

Superior Court of California, County of Stanislaus



Judges of the Superior Court

Hon. Ann Q. Ameal
Hon. Shawn D. Bessey
Hon. Alan Cassidy
~~Hon. Ricardo Córdova~~

Hon. Rick Distaso
Hon. John D. Freeland
Hon. Valli Israels

~~Hon. Jack M. Jacobson~~

Hon. Nancy Leo
Hon. Linda A. McFadden
Hon. Jeff Mangar
Hon. John R. Mayne
Hon. Marcus L. Mumford
Hon. Annette E. Rees
Hon. Dawna Frenchie Reeves
Hon. Sonny S. Sandhu
Hon. Stacy P. Speiller
Hon. Carrie M. Stephens
Hon. Rubén Villalobos
Hon. Kellee C. Westbrook
Hon. Robert B. Westbrook

Jared Beeson, Commissioner
Kenneth Hara, Commissioner
Janine L. Highiet, Commissioner

Hugh K. Swift, Executive Officer/Jury Commissioner

Stanislaus County Superior Court

SUMMARY OF CHANGES
Revisions effective ~~July~~**January** 1, 2023

IMPORTANT INSTRUCTIONS FOR USING THESE RULES

1. State Rules and Corresponding Local Rules

The California Rules of Court are not printed as part of the Stanislaus County Local Rules, but are considered incorporated within them. Proceedings in the Superior Court of Stanislaus County (“Court”) are governed by the California Rules of Court as supplemented by these Local Rules (also referred to as “Rules”). **EACH LOCAL RULE MUST BE READ IN CONJUNCTION WITH THE CALIFORNIA RULES OF COURT (CRC).**

2. Purchasing Local Rules and Local Forms

Copies of the Local Rules and Local Forms may be obtained online at <https://www.stanislaus.courts.ca.gov/>.

INTERNET ADDRESS

<https://www.stanislaus.courts.ca.gov/>

Stanislaus County Superior Court

RULE 1 GENERAL

1.00 Scope of Rules

These Local Rules apply to the Superior Court of California, the County of Stanislaus. (7/1/99)

1.01 Citation of Rules

The Court may, after notice and an opportunity to be heard, impose sanctions on any attorney, party represented by an attorney, or self-represented litigant, who fails to comply with any of the requirements set forth in these Rules or the California Rules of Court. (Code Civ. Proc. § 575.2; Cal. Rules of Court, rules 2.30 and 5.14.) (1/1/19)

1.02 RESERVED FOR FUTURE USE (1/1/22)

1.03 Construction and Application of Rules

These Rules shall be construed and applied so as not to conflict with the California Rules of Court. These Rules shall be liberally construed to promote the efficient administration of the business of the Court and the interests of justice. (1/1/19)

1.04 RESERVED FOR FUTURE USE (1/1/22)

1.05 Sexual Harassment

- A. It is the policy of the Court to ensure that all persons are free from sexual harassment as that term is defined by law.
- B. Any person who perceives he/she is the victim of sexual harassment in the courthouse or any person who witnesses sexual harassment of another person in the courthouse should immediately notify the Court Executive Officer who may conduct an investigation. (7/1/99)

1.06 Court Attire

No person is to appear in the courtroom or by videoconference wearing unacceptable attire. While no specific dress code is adopted, persons entering the courtroom or appearing by videoconference should be attired in such fashion so as not to offend the dignity of the Court. (7/1/99, 1/1/21)

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The chart below reflects hearing types where the court provides an official court reporter.

Hearing Types	Official Reporter Provided By Court	Party May Provide Their Own Reporter	Electronic Reporting Available
Civil settlement conference	No. (If available, the Court may provide a reporter to put a settlement agreement on the record.)	No.	No.
Civil harassment	No.	Yes.	No.
Civil law & motion, ex parte hearings - D21/D23	Yes (on Wednesday and Friday only).	Yes.	No.
Civil law & motion, ex parte hearings - D22/D24	Yes (on Tuesday and Thursday only).	Yes.	No.
Civil court trials	No.	Yes.	No.
Civil collection matters - Rule of Court 3.740	No.	Yes.	No.
Civil unlawful detainers	No.	Yes (Unlimited Jurisdiction only).	Yes (Limited Jurisdiction only).
Labor Commissioner Appeals	No.	Yes.	No.
Family law settlement conference	No.	No.	No.
Child support hearings - D15	No.	Yes.	No.
Probate compromise of minor's claim	No.	Yes.	No.
Small claims motions	No.	No.	No.
Small claims court trials	No.	No.	No.
Small claims appeals	No.	No.	No.

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1.13 Comfort and Services Animals

A. The Americans with Disabilities Act (hereafter "ADA") and the Unruh Act prohibit the exclusion of service animals from public accommodations, including courthouses. It is the Court's policy to comply with all applicable federal and State law concerning service animals and to ensure that Court staff and security personnel are advised of the Court's obligations concerning "service animals."

