

**DIVISION II  
CIVIL**

**CHAPTER 1  
GENERAL POLICIES AND PROCEDURES**

**Rule 2.1.1**

**Policy**

It is the policy of the courts to manage all cases in accordance with the Standards of Judicial Administration, Appendix to the California Rules of Court. Nothing in the Appendix prevents the courts from issuing an exception order based on a specific finding that the interests of justice require a modification of the routine processes as prescribed. However, no procedure or deadline established by these rules or order of the court may be modified, extended or avoided by stipulation or agreement of the parties, except as permitted by Government Code section 68616, unless approved by the court in advance of the date sought to be altered.  
(Adopted 1/1/1998; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010)

**Rule 2.1.2**

**Filing and Service of Papers**

Unless specifically directed otherwise, all papers must be filed in the civil business office of the appropriate division.

**A. Forms.** Photocopies or computer generated duplicates of Judicial Council and court forms may be used only if the copies are clear, legible, easily readable, the same color as the original, and submitted on the same type of paper (e.g., NCR).

**B. Conformed Copies.** The court will conform only one copy of each original submitted for filing. If conformed copies are to be returned by mail or messenger, a stamped, self-addressed envelope or messenger slip must be included. Conformed copies that do not include a means of return will be retained in the pick-up box of the Civil Business Office and recycled after 30 days without pick-up.

**C. Proofs of Service.** Proofs of service must be signed by the person who actually accomplished the service. Where forms of service involve more than one component, declarations must be signed by each person completing a component. For example, substituted service of summons is often accomplished by one person doing the substituted service in the field while another completes the service by mailing the copies to the named defendant. In that case, declarations must be signed by each.

**D. Proposed filings.** Proposed pleadings for which permission is requested from the court should be submitted as an exhibit to an ex parte motion, motion, stipulation, etc. If permission is granted by the court, the original pleading must be separately filed with the civil business office.

**E. Imaged Cases.** Court filings in all newly-initiated civil cases will be imaged and stored in an electronic court file. The electronic court file is certified as the official record of the court, pursuant to Government Code section 68150 and California Rules of Court, rule 2.504. The electronic court file can be accessed via the court's webpage at <http://www.sdcourt.ca.gov> or at one of the public kiosks in the civil business office in each division.

Paper filings that are imaged and stored electronically will be physically stored by the court for 30 days after filing, after which time they will be destroyed, with the exception of those original documents the court is statutorily required to maintain, in which case the court will physically retain the original for the period of time required by law. Parties submitting original documents the court is statutorily required to maintain shall place the words "EXEMPT FROM DESTRUCTION" in all caps immediately under the title of the pleading to which the original document is attached.

Access to paper filings during the 30-day retention period will only be granted by order of the court upon a showing of good cause.

Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).

**F. Pseudonymous Plaintiff/Petitioner.** A plaintiff/petitioner who wishes to proceed under a pseudonym or by using initials instead of their true name must first obtain a court order prior to filing the complaint/petition, unless filed under Civil Code section 1708.85 or Code of Civil Procedure section 367.3. The motion to proceed by pseudonym must be made pursuant to rules 2.550–2.585 of the California Rules of Court. Plaintiff/Petitioner must also submit redacted and unredacted versions of the complaint/petition.

**G. Submission of Evidence.** In accordance with San Diego Local Rule 2.5.8, the court may permit parties to appear by telephone or video in civil cases. Refer to your Notice of Hearing and the court's website at

<http://www.sdcourt.ca.gov> for the most current instructions on how to appear and how to submit evidence. Unless otherwise ordered by the court, the following rules apply to trials other than in Unlawful Detainer and Small Claims cases in which one or more parties appear remotely:

1. **Unless otherwise ordered by the court in a particular case**, parties appearing remotely must submit and serve all evidence to the court at least five court days prior to the scheduled trial date.
  2. The parties must comply with San Diego Local Rule 2.5.6 regarding permissible exhibits. Original documents must not be submitted.
  3. Failure to exchange evidence may result in the court not considering that evidence.
- (Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2015; Rev. 1/1/2021; Rev. 1/1/2022; Rev. 1/1/2023)

### **Rule 2.1.3**

#### **Case Assignment**

At the time an action is filed, it will be assigned either to the master calendar or to a judge for all purposes. A Notice of Case Assignment and Case Management Conference, which includes the name, physical location, and department of the assigned judge, if any, and a Stipulation to Use of Alternative Dispute Resolution Process form may be generated at the time the case is filed. It is mandatory that the plaintiff or cross-complainant serve all defendants with a copy of the Notice of Case Assignment and Case Management Conference form and other documents as set out in rule 2.1.5. If a case is filed which involves essentially the same issues as one assigned to a specific judge, or is refiled following a dismissal or other disposition, the parties must follow the related case procedure set forth in the California Rules of Court and in local rule 2.1.3.1. If a case is ordered re-assigned to another department, all pending dates will be vacated and must be re-set in the new department.

Construction defect cases in the county may be assigned to a designated construction defect department. Any pre-litigation petition brought to the court pursuant to Civil Code section 1375, subdivision (n), will be assigned a case number and may be assigned to a designated construction defect department. Any construction defect complaint filed after completion of the pre-litigation requirements of Civil Code section 1375 et seq., will be assigned the same case number as any pre-litigation case number existing for the action.

A case initially assigned to an independent calendar judge for all purposes may be reassigned to the court's master calendar if, at the time of trial call, it is determined that although the case is ready for trial the assigned judge will not be trying the matter. The assigned judge or another judge, acting in his or her capacity as a "judge supervising the master calendar" (see Code Civ. Proc., § 170.6, subd. (a)(2)), will notify the parties of the name of the judge who has been assigned to try the case pursuant to the court's master calendar. Accordingly, if any of the parties intend to challenge the judge assigned for trial pursuant to Code of Civil Procedure section 170.6, subdivision (a)(2), they must do so at the time they are notified of the assignment.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Rev. 1/1/2004; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2022; Rev. 1/1/2023)

### **Rule 2.1.3.1**

#### **Related Cases**

If a notice of related case is filed pursuant to Rule 3.300 of the California Rules of Court and all the cases listed in the notice were filed in the San Diego Superior Court, the party filing the notice of related case must, within 15 days of the filing of the notice of related case, schedule an ex parte hearing with the judge who has the earliest filed unlimited civil case or, if all cases are limited, the earliest filed limited civil case, in order to determine whether the cases should be ordered related and reassigned. This procedure also applies to complex cases. The obligation set forth in this rule is excused if there is a pending motion to consolidate the cases.

(Adopted 1/1/2020; Rev. 1/1/2022; Rev. 1/1/2023)

### **Rule 2.1.4**

#### **Electronic Filing Program: Mandatory Electronic Filing and Service**

Pursuant to Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.250 et seq., documents filed in all limited, unlimited, and complex civil actions on or after April 15, 2021, must be filed electronically by attorneys representing a party or other person, unless an ex parte application is filed to be excused from the electronic filing program. E-filing is encouraged, but not mandated, for a self-represented party or other self-represented person. All e-filers are required to comply with the e-filing requirements set forth in Electronic Filing Requirements (Civil) (SDSC Form #CIV-409) and California Rules of Court, rules 2.250-2.261.

A party or other person that is required to file documents electronically in an action must also serve documents and accept service of documents electronically, except when personal service is otherwise required by statute or rule, the court orders otherwise, or the action includes a party or person that is not subject to mandatory e-filing in which case that party or person must be served by non-electronic methods unless they affirmatively consent to electronic service. (Code Civ. Proc., § 1010.6, Cal. Rules of Court, rule 2.251.)

An original of all documents filed electronically, including original signatures pursuant to California Rules of Court, rule 2.257, must be maintained by the filing party. Courtesy copies of all e-filed ex parte applications and all documents in support thereof must be delivered to the assigned department no later than noon the court day prior to the ex parte appearance. Refer to the Electronic Filing Requirements (Civil) (SDSC Form #CIV-409) for additional information.

