

Department N-26 Policies and Procedures - Honorable Pamela M. Parker 

North County

Revised: August 28, 2020

Honorable Pamela M. Parker, Presiding**Department Staff:**

Courtroom Clerk: Ms. Suzanne Kuliha'apai (760) 201-8026
Courtroom Bailiff: Deputy James Owens
Research Attorney: Laura Blaney, Esq.

NOTE: This Department primarily hears criminal matters. It hears limited civil matters only on the days and at the times indicated below. As to its limited civil matters, this Department does not have a calendar clerk. Therefore, the scheduling of ex parte matters, and hearings on motions and petitions in this Department must be done according to the procedures set forth below.

Conformity with Local Rules: Unless otherwise indicated, Department 26 strictly adheres to the California Rules of Court and San Diego Superior Court Rules.

Ex Parte Matters: Ex parte matters in limited civil cases are heard only on Tuesdays at 8:30 a.m. When a request is made telephonically on the Court's Ex Parte Line – (760) 201-8243 – the Business Office will schedule the matter in due course for the next available Tuesday ex parte calendar. If the matter is a true emergency, or other good cause exists, counsel/parties may contact the Courtroom Clerk of Department 26 and request a sooner date. All ex parte papers are due no later than 11:00 a.m. **on the business day before** the ex parte proceeding.

Judgment Debtor Examinations: Judgment Debtor Examinations are conducted on Fridays at 8:30 a.m. Counsel/parties may contact the Business Office in advance to obtain an examination date, or may obtain a date from the Business Office when they file their fee and paperwork.

Order to Show Cause Hearings: Orders to Show Cause (OSC) are heard on Fridays at 8:30 a.m.

1. If a plaintiff fails to timely file proofs of service or obtain a default judgment, an OSC will be set for sanctions for failure to comply with California Rule of Court, rule 3.740 (OSC re Sanctions). At the OSC, the Court will impose a sanction of \$150.00 absent a showing of unusual or compelling circumstances, unless the case is entirely disposed of prior to that hearing. **A continuance of the OSC re Sanctions, without imposition of sanctions, generally will not be granted** where the only basis for the requested continuance is to be given more time to comply with the Rules of Court. When sanctions are imposed, a second OSC re Sanctions will be scheduled, and additional sanctions will be imposed at that second OSC unless the noncompliance is rectified prior to that hearing. Plaintiff's failure to appear at an OSC re Sanctions will result in the setting of a OSC Why the Case Should Not Be Dismissed (OSC re Dismissal). Failure to appear at a OSC re Dismissal will result in the complaint being dismissed.
2. If a party fails to appear for a Case Management Conference, the case will be set for an OSC re Non-Sanction to determine how the case should proceed. If that party fails to appear at the OSC re Non-Sanction, the Court will either order that the complaint be dismissed (if the non-appearing party is the plaintiff) or that the answer be stricken and the case proceed by default judgment (if the non-appearing party is the defendant). If both parties appear at the OSC re Non-Sanction, the Court will hold the Case Management Conference at that time.

Case Management Conferences: Case Management Conferences (CMC) are heard on Fridays at 9:00 a.m. Counsel/parties must file a CMC Statement pursuant to California Rules of Court, rule 3.725. Counsel/parties must be familiar and comply with California Rules of Court, rule 3.724 and San Diego Superior Court Rule 2.1.9. Continued CMCs do not require a new statement unless circumstances have changed or the Court so directs. If either party requests a jury trial, **the initial required jury fee must be paid to the Court by the time of the CMC; otherwise, a jury trial will be deemed waived (see below)**. A copy of the Court's standard CMC orders will be provided to the parties at the CMC. The parties must comply with those orders or risk sanctions. **Failure to appear at a CMC could result in significant sanctions (see above)**.

Status Conferences: The Court may schedule Status Conferences as needed, e.g., pending settlement or in matters that have been stayed for any reason. Status Conferences are heard on Fridays at 9:00 a.m.

Trial Readiness Conferences: Trial Readiness Conferences (TRC) are heard on Fridays at 9:30 a.m. Trial counsel/parties must be personally present. Telephonic appearances are not allowed unless approved at the CMC. A complete Joint TRC Report that complies with the requirements of the Court's standard CMC orders must be filed by no later than this hearing. The format for the Report is available on the San Diego Superior Court's website (www.sdcourt.ca.gov) under the "Civil" tab, and then under "Forms," and "Joint Trial Readiness Conference Report." If a jury trial has been requested, the parties must provide both jury instructions and jury verdict forms at the TRC. **Failure to comply with all TRC Report and other TRC requirements could result in an OSC for sanctions for violating a court rule or order. See Code of Civil Procedure § 177.5. Failure to appear at the TRC will result in the complaint being dismissed (if the non-appearing party is the plaintiff) or the answer being stricken (if the non-appearing party is the defendant) so as to allow for a default judgment.**

Law and Motion Matters: Hearings on motions and petitions are held on Fridays at 1:30 p.m., unless otherwise directed by the Court. Unless the Court indicates otherwise, a tentative ruling will be posted on the San Diego Superior Court website (www.sdcourt.ca.gov) no later than 4:00 p.m. on the court day before the scheduled hearing date. See California Rules of Court, rule 3.1308(a)(2). Counsel/parties wishing to present argument/evidence shall appear in person for the hearing unless a request is timely made and granted pursuant to California Rules of Court, rule 3.670(d).