1. A "service animal" is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, included a physical, sensory, psychiatric, intellectual or other mental disability.
2. Miniature horses that have been individually trained to do work or perform tasks for people with disabilities may also be considered "service animals".
3. Emotional support, therapy, comfort, or companion animals ("comfort animals") are not considered "service animals".
4. No person may bring a "comfort animal" into a court building without first obtaining permission to do so as set forth in this rule. (7/1/19)

B. A party may request the presence of a comfort animal to support a witness at a trial or other court proceeding by filing a written motion. (7/1/19)

1. The motion shall be supported by a declaration(s) setting forth:
 - a) Facts sufficient to establish the presence of a comfort animal would assist or enable the witness to testify without undue harassment or embarrassment and provide complete and truthful testimony;
 - b) A description of the comfort animal, i.e., species, breed, size, etc;
 - c) A description of the training the comfort animal received, including information regarding the ability of the comfort animal to remain quiet and in one position during extended court proceedings.
2. When ruling on a motion to allow the presence of a comfort animal, the Court will exercise its discretionary authority to control the mode and manner in which evidence is presented (Evid. Code § 765) and consider, among other

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things, the potential for prejudice to the opposing party(ies), if the motion were granted.

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3. The court may issue an order granting a motion to allow the presence of a comfort animal on any conditions it deems appropriate.

C. If the motion to allow the presence of a comfort animal is granted, the moving party shall:

1. Designate a qualified handler for the comfort animal. The handler shall maintain control of the comfort animal at all times it is in a court building or on court property and shall immediately clean up after the comfort animal.
2. Provide the handler with a court-endorsed "Filed" copy of the order granting the motion. The handler shall present the order to Court Security Personnel upon entering a court building and at other times upon request.
3. Reimburse the court for any damages caused by the comfort animal to court property.
4. Indemnify, defend and hold harmless the court, its judicial officers and its employees from any claims for damages arising from the use or presence of a comfort animal in a court building or on court property.
5. Name the "Superior Court of California, County of Stanislaus" as an additional insured on any policy of comprehensive general liability insurance issued to the moving party. However, this provision only applies if such insurance is available to the moving party.

D. Nothing in this rule shall be construed to limit the access of any person in violation of the Americans with Disabilities Act or the Unruh Civil Rights Act (Civil Code § 51 et seq.).

E. The court may revoke an order granting a motion to allow the presence of a comfort animal. Grounds for revocation include, but are not limited to, the comfort animal and/or handler disrupting court proceedings, or undue prejudice to the opposing party(ies), if the comfort animal were allowed to remain in the court building.

1.14 Mandatory Electronic Filing

The following rules shall apply to electronic filing of documents with the Court.

A. Mandatory Electronic Filing

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1. All parties filing documents electronically are referred to and shall also comply with all requirements and conditions for electronic filing (e-filing) and service as set forth in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250-2.261, unless this Local Rule provides otherwise.
2. Except as provided in subsections (G) and (H), all documents presented for filing in the following case types must be electronically filed (e-filed) with the Court as provided in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250 through 2.261:
 - a. Civil - including limited, unlimited, and complex;
 - b. Family;
 - c. Juvenile - including juvenile justice and juvenile dependency; ~~and~~
 - d. Probate; ~~and~~
 - e. Mental Health, but only as to LPS Conservatorships and CARE Act Proceedings. (1/1/22, 7/1/23)
3. Self-represented parties are not required to file documents electronically. However, self-represented parties are encouraged to utilize e-filing.
4. A party required to file documents electronically may request an exemption from the requirement by showing undue hardship or significant prejudice by filing a Request for Exemption from Mandatory Electronic Filing and Service (Judicial Council Form EFS-007) with a Proposed Order (Judicial Council Form EFS-008).
5. During trial, a party may submit to the Courtroom Clerk and serve by hand any pleadings, as long as the pleadings are also filed electronically before the close of business no later than the following court day.
6. The Court may order a party to provide courtesy copies of e-filed documents. The clerk's office will reject unsolicited courtesy copies. (1/1/22)

B. E-Filing Procedures

Documents must be e-filed with the Court using one of the Court's approved e-filing service providers. Information concerning the Court's approved e-filing service providers, including the procedure for e-filing documents with the Court, is available on the Court's website at <https://www.stanislaus.courts.ca.gov/>.

C. Service Requirements

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All electronically filed documents must be in text searchable format and must comply with the formatting and content requirements of the California Rules of Court for electronic documents, including particularly Rules 2.256(b) and 3.1110(f)(4) requiring electronic bookmarks. Parties shall bookmark each heading, subheading and component (including the table of contents, table of authorities, petition, verification, points and authorities, declaration, and proof of service, if included within the document) in the document, as well as any exhibits and/or attachments to the document. For specific formatting requirements, please consult the Court's website at <https://www.stanislaus.courts.ca.gov/>.

