 35 days after the administrative record is served.

Rule 3.350 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.370. Statement of issues

The statement of issues must identify those portions of the administrative record that are directly related to the contentions and issues remaining in controversy.

Rule 3.370 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

Rule 3.380. Trial notebook

Petitioner must prepare a trial notebook that must be filed with the designated CEQA department 14 days before the date of the hearing. The trial notebook must consist of the petition, all answers, the briefs, any motions set to be heard at trial, the statement of issues, and any other documents agreed upon by the parties.

Rule 3.380 amended and renumbered effective July 1, 2007; adopted as rule 5.13 effective July 1, 1999; previously amended January 1, 2000; previously renumbered to rule 5.12 effective January 1, 2002 and renumbered to rule 5.11, effective July 1, 2003; subsequently amended effective January 1, 2007.

**Rule 3.400. Other petitions for administrative or ordinary mandamus
[Reserved]**

Rule 3.500. Petitions to compel arbitration or to confirm an arbitration award [Reserved]

Rule 3.600. Unlawful detainers

The rules in this chapter may be referred to as the Local Unlawful Detainer Rules.

Rule 3.600 amended and renumbered effective July 1, 2007; adopted as rule 7.2 effective May 19, 1998; previously amended effective July 1, 1999 and July 1, 2004.

Rule 3.610. Undertakings

Unless otherwise ordered by the court, the minimum amount of undertaking required for an order for immediate possession is ten times the amount of monthly rental, but not less than \$500.00.

Rule 3.610 amended effective July 1, 2008; adopted as rule 4.14 effective May 19, 1998; previously amended effective July 1, 1999 and July 1, 2007; previously renumbered to rule 4.12 effective July 1, 2002 and to rule 3.610 effective July 1, 2007.

Rule 3.620. Request for trial date

Plaintiff must file a request for trial no later than 25 days after filing an unlawful detainer complaint.

Rule 3.620 amended and renumbered effective July 1, 2007; adopted as rule 7.2 effective May 19, 1998; previously amended effective July 1, 1999 and July 1, 2004.

Rule 3.630. Notice that defendant has vacated premises and redesignation of case

The plaintiff must notify the court in writing forthwith if all defendants have ceased possession of the property prior to trial and that possession of the property is therefore no longer an issue. Upon receipt of such notice, the court will issue a Notice of Assignment of the case as a limited or unlimited civil case.

Rule 3.630 adopted effective July 1, 2007.

Rule 3.640. Status conference

The court will set a status conference 45 days after filing of an unlawful detainer complaint unless the case has been set for trial, the court has issued a Notice of Assignment following redesignation of the case as a limited or unlimited case, or a disposition of the case has been entered.

Rule 3.640 amended and renumbered effective July 1, 2007; adopted as rule 7.2 effective May 19, 1998; previously amended effective July 1, 1999 and July 1, 2004.

Rule 3.650. Applications for stays of execution or other extraordinary relief

Ex parte applications for stays of execution or other extraordinary relief in unlawful detainer matters must be accompanied by a declaration showing each of the following:

- (1) Opposing counsel (or, if there is none of record, the opposing party) has been notified at least 24 hours in advance by telephone or in person of the time of the application.
- (2) The facts that necessitate proceeding ex parte.
- (3) The facts that constitute good cause for a stay of execution.

Factual matters must be set forth directly, not on information and belief. A form of declaration may be obtained from the clerk. Stays involving possession of real property will usually be granted only on condition that the payment of the reasonable rental value is paid to the court in advance if rent would otherwise become due.

Rule 3.650 amended and renumbered effective July 1, 2007; adopted as rule 4.16 effective May 19, 1998; previously renumbered to rule 4.14 effective July 1, 2002.

Chapter 5. Alternative Dispute Resolution

Rule 3.700. Use of alternative dispute resolution processes encouraged

The court finds that it is in the best interests of all parties that they participate in alternatives to traditional litigation, such as arbitration, mediation, neutral evaluation, and voluntary settlement conferences. Therefore, the court may refer cases to an appropriate form of alternative dispute resolution (ADR) before they are set for trial, unless there is good cause to dispense with an alternative dispute resolution process.

Rule 3.700 amended and renumbered effective July 1, 2007; adopted as rule 6.1 effective May 19, 1998; previously amended July 1, 1999 and July 1, 2003.

Rule 3.710. Rules for alternative dispute resolution processes other than judicial arbitration

(a) Selection of provider

The parties may choose any ADR provider they wish, whether or not that provider is on the list described in the following section of these rules.

(b) Good faith participation is required

All parties to an alternative dispute resolution process must participate in the process in good faith.

(c) Personal appearance required

In conducting a session, the ADR provider should require the attendance of persons with full authority to resolve the dispute. The provider should only permit telephone appearances if good cause to waive personal appearance was shown in a timely manner prior to the session.

(d) Cost of the alternative dispute resolution process

Unless the ADR provider's fees and expenses have been ordered by the court, the parties and the provider must agree on the fees and expenses. The fees and expenses of the provider will be borne by the parties equally, unless they agree otherwise.