1. With respect to petitions, writs and applications for specified relief (including, but not limited to, petitions to vacate/confirm arbitration awards; to approve structured settlements; to order forced sale of a dwelling; to resolve disputed claims to funds; to enforce sister state judgments; bail bond forfeitures; and DMV writs), counsel/parties must comply with all statutes and rules applicable to their particular matter. A hearing/OSC date for the petition, writ or application generally must be obtained by means of an ex parte proceeding (scheduled as explained above), unless otherwise specified by law.
2. With respect to hearings on claims of exemption and all other motions (including, but not limited to, discovery-related motions; motions for judgment on the pleadings; demurrers; summary judgment motions; motions to vacate default judgments; and motions to strike pleadings) counsel/parties must reserve a timely hearing date from the Business Office.

IMPORTANT: DUE TO THE COVID-19 PANDEMIC, AND UNTIL FURTHER NOTICE, ALL PROCEEDINGS IN DEPARTMENT 26 WILL BE REMOTE ONLY. ALL APPEARANCES MUST BE MADE USING MICROSOFT TEAMS. TO OBTAIN INSTRUCTIONS FOR APPEARING BY MICROSOFT TEAMS, RETURN TO THE COURT'S HOMEPAGE, CLICK ON THE COVID BANNER, SCROLL DOWN AND CLICK ON "LIMITED CIVIL VIRTUAL HEARINGS" AND SCROLL DOWN FOR THE LINK FOR DEPARTMENT 26. PLEASE NOTE THAT TIMES FOR CONFERENCES AND HEARINGS MAY HAVE CHANGED ALSO. CHECK YOUR NOTICE FROM THE COURT. IN ADDITION, NO JUDGMENT DEBTOR EXAMS (JDXs) ARE BEING SCHEDULED AT THIS TIME. PLANS TO RESTART JDXs ARE PENDING. PLEASE CHECK THE COURT'S WEBSITE REGULARLY FOR UPDATES. UNLESS OTHERWISE INDICATED, ALL OTHER RULES FOR DEPARTMENT 26 APPLY.

Telephonic Appearances: Except as stated below, telephonic appearances at Department 26 proceedings are permitted and are made pursuant to the California Rules of Court, rule 3.670. Requesting parties must be familiar and comply with all the provisions of this rule. CourtCall® is the designated provider of teleconferencing services for court appearances for the San Diego Superior Court. Call (888) 882-6878 for details. Personal appearances are required for:

- Trials and hearings where testimony is expected;
- TRCs (unless telephonic appearance is granted at the CMC);
- Hearings on motions/petitions (unless telephonic appearance is approved by Court);
- Persons ordered to show cause why sanctions should not be imposed for violation of a court order or rule (including, but not limited to, OSCs re Sanctions, OSCs re Non-Sanction, OSCs re dismissal);
- When ordered by the Court.

Trials: Non-jury limited civil trials typically are scheduled for Thursday afternoons starting at 1:30 p.m. Jury trials are scheduled by the Court in consultation with counsel/the parties. Although trials are not in session on Fridays, juries generally will continue their deliberations on Fridays.

Jury Fees: For parties requesting a jury trial, advance jury fees of \$150.00 shall be deposited with the Business Office on or before the date of the initial CMC. For the second and each succeeding day of trial, jury fees for that day are due at the beginning of each session. **Jury fees are non-refundable. Failure to deposit the fees shall be deemed a waiver of trial by jury.** See Code of Civil Procedure § 631.

Continuances: Continuances of trial dates and OSCs are highly disfavored and will not be granted absent compelling circumstances. Any request to continue a trial date must be made by ex parte application, if not made at the TRC. Requests to continue CMCs and TRCs must be supported by a showing of good cause and may be made on the dates scheduled for those matters, or may be requested by written Stipulation and Proposed Order of the parties. Regarding hearings on petitions or motions, if all parties do not agree to a continuance by means of a Stipulation and Proposed Order, the continuance must be requested by ex parte application. Before the parties submit a Stipulation and Proposed Order for a continuance, they should contact the Courtroom Clerk to obtain available new dates.

Settlement Conferences: Settlement Conferences are not available in limited civil matters.

Notice to the Court of Resolved Matters: If a matter is resolved by agreement/settlement, or if a case is to be dismissed or a motion or petition withdrawn for any reason before a trial or hearing date, counsel/parties must provide the Court with prompt notice of such disposition, even if all the necessary papers have not yet been filed with the Court. See San Diego Superior Court Rules 2.1.14, 2.1.20.

Court Reporters: The Court does not provide court reporters for civil matters. However, limited civil proceedings are digitally recorded. If a party wishes to have a court reporter for their matter, they may arrange to provide a court reporter at their own expense.