Compliance with all of the formatting requirements for electronic documents is extremely important for the Court's timely consideration of the documents. In cases of non-compliance with the Court's formatting requirements, the Court may, in its discretion, order any, or all, of the following in addition to any other sanction(s) permitted by law:

1. The non-compliant document may be stricken as improperly filed;
- ~~2.~~ 2. The hearing to which the non-compliant document pertains may be continued, or;
3. Monetary sanctions may be imposed for violation of the California Rules of Court or these Local Rules related to formatting of electronically filed documents, following adequate notice and an opportunity to be heard.

J. Effective Filing Date

No document transmitted to the Clerk of the Court electronically is deemed filed unless it is accepted for filing by the Clerk. Any document that is received electronically by the Court between 12:00 a.m. and 11:59:59 p.m. (Pacific Standard Time) on a court day shall be deemed filed on that same court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. For the purposes of this rule, a document is "received electronically" on the date and time it is received by the Court and a confirmation of receipt is created. California Rules of Court, rule 2.259(a)(1).

Nothing in this Local Rule shall limit the Clerk of the Court's ability to reject electronically filed documents.

This rule does not affect the timing requirements for any document(s) that, pursuant to an order of the Court, must be filed by a set time on the due date. (1/1/19, 1/1/20, 1/1/22)

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3. Election

Except as stated below, The Presiding Judge and Assistant Presiding Judge shall be elected by a majority of the sitting judges on the bench. Any judge may be nominated by any sitting judge. A judge may nominate him/herself. At the end of his/her term of office, the Assistant Presiding Judge shall automatically be nominated for Presiding Judge and shall become the Presiding Judge without the need for election if:

- a. the Presiding Judge declares that he/she will not seek an additional term, and
- b. no other judge runs for Presiding Judge as described below:
 - (1) If either the Presiding Judge or Assistant Presiding Judge seeks a second or subsequent term, he/she must be elected by a majority of the active judges on the bench. Any judge may run against either if nominated by one other sitting judge.
 - (2) A judge may run against an automatically nominated Assistant Presiding Judge for the position of Presiding Judge. To do so, the challenging judge must be nominated by 3 other sitting judges. The challenging judge may not be one of the nominating judges.
 - (3) Elections referred to above shall occur on the first Wednesday of July in the year that the term of office expires.

B. Authority and Duties

The Presiding Judge shall have the authority and duties prescribed by California Rules of Court 10.603.

The Assistant Presiding Judge shall be the acting Presiding Judge when the Presiding Judge is absent or unable to act. The Presiding Judge may delegate such other duties to the Assistant Presiding Judge as the Presiding Judge sees fit.

C. Removal

The Presiding Judge or Assistant Presiding Judge may be removed by a majority vote of the sitting Judges. (1/1/08)

2.02 Supervising Judges and Presiding Juvenile Judge

The Presiding Judge shall appoint the Supervising Judges and Presiding Juvenile Judge referred to above, who shall serve at ~~their~~~~his/her~~ pleasure. The appointment may not last longer than the term of office of the Presiding Judge. The Presiding Judge may delegate such duties to each judge as ~~they~~~~he/she~~ sees fit.

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A Supervising Judge may hold one or more other positions simultaneously. (7/1/07, 7/1/23)

2.03 Executive Committee

The Executive Committee shall have the duties designated in California Rules of Court 10.605.

A. Composition

The Executive Committee shall be comprised of the Presiding Judge, the Assistant Presiding Judge, each of the Supervising Judges, the Presiding Judge of Juvenile and the outgoing presiding judge. There shall be at least two at-large members selected by a majority of the sitting judges, and sufficient number of other at-large members to constitute a total membership of nine. The Presiding Judge shall serve as the Chairperson. The Executive Committee may enact by-laws to govern its operation. The position of outgoing presiding judge is an ex-officio non-voting position.

B. Terms

The at-large members of the Executive Committee shall serve two-year terms. Any existing members of the Executive Committee upon the passage of this rule shall be entitled to serve the remainder of their term. Any at-large members may serve consecutive terms without limitation. The Chairperson may appoint any judge to fill the remainder of any term left vacant by any at-large member. The position of outgoing presiding judge shall be for two years unless the current presiding judge is elected to an additional two-year term.

C. Elections

Elections for at large positions shall occur at the same time designated above for Presiding Judge or Assistant Presiding Judge. The judge elected shall be seated in January of the following year.

D. Voting

The Executive Committee shall vote on all action items brought to them on the Executive Committee agenda. The vote to approve is by majority vote. A quorum is necessary for voting. A quorum is four members. (7/1/14)

2.04 Members of Other Committees

Any other committees established by the Superior Court may include both Judges and Commissioners except those committees whose membership is set forth by statute to be limited to Judges. Appointment to committees will be made by the Presiding Judge with confirmation by the Executive Committee. A member of any committee shall serve until the end of the term of the Presiding Judge or otherwise removed by the Presiding Judge.