(Adopted 1/1/2012; Rev.1/1/2014; Rev.1/1/2015; Rev. 1/1/2018; Rev. 1/1/2022; Rev. 1/1/2023)

### **Rule 2.1.5**

#### **Service of Complaint**

Except for Collection Cases filed under California Rules of Court, rule 3.740 and Unlawful Detainer actions, within 60 days of the filing of the complaint, all defendants must be served and proofs of service filed showing service on the defendants pursuant to California Rules of Court, rule 3.110. Any relief from the 60-day requirement must be by written application as set forth in rule 3.110(e). Compliance with this rule will be reviewed at the initial Case Management Conference and plaintiff may be sanctioned at that time for any failure to timely serve all defendants unless good cause is shown.

To qualify for other than personal service of a complaint and summons under Code of Civil Procedure section 415.20 et seq., reasonable diligence aimed at providing the defendant with actual notice must be established (e.g., personal service must be attempted on at least three different days at three different times of day). All attempts cannot be in the a.m. or all in the p.m. At least one of the three attempts must be before 8 a.m. or after 5:30 p.m., and at least one of the three attempts must be between the hours of 8 a.m. and 5:30 p.m. or on Saturday or Sunday at any time. If service is attempted at a business address, all three attempts may be made during the normal business hours of that business.

If service by publication or some other method of service requiring leave of court cannot be completed within 60 days of the filing of the complaint, the last paragraph of the proposed order permitting such service must contain a blank space for the court to specify the date by which a proof of service must be filed.

The following must be served with the complaint:

- A. The Notice of Case Assignment and Case Management Conference;
- B. A notice of the amount of special and general damages if the complaint seeks to recover damages for personal injury or wrongful death;
- C. A notice of the amount of punitive damages sought, if applicable; and
- D. ADR information materials (not applicable to collection cases).

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2018; Rev. 1/1/2022)

### **Rule 2.1.6**

#### **Defendant's Appearance**

Unless a special appearance is made, each defendant served must generally appear (as defined in Code Civ. Proc., § 1014) within the time required by the Code of Civil Procedure, or within 15 days thereafter if the parties have stipulated to extend that time.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 7/1/2003; Rev 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2013)

### **Rule 2.1.7**

#### **Request for Entry of Default**

If a defendant does not make a general appearance within the time provided by statute, or makes an unsuccessful motion to quash, stay, or dismiss the action on the grounds of inconvenient forum or improper court, and thereafter fails to plead within the time provided by statute or in these rules, the plaintiff must request entry of default forthwith. The original request and one copy for conforming must be submitted.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010)

### **Rule 2.1.8**

#### **Default Judgment**

Applications for default judgment should be submitted on declarations pursuant to Code of Civil Procedure section 585, subdivision (d) and include Judgment Checklist form SDSC CIV-198 or CIV-199. See the [Civil Forms](http://www.sdcourt.ca.gov) area of the court's website at <http://www.sdcourt.ca.gov> for the most recent version. The court will notify the parties if an oral prove-up hearing or additional documentary evidence is required. (See rule 2.5.10, Default Attorney Fee Schedule.)

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2016)

### **Rule 2.1.9**

#### **Case Management Conference**

The court expects the complaint and any cross-complaints will be served and all answers filed or defaults entered by the time of the initial Case Management Conference.

**A. Scheduling and Notice.** At the time a civil complaint (excluding unlawful detainers) is filed, the Clerk of the Court will provide plaintiff with a form "Notice of Case Assignment and Case Management Conference" that will specify the date, time, and place of the initial Case Management Conference, which will be approximately 150 days after the complaint is filed. At the time of service of the summons on any party, plaintiff must also serve a complete copy of said Notice of Case Assignment and Case Management Conference upon that party; and plaintiff must also serve a copy of the Notice on plaintiffs in intervention or plaintiffs in interpleader, within 10 days of being served with a complaint in intervention or interpleader. All cross-complainants must serve a copy of the Notice of Case Assignment and Case Management Conference upon each cross-defendant at the time the cross-complaint is served.

A Case Management Conference may also be set by the court in cases transferred from another court, reclassified pursuant to the Code of Civil Procedure, stayed as provided in rule 2.1.13, and in unlawful detainer actions in which the defendant has filed an answer and the court has been notified that possession is no longer in issue. Upon receipt of these cases, a notice of the change in status of the case, and/or in all cases of a continuance of the Case Management Conference, the Clerk of the Court will, unless otherwise ordered, send plaintiff a form Notice of Case Assignment and Case Management Conference and within 10 days of being served with the Notice plaintiff must serve all parties in the case with a copy of said Notice. Plaintiff must be able to demonstrate compliance with this rule at the Case Management Conference.

It is the policy of the court to hold the Case Management Conference on the date originally set. Continuances may be requested ex parte with a declaration showing good cause why the conference should be continued. However, if a disposition as to all parties has been filed with the court at least five court days prior to the hearing date, the case will be taken off calendar and no appearances will be required.

This rule remains in effect after July 1, 2002, notwithstanding California Rules of Court, rule 3.20, by the authority granted in California Rules of Court, rule 3.722, to the effect that "[t]he court may provide by local rule for the time and manner of giving notice of the parties.

**B. Preparation for Conference.** The primary focus of the initial Case Management Conference will be to determine the status of the case to ensure compliance with the policy as stated in rule 2.1.1 and to determine if alternative dispute resolution would be appropriate.

A Case Management Statement must be completed by each party and filed with the court 15 calendar days before the Case Management Conference. Parties will not be required to complete a Case Management Statement for subsequent conferences unless ordered to do so by the court.

Parties completely familiar with the case and possessing authority to enter into stipulations must appear at the Case Management Conference and must be fully prepared to discuss any issues addressed by a Case Management Statement and all other matters specified in the notice of hearing provided by the court. Any attorney making a special appearance for counsel of record must have actual knowledge of the facts and procedural history of the case. If a party is not fully prepared, the court may continue the hearing and impose sanctions against the offending party. If the hearing proceeds as scheduled, the orders made will not be subject to reconsideration due to a party's unfamiliarity with the case at the time of the hearing.

(Adopted 1/1/1998; Rev. 1/1/2001; Renum. 7/1/2001; Rev. 7/1/2002; Rev. 1/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2013; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2022; Rev. 1/1/2023)

#### **Rule 2.1.10**

##### **Discovery Status Conferences**

Any declaration filed to request or oppose an informal discovery status conference filed pursuant to Code of Civil Procedure section 2016.080 shall be filed directly in the assigned department. If the case is e-filed, a courtesy copy shall be delivered to the assigned department.

(Adopted 1/1/2019)

#### **Rule 2.1.11**

##### **Expert Witnesses**

The court will propose deadlines for the exchange of information concerning expert witnesses and their discoverable reports and writings in accordance with Code of Civil Procedure sections 2034.260 and 2034.270 at the Case Management Conference. Although the demand requirement of that section may be dispensed with at this hearing, all other provisions of Code of Civil Procedure section 2034.210 et seq. will be strictly enforced by the court.

Excessive expert fees are limiting access to the court and undermining the quality of justice. It is the policy of the court that, in addition to the criteria required to be considered in deciding motions brought pursuant to Code of Civil Procedure section 2034.470, the court will consider the ordinary and customary fees charged by similar experts for similar services within the relevant community.

Parties will be permitted to designate only those experts they in fact intend to call at trial. It is the policy of the court that parties are limited to one expert per field of expertise per side, pursuant to Evidence Code section 723, absent a court order to the contrary. The court will determine which parties constitute “a side” at trial, if necessary.

Expert testimony must not be used simply to advocate a particular position, and must be limited in scope in accordance with Evidence Code section 801, subdivision (a) to opinions on subjects which are sufficiently beyond common experience that an expert's opinion will assist the trier of fact.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001, Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010)

#### **Rule 2.1.12**

##### **Official Court Reporters and Reporters Pro Tempore**

The court official policy of availability of official court reporters in civil proceedings is set forth in the Court's Policy Regarding Normal Availability and Unavailability of Official Court Reporters (form SDSC #ADM-317), which is available on the Court's website, [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov), and Division I, Rule 1.2.3.

