



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

JOHN C. FITTON
COURT EXECUTIVE OFFICER
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April 2, 2015

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

with a subject line stating "Comments on Proposed Rule changes". Please state the proposal number, 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 PM, Friday, May 15, 2015.

Sincerely,
John C. Fitton, Court Executive Officer

A handwritten signature in black ink that reads "Timothy J. Gee".

By: Timothy Gee
Court Rules Committee Staff

INVITATION FOR PUBLIC REVIEW AND COMMENT
[Proposed Effective Date of July 1, 2015]

Pursuant to California Government Code § 70631 and California Rules of Court, Rule 10.613 (g) and 10.815(b), the following proposed amendments to the Local Rules are hereby distributed for public comment and notice. The affected items are:

Proposed Revisions to Local Court Rules

(Click on proposal number for link to page)

Spring15-01 DIVISION II – COURT MANAGEMENT – SUPERIOR COURT RULES
CHAPTER 7 – COMPLEX LITIGATION
Rule 2.30 – Determination of Complex Case Designation

Spring15-02 DIVISION III – CIVIL LAW AND MOTION RULES
Rule 3.2 – Law and Motion Calendars

Spring15-03 DIVISION VI – OTHER SPECIAL DEPARTMENTS AND CALENDARS RULES
CHAPTER 5. WRITS AND RECEIVERS CALENDAR

Rule 6.20 – Writs and Receivers Calendar and Rule 6.21 – Tentative Rulings

Submitting Comments

- Comments must be submitted addressed to *Proposed Rules* via email at smsccomment@sanmateocourt.org.
- Please state the proposal number, the section and paragraph number on which you are commenting and your comment.
- Comments must be received **no later than 2:30 p.m. on Friday, May 15, 2015.**

PROPOSED AMENDMENTS TO LOCAL COURT RULES – SPRING 2015 CYCLE

Proposal Number 2015 Spr-01	
Title	DIVISION II – COURT MANAGEMENT – SUPERIOR COURT RULES CHAPTER 7 – COMPLEX LITIGATION Rule 2.30 – Determination of Complex Case Designation
Summary	Rule 2.30 is amended to include the tentative rulings procedures for complex case designation as mandated by Rule 3.1308(c) of the CRC. This proposal also renumbers current subdivision G due to the insertion of the new subdivision G.
Discussion	<p>A. Existing practice is that the Presiding Judge issues tentative rulings one day prior to the Status Conference, deciding whether a case will be designated as complex and receive a single assigned judge. The Local Rules are being updated, as required by CRC Rule 3.1308(c), to give notice of and to set forth the tentative ruling procedure.</p> <p>The current subdivision G is being renumbered as H.</p> <p>Existing subdivision H is duplicative of CRC Rule 3.403(b), and thus is unnecessary and is deleted.</p>
Proposed Changes	<p><u>Rule 2.30 Determination of Complex Case Designation</u></p> <p>Sections A through F remain unchanged.</p> <p><u>G. Tentative Ruling Procedures. (New)</u></p> <p><u><i>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, 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.</i></u></p> <p><u>GH. Representations to the Court.</u></p> <p>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:</p>

(All new provisions are indicated in ***Bold and Italics***)

- (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.

H. — The Presiding Judge's Continuing Power.

~~—With or without a hearing, the Presiding Judge may decide, on his or her own motion or on a noticed motion by any party, that a civil action is a complex case or that an action previously declared to be a complex case is not a complex case. (Repealed, effective 7/1/2015)~~

I. 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)

Proposal Number 2015 Spr-02

Title	DIVISION III – CIVIL LAW AND MOTION RULES Rule 3.2 – Law and Motion Calendars
Summary	The amendments to Rule 3.2 clarify how law and motion matters are assigned out to other departments conducting special calendars to hear specified motions.
Discussion	Previously (and as presently reflected in the Local Rules) any writs and requests for injunction were set on the Presiding Judge calendar. This proposal clarifies the specified court departments that will hear certain types of motions.
Proposed Changes	<p><u>Rule 3.2</u> <u>Civil Law and Motion Calendars</u></p> <p>All Law and Motion matters <i>in civil actions</i> are heard in the Law and Motion Department except for the following matters, which are heard by the Presiding Judge:</p> <ul style="list-style-type: none"><u>(1) <i>Cases which have been single assigned to a specific judge will be heard by the assigned judge;</i></u>(2) <u>Motions affecting a trial date, including preference setting and motions to continue trial, <i>will be heard by the Presiding Judge.</i></u>(3) <u>Motions to continue arbitration <i>will be heard by the Presiding Judge.</i></u><u>(4) <i>Motions to designate a case as complex and motions for single assignment of a judge will be heard by the Presiding Judge</i></u>(2) <u>Writs of mandate and prohibition <i>will be heard by the judge assigned to the Writs and Receivers Calendar;</i></u>(3) <u>Orders to show cause re; preliminary injunction <i>and other motions seeking imposition of an injunction will be heard by the judge assigned to the Writs and Receivers Calendar; and</i></u><u>(7) <i>All proceedings regarding receiverships will be heard by the judge assigned to the Writs and Receivers Calendar.</i></u>(4) <i>Motions to continue arbitration</i> <p>(Adopted, effective January 1, 2000) <u>(Amended, effective July 1, 2015)</u></p>

(All new provisions are indicated in ***Bold and Italics***)

Proposal Number 2015 Spr-03

Title	DIVISION VI – OTHER SPECIAL DEPARTMENTS AND CALENDARS RULES CHAPTER 5. WRITS AND RECEIVERS CALENDAR Rule 6.20 – Writs and Receivers Calendar and Rule 6.21 – Tentative Rulings
Summary	A proposal to add Rules 6.20 and 6.21 to provide the Presiding Judge the flexibility to assign out the writs and receivers calendar. These new rules support the separate writs and receivers calendar that has been in place for several years.
Discussion	Previously (and as presently reflected in the Local Rules) any writs and requests for injunction were set on the Presiding Judge calendar. A separate calendar to handle Writs and Receivers, including requests for injunctions, has been successfully used for the past several years, and is appropriate to establish as a recognized separate calendar. Although this calendar is presently assigned to the Probate Judge, the local rules are drafted to give flexibility to the Presiding Judge regarding assignment of the Writs and Receivers calendar.
Proposed Changes	<p><u>(Rule 6.12 through 6.19 are reserved)</u></p> <p><u>CHAPTER 5. WRITS AND RECEIVERS CALENDAR</u></p> <p><u>Rule 6.20. Writs and Receivers Calendar</u> <u>Except for a civil action assigned to a single judge, the Writs and Receivers Calendar is designated to handle, hear and determine all writs of mandate and prohibition, orders to show cause re: preliminary injunction and other motions seeking imposition of an injunction, and all proceedings regarding receiverships including appointment.</u></p> <p><u>(Adopted, effective July 1, 2015)</u></p> <p><u>Rule. 6.21 Tentative Rulings</u> <u>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, under the category “Writs and Receivers Calendar 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 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.</u></p> <p><u>(Adopted, effective July 1, 2015)</u></p>

(All new provisions are indicated in ***Bold and Italics***)