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RULE 3 CIVIL CASES

3.00 Application of Rules

These rules apply to all civil cases, limited and unlimited. The term "civil case" includes the compromise of personal injury claims of minors and incompetent persons. The term "civil case" does **not** include criminal, traffic, family law, small claims, or probate matters (including mental health and adoption). (7/1/20)

The Civil Clerk's Office is located at the City Towers Building, 801 10th Street, Fourth Floor, in Modesto, California. The official mailing address is:

Stanislaus County Superior Court - Civil Division
City Towers Building
801 10th Street, 4th Floor
Modesto, CA 95354

The telephone number is (209) 530-3100.

Unless otherwise required by law, the Clerk's Office will conform a maximum of two (2) copies. (1/1/19)

3.00.1 Direct Calendaring of Most Civil Cases

- A. Except as otherwise ordered, when a civil case is filed or received and filed as a transfer from another county, the Court shall randomly assign the case to a judicial officer for all purposes including trial, except ~~as~~ otherwise ~~as~~ provided or required by law. (1/1/19, 7/1/23)
- B. At the time of initial filing or initial receipt of the file, the Clerk's Office shall affix to the face of the complaint or petition and to the notice of case management conference, the following notice:

"THIS CASE HAS BEEN ASSIGNED TO JUDGE -----,
DEPARTMENT -----FOR ALL PURPOSES INCLUDING TRIAL".

In the event of unavailability, another judge or an assigned or temporary judge may handle cases directly assigned to the unavailable judge, but the case shall remain directly assigned to the unavailable judge who shall handle all matters related to the case upon ~~their his or her~~ return. (1/1/19, 7/1/23)

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- C. Plaintiffs, including cross complainants, shall notify all parties of the direct assignment when so notified by the Court and said parties shall notify all parties who later enter the case of the direct assignment. Plaintiffs and cross complainants shall file a proof of service of their notification of the direct assignment within **five (5)** days after the notice is served.
- D. In all civil cases assigned to a judge for all purposes, the face page of each filed document, under the case number, shall state the name and department of the judge assigned for all purposes.
- E. Time limits for peremptory challenges for plaintiffs shall be within **fifteen (15)** days after the filing of the complaint and receiving notice of the assignment and, for defendants, within **fifteen (15)** days after filing the first pleading or appearance. See CCP §170.6(a)(2). (1/1/19)

3.01 Law and Motion/Ex Parte Hearings

- A. Law and motion is heard Tuesday through Friday at 8:30 a.m. If Monday is a Court holiday, then Wednesday through Friday. If you would like to reserve a date for a schedule a law and motion matter to be heard, for hearing, call (209) 530-3162, 11:00 a.m. - 4:00 p.m. (7/1/23)
- B. All moving documents shall be filed not later than five (5) court days after you reserve your law and motion hearing date. Law and motion reservations will be cancelled. Any reserved law and motion date will be vacated, without further notice to the reserving party if the moving documents are not filed within **five (5) c**ourt days after the reservation is made, reserving the date. (7/1/23)
- C. Tentative rulings will be issued on law and motion matters the **c**ourt day prior to the hearing date. Tentative rulings can be accessed on the Internet at <https://www.stanislaus.courts.ca.gov/> after 1:30 p.m.
- D. You may request a hearing on a law and motion matter by calling the calendar line at (209) 530-3162 ~~or the main line at (209) 530-3100,~~ prior to 4:00 p.m. or by e-mailing at civil.tentatives@stanct.org. E-mail requests must be made prior to 4:00 p.m. AND confirmed by return e-mail. If you do not receive a confirmation e-mail from the clerk, you MUST call (209) 530-3162 to request your hearing. If you request a hearing on a law and motion matter, you must also notify the opposing party or their counsel of your request. (1/1/22, 7/1/23)
- E. You may request a staff court reporter to cover a law and motion hearing by calling the Supervising Court Reporter at (209) 530-3105 or by emailing

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civil.tentatives@stanct.org. Requests must be made by 4:00 p.m. the day before the law and motion hearing and confirmed by return email or phone call. Priority coverage for a staff court reporter is given to Departments 21 and 23 on Wednesday and Friday; and to Departments 22 and 24 on Tuesday and Thursday. (1/1/22)