(Adopted 1/1/2020)

#### **Rule 2.1.13**

##### **Stays of Actions**

If a party files a notice of stay in accordance with the California Rules of Court, the court may either stay the action or set the matter for hearing. At the time of that hearing, the court may propose dismissing the action without prejudice, and reserving jurisdiction to reinstate the case nunc pro tunc when the stay is no longer in effect. Alternatively, parties may stipulate to the dismissal of such cases without prejudice, expressly reserving the court's jurisdiction to set aside the dismissal and reinstate the case nunc pro tunc when the stay is no longer in effect. If the court stays the action without setting the matter for hearing, any party who claims to be exempt from the stay and who seeks to prosecute the action further must object by noticed motion in the stayed action.

Upon the expiration of the stay period, the court may extend the stay for good cause shown.

(Adopted 1/1/1998; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2011)

#### **Rule 2.1.14**

##### **Settlements, Taking Matters Off Calendar**

If the parties have entered into a settlement agreement that resolves the case, the parties must notify the court as soon as possible.

A. Pending matters may be removed from the court calendar, in the discretion of the court, if plaintiff's counsel contacts the court by telephone and requests to go on a dismissal calendar or if counsel represents:

1. There is a signed settlement agreement;
2. There are no unrepresented litigants; and
3. All un-served parties or parties not participating in the settlement will be dismissed.

**B.** Parties who enter into a conditional settlement agreement that provides for payment or performance more than 45 days after the agreement is signed must comply with the provisions of California Rules of Court, rule 3.1385(c). (Adopted 1/1/1998; Renum. 7/1/2001; Rev. 1/1/2003; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2012; Rev. 1/1/2016; Rev. 1/1/2019; Rev. 1/1/2022)

#### **Rule 2.1.15**

##### **Trial Readiness Conference**

A trial readiness conference generally will be scheduled three weeks before the trial date. The parties must meet and confer prior to the scheduled hearing and attempt to resolve the case, or, if resolution is not possible, limit issues for trial. If the case is not settled in its entirety, all parties must prepare and sign a joint trial readiness conference report in the format set forth in the joint trial readiness conference report available on the [Civil Forms](#) area of the court's website at <http://www.sdcourt.ca.gov>. Separate reports will not be accepted. Failure to disclose and identify all trial exhibits and witnesses intended to be called at trial and all other items required by the report may, in the court's discretion, result in exclusion or restriction of use at trial. The completed report must be submitted to the judge five court days before the scheduled conference. No part of the joint trial readiness conference report is to be received into evidence against any party in later proceedings.

Parties completely familiar with the case and possessing authority to enter into stipulations must be present at the scheduled hearing. Orders made will be binding on the parties and will not be subject to reconsideration due to an attorney's unfamiliarity with the case at the time of the hearing. The parties must be prepared to discuss any unusual evidentiary or legal issues anticipated during the trial and all remaining matters believed by any party to be appropriate for stipulation.

During the trial readiness conference, the court will review with counsel and sign or issue the advance trial review order setting forth specific trial preparation requirements of the trial department. (Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2009; Rev. 1/1/2016; Rev. 1/1/2022; Rev. 1/1/2023)

#### **Rule 2.1.16**

##### **Jury Instructions**

On the scheduled trial date, the parties must submit the full text of proposed jury instructions to the court. Jury instructions must be gender neutral and double spaced on plain paper. They may include instruction numbers but the mere submission of a list of instruction numbers is not acceptable. Authority may be included on copies of special instructions submitted to the court, but should not appear on the originals. (Adopted 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006)

#### **Rule 2.1.17**

##### **Juror Questionnaire**

If counsel proposes juror questionnaires, the questionnaires must be accompanied by a Juror Questionnaire Cover Sheet, and must be provided to the court 5 court days prior to trial call. If a proposed juror questionnaire is not timely submitted to the court, the request is deemed waived. (Adopted 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2021; Rev. 1/1/2023)

#### **Rule 2.1.18**

##### **Motions in Limine**

Motions in limine must be limited in scope in accordance with *Clemens v. American Warranty Corp.* (1978) 193 Cal.App.3d 444, 451, *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659, 670-671, and *Amtower v. Photon Dynamics, Inc.* (2008) 158 Cal.App.4th 1582, 1593-1595. Unless otherwise directed by the court, counsel must file and serve motions in limine and opposition thereto five court days and two court days respectively prior to trial call. The following motions in limine will be deemed granted at the time of the trial readiness conference if applicable:

- A.** Motion excluding evidence of collateral source;
- B.** Motion excluding evidence of or mention of insurance coverage;
- C.** Motion excluding experts not designated pursuant to Code of Civil Procedure section 2034.300; and
- D.** Motion excluding offers to settle and/or settlement discussions. Written motions should not be submitted on the above issues.

(Adopted 1/1/2000; Renum. 7/1/2001, Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2012)

**Rule 2.1.19**

**Law and Motion Procedures**

**A. Calendaring Hearing**

Any party, or attorney for a party, who desires to have any demurrer, motion, ex parte application, or order to show cause set for hearing must reserve a hearing date through the online reservation system at <http://www.sdcourt.ca.gov> or contact the calendar clerk for the judge assigned to the case to reserve a hearing date. Failure to reserve a date for hearing will result in the demurrer, motion, ex parte application, or order to show cause hearing not being heard. The demurrer, motion, ex parte application, or order to show cause should be ready to be filed when the reservation is obtained. Ex parte applications and all documents in support thereof must be filed with the court and, if electronically filed, a courtesy copy sent to the department, no later than noon the court day prior to the ex parte appearance. The court may refuse to consider any late- filed papers. Failure to file a Motion for Summary Judgment and/or Summary Adjudication after reserving a date with the calendar clerk, or failing to call the independent calendar clerk to take the hearing off calendar no later than two days after the last date to serve moving papers pursuant to Code of Civil Procedure, section 437c, is deemed to be a waste of judicial resources and a violation of local rules. The court may set an OSC re Imposition of Monetary Sanctions under Code of Civil Procedure section 177.5.

**B. Failure to File Opposition**

The court may deem a lack of opposition to be a concession that a motion is meritorious.

**C. Tentative Ruling Policy**

Prior to the hearing, any civil department may issue a tentative ruling in a law and motion matter, in the sole discretion of the assigned judge. The tentative ruling will be issued in conformance with the tentative ruling procedures set forth in California Rules of Court, rule 3.1308(a)(2). No notice of intent to appear is required to appear for oral argument regardless of when the tentative ruling is issued. The tentative ruling may be obtained through the court's website at <http://www.sdcourt.ca.gov> and clicking on the tentative ruling link listed under the civil tab, or by telephoning the independent calendar clerk for the assigned department. This rule does not preclude posting a tentative ruling the day of the hearing pursuant to California Rules of Court, rule 3.1308(b), nor does it mandate a tentative ruling be issued on all law and motion matters. If no one appears for a hearing for which a tentative ruling has issued and the court has not been notified that all parties submit on the tentative ruling, the court may take the matter off calendar or order the tentative ruling to become the final ruling. The court may also make a different order at the hearing.

(Adopted 7/1/2004; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2022; Rev. 1/1/2023)

**Rule 2.1.20**

**Taking Motions Off Calendar**

The moving party must promptly call the independent calendar clerk if a motion will not be heard on the scheduled date. On demurrers, motions to strike and motions for judgment on the pleadings, if an amended pleading is filed in accordance with the Code of Civil Procedure section 472 or pursuant to leave of court prior to the hearing date, the party filing the amended pleading must call the independent calendar clerk to notify the court that an amended pleading has been filed. Failure to call the court shall be deemed a violation of the local rules, and may give rise to an OSC re Sanctions under Code of Civil Procedure section 177.5.

(Adopted 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2023)

**Rule 2.1.21**

**Discovery Dispute Outline in Lieu of Separate Statement**

In lieu of submitting a separate statement with a motion to compel further responses to discovery, Code of Civil Procedure sections 2030.300, 2031.310, and 2033.290 allow a court to authorize a moving party to submit a concise outline of the discovery request and each response in dispute. Before filing a motion compelling further responses to discovery, the moving party should consult with the applicable department's Policies and Procedures, published on the court's website, to determine if the department allows parties to utilize such an outline absent express court order. If not set forth in the department's courtroom rules, ex parte leave must be obtained prior to filing a motion to compel further responses to discovery using an outline instead of a separate statement.

