

Honorable Robert C. Longstreth, Presiding

Probate Department Courtroom Staff:

Court Clerk: Adriana Vergara
Bailiff: Mike Lawson

Courtroom: [\(619\) 844-2052](tel:6198442052)

Contested and/or Personal Appearance Ex Parte Applications

Contested Ex Parte Applications, or those where counsel wishes to see the Judge, will be heard by reservation only, Tuesday and Friday, at 1:30 p.m. Moving papers, and declarations, must be filed in the business office by 10:00 a.m. on the court day preceding the hearing. A reservation may be obtained by coming into the business office and submitting the Probate Ex Parte Coversheet (PR-136) with an ex parte petition and order. There is a limit on the number of reservations. The Court will not hear contested matters unless the moving papers show extraordinary circumstances.

Parties appearing ex parte must serve the application, or any written opposition, on all other appearing parties at the first reasonable opportunity. Absent exceptional circumstances, no hearing shall be conducted unless such service has been made.

All Ex Parte Matters

A party seeking ex parte relief must provide notice in compliance with California Rules of Court, rule 3.1203, to all persons entitled to notice. A separate Declaration of Notice that complies with California Rules of Court, rule 3.1204, must accompany every request for an Ex Parte order. The Court will not consider a request to waive notice when the recipient or the recipient's address is unknown unless the declaration required by the California Rules of Court 7.52 is submitted. In addition to compliance with the California Rules of Court 3.1200 et seq., all applicants for ex parte relief must comply with the San Diego Superior Court Rules, 4.7.5 and 4.7.6.

Counsel are reminded that an Ex Parte application requires an affirmative factual showing by Declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other basis for Ex Parte relief.

Ex Parte Applications must include a separately prepared Order.

Law and Motion

Law and Motion matters are heard at 2:00 p.m. on Friday, in accordance with the California Rules of Court. In most cases, the Court will post a Tentative Ruling by Thursday afternoon at 3:00 p.m. The ruling may be accessed online at the probate section of the court's website, www.sdcourt.ca.gov. If all counsel wish to submit on the Tentative Ruling rather than appear for argument, please contact the department clerk to advise the Court.

Deadlines for filing Law and Motion Pleadings are governed by the Code of Civil Procedure and the California Rules of Court. Provisions of Division IV of the San Diego Superior Court Rules that are otherwise applicable to probate matters are not applicable to Law and Motion matters and will not be observed by the Court to the extent that they are inconsistent with the Code of Civil Procedure. Late pleadings will not be considered.

If a matter settles, or a hearing otherwise becomes unnecessary, counsel should notify the Clerk at the earliest opportunity so that limited Court resources will not be wasted reviewing the matter.

Case Management Conferences

The Court expects compliance with San Diego Superior Court Rule 4.22.6 in advance of all Case Management Conferences, unless compliance is expressly waived by the Court.

Trials and Evidentiary Hearings

The Court's hearing schedule is from 9:00 a.m. to 12:00 p.m., and 1:30 p.m. to 4:30 p.m., with a 15-minute recess in the morning and afternoon. Counsel must complete their matters within the time allotted.

Counsel are reminded of the provisions of San Diego Superior Court rules 4.22.8 and 4.22.9, relating to Trial Readiness Conferences, and rule 4.22.11, relating to motions in limine and trial briefs. Please confirm with the Clerk that exhibits have been properly marked prior to the commencement of trial.

Remote Appearances

Due to the COVID-19 pandemic, all hearings will be conducted remotely until further notice. Absent an order of the court, personal appearances at the hearing will not be allowed. For hearings scheduled before November 2nd, 2020, arrangements for a telephonic or video appearance must be made by contacting CourtCall at (888)882-6878, or at <http://www.courtcall.com>. For hearings scheduled on or after November 2nd, 2020, appearances must be made by using the Microsoft Teams application ("MS Teams") or by calling the department's teleconference phone number. The department's MS Teams link, teleconference phone number, and additional instructions can be found at <http://www.sdcourt.ca.gov/ProbateVirtualHearings>.

Telecourt

For matters that are set to be heard on the Court's "Miscellaneous" Probate calendar, which is held on Fridays at 10:00 a.m., the Court conducts Telecourt on the preceding Thursday at 3:30 p.m. For matters that are set to be heard in the Court's "Estate Appointments" calendar, which is held on Wednesdays at 1:30 p.m., as well as matters that are set to be heard on the Court's "Accountings" calendars, which are held on Wednesdays at 2:30 p.m. and 2:45 for continued matters, the Court conducts Telecourt on the immediately preceding Tuesday at 3:00 p.m.

Telecourt is not available for the "Guardianship Appointment" calendar called on Wednesday at 10:15 a.m., the "Conservatorship Appointment" calendar called on Thursday at 1:30 p.m., or the "Review Hearing" calendar called at 11:00 a.m. on Wednesdays. Personal appearances are required for these calendars. The Telecourt phone number is (619) 844-2817.

Telecourt is appropriate only for non-contested matters that are ready for pre-approval and non-contested requests for continuances. The Court will not continue a matter during Telecourt unless all parties who have appeared in the matter agree in advance to the request, including court appointed counsel and guardians ad litem. Unopposed continuances in contested matters should be requested by written stipulation of all counsel or by the oral request of all counsel in telecourt.

Thank you,

Judge Robert C. Longstreth