1. If a Superior Court staff reporter is **not** available to report the law and motion hearing, then the party, at their own expense, may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter pursuant to California Rules of Court, rule 2.956.
 2. Only one court reporter will be allowed per hearing; therefore, parties must check with the Supervising Court Reporter regarding the availability of a staff court reporter prior to engaging a pro tempore reporter. The Supervising Court Reporter can be contacted via e-mail to civilreporters@stanct.org or by phone at (209) 530-3105.
 3. A party with an approved fee waiver may request an official court reporter to cover a law and motion hearing within the time limits set forth in this rule at no expense to the party. An approved fee waiver does not cover the cost of a reporter's transcript.
 4. Any law and motion hearing lasting more than an hour will be billed at the ½ day rate of \$300. If the hearing continues after the noon hour, then the full day rate of \$700 applies. (9/1/22)
- F. Parties requesting an ex parte hearing shall contact the assigned department. The bailiff/courtroom clerk of the department will schedule the hearing. The moving party shall then e-file its ex parte hearing request and supporting papers with the Clerk's Office no later than 2:00 p.m. on the court day prior to the scheduled ex parte hearing. (Parties not required to utilize e-filing may hand file their ex parte hearing request and supporting documents with the Clerk's Office no later than 2:00 p.m. on the court day prior to the scheduled ex parte hearing.) If the ex parte hearing request and supporting paperwork is not filed with the Clerk's Office by 2:00 p.m. on the court day prior to the scheduled hearing (whether by e-filing or by hand) the ex parte hearing will be dropped. Notice of the ex parte hearing shall be given as prescribed in California Rules of Court rule 3.1203.
- G. You may request a staff court reporter to cover an ex parte hearing by calling the Supervising Court Reporter at (209) 530-3105 or emailing civilreporters@stanct.org at the same time you request an ex parte hearing. (1/1/22)

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1. If a staff reporter is not available to report the ex parte hearing, then the party, at their own expense, may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter pursuant to California Rules of Court, rule 2.956. If a staff court reporter is available to report an ex parte hearing, the party requesting the reporter shall pay a \$30 reporter fee for any hearing under an hour.
2. Only one court reporter will be allowed per hearing; therefore, parties must check with the Supervising Court Reporter as set forth in 3.01(G) regarding the availability of a staff court reporter prior to engaging a pro tempore reporter.
3. A party with an approved fee waiver may request an official court reporter to cover an ex parte hearing at no expense to the party. The request must be made in a timely fashion as set forth in this rule. An approved fee waiver does not cover the cost of a reporter's transcript.
4. Any ex parte hearing lasting more than an hour will be billed at the ½ day rate of \$300. If the hearing continues after the noon hour, then the full day rate of \$700 applies. (9/1/22)

3.01.1 Appointment of Elisors:

Where one of the parties will not or cannot execute a document necessary to carry out a Court order, the clerk of the court, or his or her authorized representative or designee may be appointed as an elisor to sign the document.

An application for appointment of an elisor may be made ex parte. When applying for an appointment of an elisor, the application and proposed order must designate "The Clerk of the Court or Clerk's Designee" as the elisor and indicate for whom the elisor is being appointed and in what capacity they are to sign the document. The application must not set forth a specific court employee. The proposed order must expressly identify the document being signed and a copy of the document must be attached to the proposed order. The original document, presented for signature by the elisor, must match the copy of the document attached to the proposed order. The declaration supporting the application must include specific facts establishing the necessity for the appointment of the elisor. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary public to be present when the elisor signs the document(s). (Adopted 1/1/18)

3.02 Civil - Case Management

A. Case-disposition Time Goals

The goal of this Court is to manage general civil cases from filing to disposition as provided under Section 2.1 and 2.2 of the Standards of Judicial Administration.

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B. Case Management Conference

In each non-exempt general civil case, Plaintiff shall file CV-003 "Notice of Case Management Conference". The Court will set the case for a case management conference approximately **one hundred twenty (120) to one hundred fifty (150)** days after the date of filing. Plaintiff and any cross-complainant shall give notice of the case management conference to the defendant(s) or cross-defendant(s) at the time of service.

The case management conference shall be conducted pursuant to CRC 3.720-3.751 (1/1/19, 7/1/23)

C. Limited Jurisdiction Collection Cases

Limited jurisdiction civil collection cases will not be scheduled for a case management conference unless one is specifically ordered by the Court. At the time of filing, the Plaintiff shall file the local Case Management Conference Waiver form and the Clerk's Office will assign a trial date for each such case. The plaintiff shall thereafter give notice of the trial date to each defendant at the time of service.

D. Telephone Appearances

Unless specifically ordered to appear in person, parties may appear telephonically. For instructions on making a telephonic appearance please see the Court's website at <https://www.stanislaus.courts.ca.gov/>. (1/1/21)

Notice to appear telephonically for a Case Management Conference must be given to the telephonic appearance service provider (as listed on the Court's website) and all counsel or unrepresented litigants no later than two (2) court days prior to the Case Management conference date. (1/1/21)

Notice to appear telephonically for Court's Motion to Dismiss, OSC to counsel, or Law and Motion hearings must be given to the telephonic appearance service provider (as listed on the Court's website) and all counsel or unrepresented litigants by no later than 4:00 p.m. the Court day before the hearing. (1/1/21)

E. Sanctions

The Court may impose monetary sanctions for the following (1/1/20):

1. Failure to appear at Case Management Conference (per party and attorney or party without an attorney): \$150.00 - \$300.00.
2. Appearance without a Case Management Conference Statement on file: \$150.00.