(Adopted 1/1/2021)

**CHAPTER 2**  
**[Moved to Chapter 3]**  
**Reserved for Future Use. (Renum. 1/1/2019)**

**CHAPTER 3**  
**ALTERNATIVE DISPUTE RESOLUTION (ADR)**

**ADR Policy Statement.** The San Diego Superior Court discourages any unnecessary delay in civil actions; therefore, continuances are discouraged and timely resolution of all actions, including matters submitted to any form of Alternative Dispute Resolution (“ADR”), are encouraged. The court strongly supports and promotes the use of ADR. The court has long recognized the value of early case management intervention and the use of ADR options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court’s expectation that litigants will utilize some form of ADR – i.e., the court’s mediation, voluntary settlement, and arbitration programs or other available private ADR options as a mechanism for case settlement before trial. (Rev. 1/1/2021)

**Rule 2.3.1**

**Voluntary Settlement Conferences**

Parties may request a voluntary settlement conference if the parties represent that:

- A.** Settlement negotiations between the parties have been pursued, demands and offers have been exchanged, and resolution has failed;
- B.** A judicially supervised settlement conference presents a substantial opportunity for settlement; and
- C.** The case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required.

If a request for a voluntary settlement conference has been accepted by the court and a settlement conference has been scheduled, all parties must comply with the provisions of rules 2.3.1.1, 2.3.1.2, and 2.3.1.3 unless otherwise ordered.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2013; Renum. 1/1/2019; Rev. 1/1/2020; Rev. 1/1/2023)

**Rule 2.3.1.1**

**Mandatory Appearance**

**A.** The provisions of rules 2.3.1.1, 2.3.1.2, and 2.3.1.3 apply to both voluntary and mandatory settlement conferences unless otherwise ordered.

**B.** All parties, attorneys of record, and others whose authority is required to fully settle the case (including but not limited to insurance adjusters and right-of-way agents) must attend the settlement conference in person unless excused or permitted to attend by telephone as provided in section D below. If a party is not a natural person, a representative of that party with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or a legislative body, a representative with authority to recommend such agreement, must attend the settlement conference in person, unless excused or permitted to attend by telephone as provided below.

**C.** If any party is insured under a policy of insurance that provides or may provide coverage for a claim that is a subject of this action, a representative of the insurer with authority to settle or recommend settlement of the claim must attend the settlement conference in person, unless excused or permitted to attend by telephone as provided in section D below. The party must notify each insurance carrier of the date, time and place of the settlement conference and of the carrier's duty to attend with full settlement authority.

**D.** A party or participant may submit to the court a written request to be excused from personal attendance at a settlement conference provided that the party or participant will be available by telephone for the duration of the settlement conference. Such requests must be served on all parties at least five court days prior to the settlement conference. If the settlement conference is to be heard by a temporary judge, such requests must be submitted to the independent calendar department to which the case is assigned.

**E.** If a party is excused from personal attendance at the settlement conference, counsel appearing on behalf of the party must be completely familiar with the case and must have authority to make an initial demand or counteroffer in a specific amount.

F. If a party or participant fails to appear, is not fully prepared, or fails to participate in good faith, the court may continue the hearing and/or impose sanctions against the offending party or counsel. If the settlement conference proceeds as scheduled, the orders made will not be subject to reconsideration due to counsel's unfamiliarity with the case at the time of the hearing.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2013; Renum. 1/1/2019)

#### **Rule 2.3.1.2**

##### **Settlement Statements/Briefs**

In all cases except unlawful detainer proceedings in which a party is represented by counsel under the Sargent Shriver Civil Counsel Act, written statements of the position of each party must be lodged with the settlement conference judge and served on other parties five court days prior to the settlement conference, unless otherwise ordered. If service is by mail, all papers must be mailed not less than 10 days before the court date. Settlement conference statements do not become a part of the file and will be discarded. If the settlement conference is to be heard by a temporary judge, settlement conference statements must be submitted to the independent calendar department to which the case is assigned. In cases in which a party is represented by counsel under the Sargent Shriver Civil Counsel Act, the parties may provide their positions orally on the date of the settlement conference.

Unless otherwise instructed by the court, settlement conference statements must not exceed five pages and must include the necessary information to concisely support issues of liability and damages, including a settlement demand and offer, as well as an itemization of special and general damages, and the last offer.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2016; Renum. 1/1/2019)

#### **Rule 2.3.1.3**

##### **Notifications of Settlement or Continuances**

**A. Settlement.** In accordance with the California Rules of Court, if a case is settled, the plaintiff must immediately give the court written notice. The plaintiff must also immediately notify the court by phone or in person if a hearing, conference, or trial date is imminent. The only time a hearing set by the court may be taken off calendar is when the plaintiff advises the court that the case has been settled. In that event, a show cause hearing regarding dismissal will be conducted in 45 days. The show cause hearing will be taken off calendar if a dismissal of all complaints and cross-complaints, or a judgment as to all complaints and cross-complaints, is filed with the court no later than five court days prior to the hearing. If such documentation has not been received by the date set for the show cause hearing, the court will immediately order appropriate sanctions and/or dismiss the entire action.

Failure to advise the court at least five court days before the settlement conference that it will not proceed as scheduled, for any reason other than the settlement of the case in its entirety within the five court day period, may be deemed by the court to be a violation of an order of the court, punishable by monetary sanctions payable to the court under Code of Civil Procedure section 177.5, as well as any other sanction provided by law.

**B. Continuances.** Any party requesting a continuance must appear ex parte and show good cause why the settlement conference should be continued. At the ex parte hearing, a stipulation may be presented to the court, signed by all parties, accompanied by a declaration showing good cause.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2012; Renum. 1/1/2019 ; Rev. 1/1/2023)

#### **Rule 2.3.2**

##### **Civil Mediation Program**

All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participate in the Civil Mediation Program.

**A. Stipulation to Mediation.** At any time prior to the Case Management Conference, parties may stipulate to mediation. The stipulation must include the name, address and phone number of the mediator and one alternate mediator, or parties may utilize the Stipulation to Use ADR (SDSC Form CIV-359). If the stipulation is granted, Assignment of Mediator notices will be issued.

**B. Case Management Conference.** If parties do not stipulate to mediation prior to the Case Management Conference, the judge will encourage all parties to consider mediation or other ADR options. If the court determines a mediator would assist in the resolution of a case, parties will be asked to stipulate to mediation which will be reflected on the Case Management Conference's Minute Order.

**C. Panel of Mediators.** Parties may select any mediator to mediate their matter. The court maintains a panel of court-approved mediators who have satisfied training and experience requirements established by the court and who must adhere to minimum standards of practice pursuant to California Rules of Court, rule 3.850 et seq., and other program policies and procedures.

**D. Payment of Mediators.** Mediators must be compensated directly by the parties. The fees and expenses of mediators must be shared equally between the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to charge \$150 per hour for each of the first two hours in a limited civil action, or \$250 per hour for each of the first two hours in an unlimited civil action, and their regular hourly rate thereafter for court-referred mediation.

Mediators on the court's approved panel may not charge parties for preparation or administrative time, but may require that fees be deposited in advance of the mediation session and may have cancellation fees and policies.

Parties may also utilize the services of mediators who are not on the court's approved panel. They will be charged the mediator's regular hourly rate and any other fees in accordance with the mediator's policies.

**E. Selection of Mediators.** Parties are encouraged to make their selection at or before the time of the Case Management Conference. Parties may utilize the on-line mediator search and submit their Mediator Selection Form (SDSC CIV-005) via e-mail within five court days of the Case Management Conference. If they are unable to make a selection, the case may be referred back to the court for the setting of a future hearing. If parties agree on a mediator and alternate and notify the court before the hearing, the hearing will be vacated.

**F. Timing of Mediation and Trial Dates.** Cases will be referred to mediation for up to 120 days. At the time of the Case Management Conference, trial dates will also be given. If the mediation has ended in non-agreement, the court will confirm the trial dates given. If parties request an extension of time for mediation, they must file a stipulation indicating the date of the future mediation session. Alternatively, they may contact the mediator to request an extension in 30-day increments which will be subject to approval by the court. In all cases, the court will generate a Reappointment of Mediator notice if the extension is approved.