Rule 3.710 amended and renumbered effective July 1, 2007; adopted as rule 6.2 effective May 19, 1998; previously amended effective July 1, 1999 and July 1, 2003.

Rule 3.720. Alternative dispute resolution provider list

The court maintains a list of alternative dispute resolution providers to assist parties and counsel in obtaining access to experienced and affordable alternative dispute resolution services. The list includes providers in the areas of mediation, neutral case evaluation, private arbitration, and judicial arbitration. The list, including names, qualifications, services provided and fees charged, will be posted on the court's website and will be available in the office of the ADR program administrator.

Rule 3.720 amended and renumbered effective July 1, 2007; adopted as rule 6.3 effective May 19, 1998; previously amended effective July 1, 1999, July 1, 2003, and January 1, 2007.

Rule 3.740. The ADR administration committee

(a) Members

In addition to the members required by the California Rules of Court, the court's ADR Administration Committee will also include three or more members chosen by the presiding judge as representatives of ADR providers serving on the court's ADR panels.

(b) Duties of the committee

In addition to the responsibilities provided in the California Rules of Court, the court's ADR Administration Committee has the following responsibilities:

- (1) To establish criteria for ADR panel eligibility;
- (2) To recruit and appoint ADR providers to the ADR panels;
- (3) To deny applications for the ADR panel;
- (4) To investigate any written complaints received regarding the conduct of ADR panelists and determine appropriate action, including but not limited to, issuing a reprimand, removing an individual from the ADR panel, and prohibiting future participation in the ADR panel;
- (5) To develop informational and educational material concerning the court's ADR panels;
- (6) To review the administration and operation of the ADR panel list and make recommendations to improve the program, promote the ends of justice, and serve the needs of the community; and
- (7) To gather statistical and other evaluation information concerning the court's ADR program to ensure that the reporting requirements to the Judicial Council are met.

Rule 3.740 amended and renumbered effective July 1, 2007; adopted as rule 6.5 effective May 19, 1998; previously amended effective July 1, 1999, July 1, 2003, and January 1, 2007.

Rule 3.750. Complaint procedure

The complaint procedure described in this section applies to all providers of alternative dispute resolution (ADR) services who are panel members of the court's ADR Program. The following local rules relating to the complaint procedure are intended to comply with applicable California Rules of Court and to ensure that all complaints are resolved through procedures consistent with California mediation confidentiality statutes. The court's ADR complaint brochure provides more detailed information about the process and procedure.

Rule 3.750 amended effective January 1, 2010; adopted as rule 6.7 effective July 1, 2003; previously amended and renumbered effective July 1, 2007.

Rule 3.760. Inquiries and complaints

(a) Designation of complaint coordinator

The ADR program administrator is the designated complaint coordinator unless otherwise ordered by the presiding judge.

(b) Acknowledgement of complaint

Within three court days of receipt of an inquiry or complaint, the complaint coordinator will send written acknowledgement of receipt.

(c) Preliminary review

Within 10 court days of receipt of an inquiry or complaint, the complaint coordinator will determine whether the complaint can be informally resolved or closed, or whether an investigation is warranted. If an investigation is warranted then the complainant may be asked to submit the complaint in writing.

(d) Investigation and recommendation

- (1) Within three court days of a determination that the complaint warrants an investigation, the panelist will be given written notice of the complaint. If the complaint was initiated as an unwritten communication and the complainant is asked to submit the complaint in writing, the panelist will be given written notice of the complaint within three court days of receipt of the written complaint.
- (2) The panelist must submit any written response within 10 court days. This period may be extended by the presiding judge upon a showing of good cause.
- (3) The investigation will be conducted by a complaint committee.
- (4) Within 30 court days, the complaint committee will conclude the investigation and submit its recommendation concerning court action to the presiding judge. This period may be extended by the presiding judge upon a showing of good cause.

(e) Final decision

- (1) Within 10 court days of receipt of the complaint committee's recommendation, the presiding judge will render a final decision.
- (2) One or more of the following actions may be taken;

- (A) no action;
- (B) counsel, admonish or reprimand the panelist;
- (C) impose additional training requirements as a condition of remaining a member of the court's panel;
- (D) suspend the panelist from the panel; or
- (E) remove the panelist from the panel.

(f) Notification of final action

Each complainant and affected panelist will be promptly notified in writing of the final decision.

Rule 3.760 adopted effective January 1, 2010.

Rule 3.800. Discovery Facilitation Program

The Court encourages the use of the Discovery Facilitation Program for any discovery dispute that arises in a civil case. Good-faith participation in the Discovery Facilitation Program before filing a discovery motion with the court satisfies the meet and confer requirements of the California Code of Civil Procedure. Parties must use the forms *Stipulation to Participate in Discovery Facilitation* (form ALA ADR-002) and *Notice of Discovery Facilitator Selection* (form ALA ADR-003). Information and forms for the program are available on the court's website, <https://apps2.alameda.courts.ca.gov/adr/DiscoveryFacilitationPanel.aspx> .

Rule 3.800 adopted effective July 1, 2015.