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3.04 Orders to Show Cause

When the Court issues an Order to Show Cause, responsive papers to the Order to Show Cause must be filed and served no less than **five (5)** court days before the hearing. The Court may issue monetary or evidentiary sanctions and/or dismiss the complaint/ cross-complaint, answer, or other pleading. (1/1/19)

3.05 Mandatory Settlement Conferences

A. All "general civil cases" are required to have a mandatory settlement conference approximately **fifteen (15)** days prior to trial. Short cause matters (one day or less) will not ordinarily be set for a settlement conference.

The procedures for mandatory settlement conferences set forth in California Rules of Court, rule 3.1380, apply. (1/1/19)

The Court may impose monetary sanctions for the following: (1/1/19)

Failure to appear at Settlement Conference (per party and attorney or party in pro per)	\$300
Appearance without a Settlement Conference Statement on file	\$150
Appearance with unfiled Settlement Conference Statement or Settlement Conference Statement filed day of the Settlement Conference.	\$100
Settlement Conference Statement not timely filed	\$25

B. Conditional Settlement

If a case is conditionally settled, the case shall be dismissed without prejudice pursuant to Code of Civil Procedure section 664.6 only if there is a writing signed by the parties and filed with the Court or an oral agreement made in open Court. If a default occurs in the settlement, the non-defaulting party may have the matter returned to the case management conference calendar by filing a declaration setting forth the default. (1/1/19, 7/1/20)

3.06 Alternative Dispute Resolution (ADR)

A. Voluntary Mediation - Court Policy

Mediation is an effective method of resolving disputes. The Court administers a voluntary mediation program, which is available to parties in all general civil cases (as defined in California Rules of Court Rule 1.6(4)).

B. Rules Governing Mediation

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- A. Plaintiff is required to register for Online Dispute Resolution (ODR) at <https://stanislauscivlim.modria.com> within five (5) days of the Defendant's first appearance in the case. Plaintiff is also required ~~to fill out and~~ serve, along with the Summons and Complaint, Form CV-002 "Limited Civil - Debt Collection Cases - Notice of Mandatory Online Dispute Resolution".
- B. Defendant is required to register for Online Dispute Resolution (ODR) at <https://stanislauscivlim.modria.com> within five (5) days of filing a response to the Plaintiff's Summons and Complaint.
- C. Once both Plaintiff and Defendant have registered for ODR, they shall participate in good faith settlement discussions through the ODR website.
- D. ODR settlement discussions shall be completed at least ten (10) days prior to the date set for trial of the Limited Civil - Debt Collection case. If the parties are able to reach a settlement, they should complete, sign and file settlement forms through the ODR website. If the parties are able to reach a settlement and file the required settlement forms through ODR at least ten (10) days prior to their scheduled trial date, they do not need to appear in court on the date set for trial. (1/1/23)

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RULE 6 APPELLATE DIVISION

6.00 Sessions

Regular sessions of the appellate division of the Superior Court shall be ordinarily held on the second Wednesday of each calendar month at 4:00 p.m. Special sessions shall be held at the call of the Presiding Judge of the appellate division or a majority of the judges of the appellate division. (7/1/08, 1/1/21)

6.01 Oral Argument

Unless otherwise ordered, counsel for each party shall be allowed ten (10) minutes for oral argument in limited civil and misdemeanor cases (Rule 8.885(e)(2)) and five (5) minutes for oral argument in infraction cases (Rule 8.929(2)). Parties and attorneys are encouraged to use the waiver procedure described by California Rules of Court, rule 8.885(d). Oral argument may be conducted by videoconference. (Rule 8.885(b)(1)(B).) If so, the Clerk shall advise all parties in the original notice of oral argument, or in a supplemental notice sent to all parties no later than five (5) days before the date set for oral argument, which shall include the location from which each judge of the Appellate Panel hearing oral argument will participate. (Id., (c)2.) Parties who desire to appear at oral argument by videoconference shall give notice to the Court and all other parties within ten (10) days of receipt of the Court's notice that oral argument will be conducted by video conference. (Id., (b)(1)(A).) There is no fee or cost to appear at oral argument by videoconference. (7/1/09, 1/1/21, 7/1/22)

6.02 Briefs

Briefs shall be prepared and filed in accordance with California Rules of Court, rules 8.882 and 8.883 in limited civil and misdemeanor cases, and rules 8.927 and 8.928 in infraction cases. ~~When filing the original brief, counsel shall provide three (3) copies for the Court's use.~~ (7/1/09, 1/1/21, 7/1/23)

6.03 Calendaring

In appeals other than misdemeanor appeals in which appellate counsel has filed a brief under *People v. Wende* (1979) 25 Cal.3d 436, the Court Clerk shall, unless otherwise ordered, place the matter on calendar as set forth in California Rules of Court, rules 8.885(a) and 8.929 once a matter is fully briefed or the time for briefing has expired. (1/1/21)