**G. Attendance at Mediation.** All parties, their counsel and persons with full authority to settle the case must personally attend the mediation, unless excused by the court or the mediator for good cause. If any consent to settle is required for any reason, the party with the consent authority must be personally present at the mediation.

**H. Filing of Completed ADR-100.** The mediator shall complete, serve, and file form ADR-100 with the court within 10 days after the mediation session is concluded. (Code Civ. Proc. § 1775 et seq.) If the mediator fails to do so, plaintiff shall, within 15 days after the mediation is concluded, file a completed form ADR-100 with the court and serve a copy thereof on all parties.

(Adopted 2/28/2000; Rev. 1/1/2001; Renum. 7/1/2001; Rev. 1/1/2003; Rev. 7/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2013; Rev. 1/1/2014; Rev. and Renum. 1/1/2019)

#### **Rule 2.3.2.1**

##### **Mediator Complaint Procedure**

Pursuant to California Rules of Court, rule 3.865 et seq., the San Diego Superior Court maintains the following Mediator Complaint Procedure:

**A.** All grievances, complaints or issues concerning the conduct of a mediator on the San Diego Superior Court's Civil Mediation Panel must be referred initially to the ADR Administrator, who has been designated as the Complaint Coordinator. Contact information for the ADR Administrator can be obtained by calling the court's Mediation Program Office at (619) 450-7478 and/or by accessing the court's ADR webpage at the following link: <https://www.sdcourt.ca.gov/sdcourt/civil2/adr2>.

**B.** After sending the complainant a written acknowledgment that the court has received the complaint, the ADR Administrator will conduct a preliminary review of the complaint to determine whether or not the complaint can be resolved informally and closed. If the complaint is resolved informally or closed after preliminary review, the ADR Administrator will send the complainant written notification that the complaint has been informally resolved and/or closed.

**C.** If the ADR Administrator initiates a complaint against a mediator on the Court's Panel, the complaint will be referred to the Chair(s) of the Bench ADR Committee, who will determine if the complaint can be summarily resolved and closed or if the complaint must be further investigated.

**D.** If it is determined that further investigation is warranted, the ADR Administrator will send the mediator written notice of the complaint, and the mediator will have 20 days from the mailing of said notice to provide the court with a written response. The Chair(s) of the ADR Committee will designate an individual who has experience as a mediator and who is familiar with the rules of conduct for mediators set forth in California Rules of Court, rule 3.850 et seq., or will establish a complaint committee that has at least one such individual as a member, to conduct the

investigation and prepare a written recommendation concerning court action on the complaint. The Chair(s) of the ADR Committee and/or their designee may determine that the mediator will be removed from the active/eligible list pending the final decision on the complaint.

**E.** The final decision on the complaint will be made by the Presiding Judge or his or her designee, who did not conduct the investigation, and the final decision will be communicated to both the complainant and the mediator in writing. The final decision-maker may take one or more of the following action(s): direct that no action be taken on the complaint; counsel, admonish, or reprimand the mediator; impose additional training requirements as a condition of the mediator remaining on the court's panel; temporarily suspend the mediator from the court's panel or otherwise temporarily prohibit the mediator from receiving future mediation referrals from the court; and/or permanently remove the mediator from the court's panel or otherwise permanently prohibit the mediator from receiving future mediation referrals from the court.

The final decision is in the sole discretion of the final decision-maker and is not subject to any subsequent review or appeal. Ultimately, mediators on the court's Civil Mediation Panel may be temporarily or permanently removed from the panel at any time at the sole discretion of the court without cause.

**F.** All court communications and/or proceedings relative to complaints against mediators on the court's Civil Mediation Panel will occur in private and be kept confidential except as required by law and except for authorized disclosures as follows: after the decision on a complaint against a mediator has been made, the Presiding Judge or his or her designee may authorize the disclosure of information or records concerning the complaint proceeding that do not reveal any mediation communications. The disclosures that may be authorized include the name of the mediator against whom action is being taken, the action taken and the general basis on which the action was taken.

**G.** A person who has participated in a complaint proceeding or otherwise received information that is publicly disclosed will not subsequently hear or determine any contested issue of law, fact, or procedure concerning the dispute that was the subject of the underlying mediation or any other dispute that arises from the mediation as a judge, arbitrator, referee, or juror, or in any other adjudicative capacity, in any court action or proceeding.

(Adopted 1/1/2010; Rev. 1/1/2012; Renum. 1/1/2019)

### **Rule 2.3.3**

#### **Judicial Arbitration**

**A. Submission to Arbitration.** The court elects to come within the provisions of Code of Civil Procedure section 1141.11 et seq. regarding judicial arbitration of all civil actions which are not exempt. All actions submitted to arbitration pursuant to these sections will be subject to the provisions contained therein, as well as rules of procedure set forth in the California Rules of Court, rule 3.810 et seq., and in these rules.

**B. Order to Attend Arbitration.** At the Case Management Conference, the court may order a case to judicial arbitration. Counsel must be prepared to discuss whether the arbitration will be binding or non-binding, and to select an arbitrator. Dismissal of all unserved, non-appearing, and fictitiously named parties will also be addressed. The court will propose dates to exchange information concerning expert witnesses and their discoverable reports and writings in accordance with rule 2.3.3. Although the demand requirement under Code of Civil Procedure section 2034.210, et seq. may be dispensed with at this hearing, all other provisions of section 2034.210 et seq. and rule 2.3.3 will be strictly enforced.

**C. Exemption from Arbitration.** Matters which are exempt from judicial arbitration are set forth in the California Rules of Court, rule 3.811, and Code of Civil Procedure section 1141.11.

Unless otherwise ordered by the court, the following categories of actions are also exempt from arbitration, as provided by the California Rules of Court, rule 3.811, and will be set directly for trial:

1. Civil actions in which no jury trial is demanded and the estimated time for trial is one day or less;
2. Civil actions in which any party is not represented by counsel;
3. Civil actions for which there will be an expedited jury trial;
4. Civil actions in which the parties stipulate to attend mediation;
5. Civil actions in which the parties stipulate to attend a settlement conference; and
6. Collection Cases as defined by California Rules of Court, rule 3.740.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2013; Renum. 1/1/2019; Rev. 1/1/2020; Rev. 1/1/2021)

### **Rule 2.3.3.1**

#### **Arbitration Procedures**

Arbitration rules of procedure are set forth in the California Rules of Court, rule 3.810 et seq., and in these rules.

**A. Appointment of Arbitrator.** At the Case Management Conference, the parties must stipulate to the appointment of any arbitrator on the list of superior court arbitrators. If the parties do not stipulate, the judge who ordered the case to judicial arbitration will appoint the arbitrator. The appointment of an arbitrator will be effective immediately and will extend for 90 days. Before any person may be appointed as an arbitrator, that person must provide a statement on a form provided by the court that they have read and will comply with the provisions of rule 2.3.3, subdivision A.

**B. Continuances.** The court discourages continuances. Rules regarding continuances of arbitration hearings are set forth in the California Rules of Court. Rules regarding the completion of cases within 90 days and the reappointment of an arbitrator for good cause are set forth in the California Rules of Court. If a continuance is denied or 90 days have elapsed from the time of appointment, it is mandatory that all parties appear before the judge who ordered the case to judicial arbitration. If it appears to the court that a request for continuance is not made with good cause, the court may impose monetary sanctions upon the requesting party.

**C. Conduct of the Arbitration Hearing.** The arbitration hearing must be conducted as follows:

1. The arbitrator must administer the oath;
2. Counsel and the arbitrator are to be formally addressed as Mr., Mrs., Miss, or Ms. during the hearing;
3. At the time of the arbitration hearing, or at any other time designated by the arbitrator, each attorney must submit to the arbitrator (not the court) the following, unless excused from doing so by the arbitrator:
  - a. Copies of any offered pleading, arranged chronologically and appropriately highlighted;
  - b. Copies of any offered deposition transcript or record appropriately highlighted;
  - c. An arbitration brief consisting of:
    - (1) A concise statement of facts;
    - (2) Legal and factual contentions of each party;
    - (3) A statement of damages sought to be awarded including the amount claimed, medical expenses, and property damage;
    - (4) Copies of medical reports and bills;
    - (5) Copies of appraisals/repair estimates; and
    - (6) Copies of repair bills.
  - d. If the arbitration award is not filed within 10 days after the arbitration hearing, or an extension of 20 days is not granted pursuant to the California Rules of Court, rule 3.825(b), either party may notify the arbitration department. The arbitrator will then be requested to submit the award or appear before the judge who ordered the case to judicial arbitration to show cause why rule 3.825(b) of the California Rules of Court was not satisfied. (Adopted 1/1/1998; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2008; Renum. 1/1/2019)

#### **Rule 2.3.3.2**

##### **Exchange of Experts After Arbitration**

Failure to comply with this rule may result in a party's inability to call one or more expert witnesses at trial, or subject the noncomplying party to monetary sanctions.

Pursuant to the stipulation of the parties at the Case Management Conference, exchange of experts after arbitration must be made according to the following schedule:

**A. Initial Exchange.** Within 15 days of the date of any method of service of a trial de novo request, pursuant to Code of Civil Procedure sections 2034.260 and 2034.270 each party must personally serve on all other parties a designation of expert witnesses who will be relied upon at the trial de novo, along with all discoverable reports and writings, if any, of those experts. However, service by mail of the above designation is permitted if made within 10 days of service of the trial de novo request. Parties will be permitted to designate only those experts they in fact intend to call at trial. It is the policy of the courts that parties are limited to one expert per side per field of expertise, pursuant to Evidence Code section 723 and rule 2.1.11, absent a court order to the contrary.

**B. Supplemental Exchange.** Any supplemental designation of experts must be personally served within five days of any personal service of the opponent's initial list, or within 10 days of any mail service of the opponent's initial list.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Renum. 1/1/2019)

#### **Rule 2.3.3.4**

##### **Request for Trial De Novo**

A request for trial de novo must be filed in the civil business office pursuant to Code of Civil Procedure section 1141.20 and the case will be set for trial.

Withdrawal of Trial de Novo Requests. If a party has requested trial de novo, the request may be withdrawn by a written stipulation, signed by counsel for all parties appearing in the case, that the award may be ordered as a judgment. (Adopted 1/1/1998; Rev. 1/1/2001; Renum. 7/1/2001; Rev. 1/1/2003; Renum. 1/1/2006; Rev. 1/1/2010; Renum. 1/1/2019)

**Rule 2.3.3.5**

**Prohibition Against Post Arbitration Discovery**

Stipulations for post arbitration discovery pursuant to Code of Civil Procedure section 1141.24 will be recognized by the court, provided that no such stipulation modifies, extends, or avoids any procedure or deadline established by these rules or order of the court. Expert discovery is not within the prohibition of post arbitration discovery codified under Code of Civil Procedure section 1141.24, but is subject to the applicable rules and orders of the court. (Adopted 1/1/1998; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2010; Renum. 1/1/2019)

**Rule 2.3.3.6**

**Monetary Sanctions**

In addition to the provisions of the California Rules of Court, rule 3.829, regarding notification of settlement, failure of the parties to notify the arbitrator and the court of a continuance or their inability to proceed at least two court days prior to the time set for the arbitration hearing may, upon written notice given by the court, result in an order to show cause why the parties should not pay \$150 or other sanctions. (Adopted 1/1/1998; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2008; Renum. 1/1/2019)

**CHAPTER 4  
SPECIAL CASE CATEGORIES**

**Rule 2.4.1**

**Judgment Debtor Examination Proceedings**

**A. Setting Hearings.** Judgment debtor examination dates are obtained by submitting the appropriate fees, an original and two copies of the order for appearance of judgment debtor, and a stamped, self-addressed envelope or messenger service return slip to the appropriate civil business office. Conformed copies with the appearance date, time, and place will be returned to the judgment creditor for service.

**B. Proof of Service.** Proof of service must be filed no later than five court days before the date of the hearing. However, if the person ordered to appear does appear and is ready to proceed, the examination may be conducted, whether or not there is a proof of service, at the discretion of the court.

**C. Appearance at Examination.** Upon the call of the calendar, if the parties appear the examination must proceed, unless a continuance is ordered by the court. If the person ordered to appear does appear and the moving party fails to appear, the proceedings may, at the discretion of the court, be continued to another day or be dismissed without cost and with such additional orders as are appropriate. Appropriate orders may include an order that no future order will issue as to the person who did not appear except upon a showing of new facts and a satisfactory explanation being made to the court for the moving party's failure to appear. If such future order is granted, it will be made on such terms and conditions as the court deems just and appropriate.

If the moving party does not appear and the court deems it appropriate to continue the examination to a future date, and on that day the moving party does not appear, the proceedings must be dismissed without costs being awarded to the party who secured the order.

**D. Nonappearance of Party to be Examined.** If the party to be examined fails to appear at the time and place set for examination, a warrant of attachment may issue requiring attendance forthwith, pursuant to the contempt procedure set forth in Code of Civil Procedure section 1209 et seq., or a warrant of arrest may issue requiring the debtor's attendance following the failure to appear notice procedure set forth in Code of Civil Procedure section 1993 et seq. A warrant will not be issued for the attachment or arrest of a person who failed to appear in court as directed in such order if the order, with the return of service thereon, has not been filed with the clerk of the court within the time specified herein, unless so ordered.

**E. Continuances.** One or more continuances of a judgment debtor examination may be allowed upon stipulation of all parties, joined in by the person or entity ordered to appear, and approved by the court. (Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2016; Rev. 1/1/2023)

#### Rule 2.4.2

##### **Unlawful Detainer Proceedings**

**A. Venue.** Venue for Unlawful detainer cases: The East, North, and South County Divisions are included in the Central Division for purposes of all unlawful detainer cases.

**B. Service of Unlawful Detainer Complaint.** The Summons and Complaint must be served and the Proof of Service of the Summons and Complaint must be filed within 60 days of the filing of the Unlawful Detainer action. Failure to file the Proof Service or a responsive pleading being filed within 60 days of the filing of the complaint will result in the case being automatically dismissed without prejudice pursuant to Code of Civil Procedure section 1167.1.

**C. Trial Setting.** In unlimited unlawful detainer cases, it is the responsibility of the parties to notify the court that they are entitled to an expedited trial. In limited unlawful detainer cases, there is a mandatory Judicial Council form that must be filled out and submitted to request that the case be set for trial. In addition to filling out the front of the mandatory form, the proof of service on the reverse side of the form must be filled out and submitted after the opposing party has been served with the request or counter-request to set the case for trial. A counter-request must be filed within five days of the filing of the trial request. The mandatory form to be used for a request or counter-request to set a case for trial is Judicial Council form number UD-150, and may be obtained by going to the Judicial Council website at <http://www.courts.ca.gov>. If a timely demand for jury is filed, a Trial Readiness Conference will be set and the parties will be required to comply with local rule 2.1.15.

**D. Judgment for Money Damages after Judgment for Possession of the Premises.** When the plaintiff obtains a default judgment for possession of the premises, the case may be calendared for further hearing. In the alternative, a plaintiff may file an application, default checklist SDSC CIV 200 (see forms section of <http://www.sdcourt.ca.gov>), along with the necessary declarations for a default money judgment including attorney fees and costs, or may file a dismissal without prejudice as to the money damages. After restitution of possession of the premises to plaintiff, plaintiff's failure to seek a money judgment or to file a dismissal may result in the court calendaring a hearing for the plaintiff to show cause why the case should not be dismissed.

**E. Redesignation of Case when Possession is No Longer in Issue (Civ. Code, § 1952.3).** The plaintiff must immediately notify the court when possession is no longer in issue and request the matter be redesignated as an unlimited or limited civil matter. The case will be monitored as follows:

1. If the defendant has not filed an answer, the case will be monitored for timely entry of default; or
2. If the defendant has filed an answer, the case will be reassigned to an independent calendar department and a Case Management Conference scheduled.