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18. Motion to Compel Compliance with Property Orders
19. Motion for Attorney's Fees and Costs (conduct-based sanctions only)
20. Motion to Quash Service of Summons, to Quash Proceedings, to Stay or Dismiss for Inconvenient Forum, or to Strike the Petition
21. Motion for Pendente Lite Sale Order or Exclusive Management and Control of Community Property Assets that are deemed significant by the trial judge

B. Posting of Tentative Rulings: Tentative Ruling Announcements will generally be posted by 1:30 p.m. of the court day prior to the hearing in the following manner: (7/1/20)

1. Court's website:
https://www.stanislaus.courts.ca.gov/family_tentative_rulings. (7/1/20)
2. Clerk's Office Lobby: A posting will be placed on the bulletin board in the Clerk's Office. (7/1/20)
3. Courtroom Doors: A posting may be placed on the outer doors of each family law courtroom in the Court's discretion. (7/1/20)

7.07 Informal Discovery Conferences (IDCs):

[Authority: Fam.Code, §§ 2450, 2451; Cal.Rules of Ct., rule 5.83]

A. Court Motion: The Court may order an IDC when a discovery motion is filed, or otherwise upon reasonable notice to the parties with opportunity to respond, as part of a Family Centered Case Resolution Order. The Order shall be prepared and served on Judicial Council form FL-174, by Minute Order, or else by Findings and Order After Hearing, in the Court's discretion. (7/1/20, 7/1/23)

B. Party Motion: Parties requesting an IDC shall file a request for case management conference and specify that an IDC is desired as part of a Family Centered Case Resolution Order. Any other party may object to the IDC at the case management conference and be heard as to the objection without the need for formal written objection. If the parties are in agreement, they may submit a stipulation and order for an IDC. In either case, Judicial Council form FL-174 shall be completed and submitted to the Court for review and signature, specifying "IDC pursuant to Local Rules, rule 7.07(B)," in box No. 9 "Other," including the IDC date, time and department, along with any other orders regarding discovery agreed to by the parties or ordered by the Court. The signed order must then be filed and served on all parties by the party requesting the IDC or, if by stipulation, by either party as agreed. Request for Informal Discovery Conference Family Law (FL-020), and parties responding to the FL-020

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~~must do so using the Response to Request for Informal Discovery Conference (FL-021), both of which are hereby adopted for mandatory use as a Local Rule. The Court's Order shall issue as provided for on the FL-020 form. (7/1/20, 7/1/23)~~

- C. **IDC Procedure:** The IDC shall be scheduled at or after 1:30 p.m., in order to utilize available conference rooms. Represented parties shall appear by counsel only, though clients must be available, either in person or by telephone, for the duration of the IDC. Unrepresented parties shall appear in person. Failure to appear, or to participate in good faith, may result in monetary or other sanctions if the Court schedules a noticed hearing on those issues. The IDC shall be conducted as the Court determines, including the appointment of a judge pro tem to supervise the conference. (7/1/20)

7.08 Particular kinds of motions or requests for order

- A. **Appointment of Elisors:** If a party will not or cannot execute a document necessary to carry out a court order, the court may appoint the clerk of the court, or his or her authorized designee, as an elisor to sign the document. A party who requests the appointment of an elisor must do so using a Request for Order form (FL-300), supported by facts establishing the necessity for the appointment of the elisor. The moving party must also submit a proposed order, which designates "The Clerk of the Court or Clerk's Designee" as the elisor. The proposed order shall indicate for whom the elisor is being appointed and in what capacity the elisor is to sign the document. The proposed order must expressly identify the document the elisor must sign and a copy of the document must be attached to the proposed order. The original document, when presented for signature by the elisor, must match the copy of the document attached to the order. If the elisor's signature must be notarized, the moving party must arrange for a notary public to be present when the elisor signs the document. (7/1/17, 7/1/20)

B. Joinder for Grandparent or Non-Parent Visitation.

1. **Pending Custody Proceedings:** During the pendency of the family law proceeding, a grandparent may file a motion for joinder to seek grandparent visitation. Family Code section 3103 governs such requests. The motion for joinder will be subject to the Court's Tentative Ruling process. Since joinder is mandatory in matters involving visitation pursuant to California Rules of Court, rule 5.24, the standard tentative ruling will be to grant joinder, to direct the grandparent to file the Request for Order, and to have the matter set for hearing. (1/1/21)

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Court of California – Stanislaus, Probate Department, P.O. Box 3488, Modesto, CA 95354. (7/1/14, 7/1/21)

8.01 Applicability of Rules to All Proceedings

All rules as hereinafter set forth shall apply to estate proceedings, guardianships, adoptions, conservatorships and trusts, except as otherwise specifically noted. These rules set forth local policies and procedures of the Stanislaus County Superior Court Probate department. These rules do not attempt to restate or summarize statutory or case law or estate administration in general.