**F. Ex Parte Applications.** Parties must comply with San Diego Local Rule 2.1.19 and the California Rules of Court. Ex parte applications and all supporting documents must be filed with the court and, if electronically filed, a courtesy copy sent to the department, no later than noon the court day before the ex parte appearance. The court may refuse to consider any late-filed papers.

**G. Submission of Evidence in Unlawful Detainer Remote Trials.** In accordance with San Diego Local Rule 2.5.8, the court may permit parties to appear by telephone or video for unlawful detainer proceedings. Refer to your Notice of Hearing and the court's website at <http://www.sdcourt.ca.gov> for the most current instructions on how to appear and how to submit evidence.

Unless otherwise ordered by the court, the following rules apply to unlawful detainer trials in which one or more parties appear remotely:

1. The parties must submit to the court and serve all evidence at least two court days prior to the scheduled trial date.
2. The parties must comply with San Diego Local Rule 2.5.6 regarding permissible exhibits. Original documents must not be submitted.
3. Failure to timely exchange evidence may result in the court not considering that evidence.

(Adopted 1/1/1998; Rev. 1/1/2001; Renum. 7/1/2001; Rev. 1/1/2003; Rev. 1/1/2004; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2018; Rev. 1/1/2021; Rev. 1/1/2022; Rev. 1/1/2023)

#### Rule 2.4.3

##### **Uninsured/Underinsured Motorist Actions**

If a complaint includes an uninsured/underinsured motorist claim as defined under section 68609.5 of the Government Code and section 11580.2 of the Insurance Code, plaintiff must file a declaration stating the case is an uninsured/underinsured motorist case, the name of insurance carrier, and amount of coverage. The court will suspend the time requirements and the action will be stayed for a period of 180 days. Any party who claims to be exempt from the stay and who desires to further prosecute the action must object by noticed motion in the stayed action. Upon the

expiration of the 180-day stay period, the action will be dismissed unless, upon noticed motion, good cause is shown to the contrary. If such motion is granted, the stay may be extended, but such an extension will not exceed 180 days.

In addition to the above, if a complaint includes an uninsured/underinsured motorist claim as defined under section 68609.5 of the Government Code and section 11580.2 of the Insurance Code, plaintiff must appear ex parte within 60 calendar days of the filing of the complaint and indicate whether a stay of the action or a portion of the action is requested in accordance with rule 2.1.13, and/or whether the case will proceed against all other appearing defendants.

(Adopted 1/1/1998; Rev. 1/1/1999; Rev. 1/1/2000; Rev. 1/1/2001; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2013)

#### **Rule 2.4.4**

##### **Small Claims Cases**

To facilitate compliance with the Standards of Judicial Administration relating to case disposition time standards and delay reduction, a notice will be given to the plaintiff by the clerk at the time of filing a small claims case advising the following: (1) Failure to appear at the scheduled hearing may result in the case being dismissed; (2) If the defendant(s) is (are) not served by the date of trial and the plaintiff elects not to reset the matter, the case will be dismissed without prejudice when the case is called. Requests for resetting may be made at the time of trial or earlier. If the case is dismissed on the date of trial for lack of service and resetting, and the plaintiff wishes to further litigate the matter, the case must be refiled and a new filing fee paid.

**A. Venue.** Venue for small claims cases: The East, North, and South County Divisions are included in the Central Division for purposes of small claims cases.

**B. Reassignment.** If the parties do not stipulate to the attorney sitting as a temporary judge to which their case is assigned, the matter will be set for hearing before another temporary judge, commissioner, or judge when available. If the parties do not stipulate to allowing any attorney to hear the case as a temporary judge, the matter will be set for hearing before a commissioner or judge when available.

**C. Proof of Service.** Proof of service must be filed not later than five days before the date set for hearing. Failure to timely file proof of service may cause the court to remove the hearing from the calendar or dismiss the case without prejudice.

**D. Appeal Procedures.** In addition to the requirements of the Code of Civil Procedure and the California Rules of Court, the following procedure applies in small claims appeals: Parties are not required to file trial briefs in small claims appeals. However, if a party feels a brief is necessary, it must be filed at least five court days prior to the hearing and must not exceed five pages in length.

**E. Submission of Evidence in Small Claims Remote Trials and Appeals.** In accordance with San Diego Local Rule 2.5.8, the court may permit parties to appear by telephone or video for small claims proceedings. Refer to your Notice of Hearing and the court's website at <http://www.sdcourt.ca.gov> for the most current instructions on how to appear and how to submit evidence. Unless otherwise ordered by the court, the following rules apply to small claims trials and appeals (trial de novo hearings) in which one or more parties appear remotely:

1. The parties must submit all evidence to be reviewed and considered to the court at least ten days prior to the scheduled trial date.

2. The parties must not submit evidence to the court in cases in which a trial date has not yet been scheduled. Exhibits received in cases in which a trial date has not been scheduled will not be accepted.

3. The parties must comply with San Diego Local Rule 2.5.6 regarding permissible exhibits. Original documents must not be submitted.

4. The parties must exchange evidence prior to the scheduled trial date and must be able to provide proof the evidence was exchanged with all parties, if requested.

5. As evidence submitted to the court in connection with a small claims trial is not retained by the court, the parties must re-exchange and re-submit any evidence they want the court to consider for a small claims appeal (trial de novo hearing).

Failure to comply with this rule may result in the court not considering the evidence.

(Adopted 1/1/1998; Rev. 1/1/1999; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 7/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2013; Rev. 1/1/2015; 1/1/2021; Rev. 1/1/2022; Rev. 1/1/2023)

**Rule 2.4.4.1**

**Copies of Attachments – Small Claims Filings**

When a party files with the court a document or form, which the court is required to copy and serve, and the document or form is accompanied by an attachment(s), the filing party must provide an adequate number of copies of the attachment(s) sufficient to allow the court to serve a copy with the form or document on all parties to the action. (Adopted 1/1/2013; Rev. 1/1/2018)

**Rule 2.4.4.2**

**Requests for Continuances – Small Claims Hearings**

Any party submitting a request to continue a hearing in a small claims matter must timely serve a copy of the request on all parties in the action, and file proof of service of the request with the court. Hearing dates remain as set unless the court serves a notice continuing the hearing. Failure to appear at a scheduled hearing date may adversely affect the party who fails to appear.

If a defendant is brought into the case after a notice of continued hearing is served by the court, it is the responsibility of the plaintiff to serve notice of the new hearing date on the defendant. (Adopted 1/1/2018; Rev. 1/1/2023)

**Rule 2.4.5**

**Eminent Domain**

**A. Case Management Conference.** Unless otherwise ordered by the court, an eminent domain proceeding will be set for a Case Management Conference pursuant to Rule 2.1.9. Parties must comply with that rule, including as to the filing of a Case Management Statement. The court will then set the appropriate date for trial.

**B. Settlement Conference.** A settlement conference on the issue of compensation will be set 15 days before the trial date if the parties have complied with the settlement conference rules. The plaintiff must attend the conference with its negotiating agent, and all defendants who claim compensation must be present except lienholders, if any.

**C. Trial Readiness Conference.** A trial readiness conference on the issue of compensation will be set at the Case Management Conference. The plaintiff and other parties presenting valuation testimony at the trial must meet prior to the scheduled conference and complete, sign, and file a joint trial readiness conference statement in the form provided by the court and pursuant to Rule 2.1.15.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2023)

**Rule 2.4.6**

**Minors/Incompetents/Conservatees**

**A. Guardian ad Litem.** As provided in Code of Civil Procedure section 372, a guardian ad litem must be appointed for a minor, incompetent person, or a person for whom a conservator has been appointed. Due to potential conflicts of interest, parents asserting individual claims or defenses may not serve as guardian ad litem for their minor children, absent a court order to the contrary. Petitions for appointment of a guardian ad litem must be filed at the same time as the underlying complaint is filed.

Guardian Ad Litem applications must include San Diego Superior Court form CIV-383 stating whether: a) the minor is the subject of a juvenile dependency proceeding; b) the minor is the subject of a probate guardianship; c) the proposed guardian is also asserting individual claims or defenses in the proceeding; and d) all of the minor's parents have been given notice of this proceeding. If a custody order is in effect, the most recent order must be attached.