Although these rules are binding on the parties, the Court may, in the exercise of its discretion, depart from them under certain circumstances. (7/1/13, 7/1/21)

8.02 Time for Filing

In all probate matters, papers necessary for hearing (such as proof of service, posting, orders, etc.) shall be filed with the Probate Clerk at least **five** (5) court days before the date of hearing, so that such documents may be placed in the file and checked by the Probate Examiner prior to hearing. Saturdays, Sundays, and holidays shall not be considered court days. Exceptions to this rule will be made at the discretion of the judge, but only for good cause.

A late filing fee of \$25 per document may be charged for each document received for filing less than **five** (5) Court days prior to the hearing, at the discretion of the judge, after providing the late-filing party with notice and an opportunity to be heard. (7/1/13, 1/1/20, 7/1/21)

8.03 Form of Papers Presented for Filing

Papers presented for filing with the Probate Clerk – whether electronically or over the counter - shall conform to CRCs 2.100 and 3.1110 except that descriptions of assets may be single spaced within each item. (7/1/07, 7/1/21)

8.04 ~~Form of Papers Presented for Filing~~ Probate Examiner's Notes

- A. The Probate Examiner's notes are available to counsel and self-represented parties to determine if any defects in pleadings or procedure have been noted by the examiner.
- B. The notes are available on the Stanislaus County Superior Court website at <https://www.stanislaus.courts.ca.gov/>. (From the home page, click on the "Divisions" tab, choose "Probate" from the drop-down list, and then click on "Probate Notes" in "Related Links.")

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TRUSTS

8.101 (RESERVED FOR FUTURE USE) (8.101 Repealed 7/1/21)

8.101.1 Special Needs Trust Accountings

When rendering an accounting in a Special Needs Trust, notice must be given to the California State Department of Health Care Services, State Department of State HospitalsMental Health, and the State Department of Developmental Services. (7/1/09, 7/1/23)

8.102 (RESERVED FOR FUTURE USE) (8.102 Repealed 7/1/21)

8.103 (RESERVED FOR FUTURE USE) (8.103 Repealed 7/1/21)

8.104 (RESERVED FOR FUTURE USE) (8.104 Repealed 7/1/21)

8.105 (RESERVED FOR FUTURE USE) (8.105 Repealed 7/1/21)

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NUMERICAL LOCAL FORMS LIST

Type	Form #	Form Name	Mandatory/Optional
Conservator	CON01	Notice to Parties of Application for Temp. Conservatorship	Optional
Conservator	CON02	Conservatorship Questionnaire	Mandatory
Criminal	CR001	1203.4/17B Notice of Hearing	Optional
Criminal	CR03	Notice of Motion to Continue Hearing	Mandatory
Civil	CV001	Case Management Conference Waiver	Mandatory
CIVIL	CV-002	Notice of Mandatory Online Alternative Dispute Resolution (ODR) Ltd. Civil	Mandatory
Civil	CV003	Notice of Case Management Conference	Mandatory
Civil	CV005	Judgment After Trial by Court in UD	Optional
Civil	CV006	Judgment After Trial by Court	Optional
Civil	CV007	Judgment by Default by Clerk	Optional
Civil	CV008	Judgment by Default by Court	Optional
Civil	CV009	Judgment by Default by Court UD	Optional
Civil	CV010	Judgment by Default by Court UD (Premises)	Optional
Civil	CV011	Notice of Review Courts Motion Re: Dismissal	Mandatory
Civil	CV012	Bench Warrant Civil	Mandatory
Civil	CV013	Failure to Appear Notice	Optional
Civil	CV014	Notice Re Civil Assessment	Optional
Turlock	CV016	Bench Warrant Civil-Turlock	Mandatory

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Stanislaus County Superior Court

NUMERICAL LOCAL FORMS LIST

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Conservator	CON01	Notice to Parties of Application for Temp. Conservatorship	Optional
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Civil CIVIL	CV-002	Notice of Mandatory Online Alternative Dispute Resolution (ODR) Ltd. Civil	Mandatory
Civil	CV003	Notice of Case Management Conference	Mandatory
Civil	CV005	Judgment After Trial by Court in UD	Optional
Civil	CV006	Judgment After Trial by Court	Optional
Civil	CV007	Judgment by Default by Clerk	Optional
Civil	CV008	Judgment by Default by Court	Optional
Civil	CV009	Judgment by Default by Court UD	Optional
Civil	CV010	Judgment by Default by Court UD (Premises)	Optional
Civil	CV011	Notice of Review Courts Motion Re: Dismissal	Mandatory
Civil	CV012	Bench Warrant Civil	Mandatory
Civil	CV013	Failure to Appear Notice	Optional
Civil	CV014	Notice Re Civil Assessment	Optional
Turlock	CV016	Bench Warrant Civil-Turlock	Mandatory

Commented [KR1]: To be consistent with the other entries, this should be lower case. And there should not be a dash between CV and 002.