**B. Petitions to Compromise the Claim of a Minor.** A petition to compromise claims on behalf of minors may be filed in a limited civil case only if an action is already pending in that case. Otherwise, it must be filed as an unlimited civil case. Any petition meeting the requirements of California Rules of Court, rule 7.950.5(a) will proceed in an expedited manner pursuant to California Rules of Court, rule 7.950.5(b) and (c). In all other circumstances, the petition must be filed and set for hearing in the department designated by the presiding or supervising department unless the case has been assigned to a judge or independent calendar department, in which case the petition must be filed and heard in that department.

The person compromising the claim on behalf of the minor and the minor must be in attendance at the hearing of the petition, unless the court orders otherwise.

At the time of the hearing, the court will determine the amount of costs, expenses, and attorney's fees to be allowed from the proceeds of the settlement. The funds must be disbursed in accordance with the order approving the settlement. It is the duty of the attorney to ensure that the minor's funds are deposited in accordance with the court

order referenced above. Attorney's fees are not due or payable unless and until the money is deposited in the blocked account and a receipt executed by the depository is returned to the court.

**C. Trusts**

1. In all cases where a petition to approve the compromise of a claim of a minor or person with disability filed under Probate Code section 3600 et seq. proposes to have the settlement funds distributable to the minor or person with disability administered under a guardianship, conservatorship, discretionary trust or special needs trust, as provided in Probate Code section 3602, 3604 or 3611, the petition to establish the guardianship, conservatorship, discretionary trust or special needs trust must be filed for approval in the Probate Department of the court. Except as provided in subdivision 2 below, no payment or transmittal of the proceeds of the settlement agreement or judgment distributable to the minor or person with disability shall be made to the guardian, conservator or trustee until a certified copy of the Order appointing the guardian, conservator, or trustee has been filed in the Civil Department of the Court approving the compromise and settlement under Probate Code section 3600 et seq.

2. In any proceeding to approve the compromise of a claim of a minor or person with disability filed under Probate Code section 3600 et seq., the judge in the civil proceeding approving the compromise petition may order that the settlement funds distributable to the minor or person with disability be distributed to a temporary guardian, temporary conservator or temporary trustee appointed by a judge of the Probate Department of the court, pending Probate court determination of the petition to establish the guardianship, conservatorship, discretionary trust or special needs trust. In no event shall any funds distributable to a minor or person with disability in a proceeding under Probate Code section 3600 et seq. be distributed to any person not authorized by court order pursuant to the provisions set forth in Probate Code section 3602, 3604 or 3611.

**D. Petitions for Withdrawal of Funds from Blocked Account**

1. Petitions submitted before the minor reaches the age of majority must include documentation to support the requested distribution.

2. Petitions submitted after the minor reaches the age of majority must include a birth record and photo identification.

3. Petitions submitted by mail must include petitioner's notarized signature and a copy of a birth record and photo identification, each of which must be notarized that "IT IS IN FACT A TRUE COPY OF THE ORIGINAL."

Refer to SDSC Form # CIV-412, which is available on the Civil Forms area of the court's website, [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov), for accepted forms of supporting documentation, birth records, and photo identification. (Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Rev. 1/1/2004; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2023)

**Rule 2.4.7**

**"Other" Civil Actions**

Civil actions classified as "other," including but not limited to petitions for extraordinary relief and small claims appeals, will be noticed for dismissal 180 days after the filing of the first document conferring court jurisdiction, unless the parties appear ex parte in the appropriate department and obtain an extension of time. The court, on its own motion, may at any time reclassify such cases as "unlimited civil." Cases designated as "eminent domain" must follow the procedures under rule 2.4.5.

(Adopted 1/1/1998; Renum. 7/1/2001; Rev. 1/1/2004; Renum. 1/1/2006)

**Rule 2.4.8**

**Extraordinary Writs**

A. In seeking mandamus or prohibition relief, it is not necessary to obtain an alternative writ (Code Civ. Proc., § 1088). The noticed motion procedure should be used whenever possible.

B. If an alternative writ is sought in the first instance, the petition must be filed in the civil business office and the petitioner must appear ex parte to seek issuance of an order to show cause.

C. Petitions for extraordinary writs in limited civil, misdemeanor and infraction cases that name the Superior Court as the respondent are governed by Division VII rules (Appellate).

D. Petitions for extraordinary writs arising out of all other criminal cases are governed by Division III rules (Criminal).

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006)

#### **Rule 2.4.9**

##### **EADACPA Proceedings**

**A.** When a civil action has been filed which cites the “Elder Abuse and Dependent Adult Civil Protection Act” (EADACPA), pursuant to Welfare & Institution Code section 15600 et seq., that action will be transferred to the Probate Court for litigation if the following apply:

**1.** A conservator of the person and/or estate has been appointed for the plaintiff and has qualified prior to the initiation of the action for abuse. (Welf. & Inst. Code, § 15657.3, subd. (a).)

**2.** No good cause is shown to retain the action in the Civil Court. (Welf. & Inst. Code, § 15657.3, subd. (b).)

**B.** If transferred to Probate Court, the title of the case must be a dual title “Conservatorship of (name)” and below that title, the civil title, “(Name of Conservatee) Through (name of Conservator), Conservator of (Person and/or Estate) v. (name(s) of Respondent(s)).”

**C.** Where a conservator of the person and/or estate has been appointed, any EADACPA action can also be filed by petition directly in the Probate Court and will be part of the conservatorship case file. Refer to rule 4.18.16 for procedural guidelines.

(Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2013; Rev. 1/1/2020)

#### **Rule 2.4.10**

##### **Collection Cases**

Case management in Collection Cases is handled in accordance with the California Rules of Court, rules 3.740 and 3.741.

(Adopted 1/1/2009; Rev. 1/1/2010)

#### **Rule 2.4.11**

##### **Class Actions Deemed Complex**

Due to the complexities involved with class actions, including multiple plaintiffs, specialized case management, extensive pre-trial activity, difficult and/or novel issues, extended trial times, and extensive post judgment supervision, class actions filed with the San Diego Superior Court are deemed provisionally a complex action pursuant to California Rules of Court, rule 3.400, subdivision (c)(6) and remain a complex case until the Independent Calendar Judge to whom the case is assigned has the opportunity to decide whether the action meets the definition in California Rules of Court, rule 3.400, subdivision (a).

Pursuant to Government Code section 70616, subdivision (a), a complex case fee must be paid in addition to the first appearance fee at the time of the filing of the first paper in a class action proceeding.

(Adopted 1/1/2012; Rev. 1/1/2016)

#### **Rule 2.4.12**

##### **Environmental Leadership CEQA Challenge**

A party and/or its attorney filing an Environmental Leadership CEQA Challenge pursuant to Public Resources Code sections 21178-21189.3, 21189.50-21189.57, and 21189.70-21189.70.10 must contact, within five days of the filing, the department to whom the Petition is assigned to request a case management conference be set pursuant to California Rules of Court, rule 3.2226. Failure to contact the court may result in the court being unable to comply with the time requirements set forth in California Rules of Court, rules 3.2226-3.2227.

(Adopted 1/1/2016; Rev. 1/1/2023)

#### **Rule 2.4.13**

##### **Gun Violence Restraining Orders**

**A.** A Temporary Emergency Gun Violence Restraining Order (“GV-EPO”) may be requested during business hours by contacting the Family Emergency Protective Order (EPO) Hotline or after business hours by calling the Duty Judge at the same telephone number used for after-hours Emergency Protective Orders. Oral GV-EPO requests will not be recorded or transcribed.

**B.** An ex parte Gun Violence Restraining Order (“GVRO”) may be requested by filing a written petition in the department handling civil harassment restraining orders.

**C.** If a GV-EPO is ordered on an oral request, the requesting law enforcement officer must memorialize the order on JC Form # EPO-002, without filling in a date and time for the court hearing, and serve and file the order with the court per Penal Code section 18140. After the order is filed with the court, the court will fill in the date and time for the hearing and will mail notice of the hearing to law enforcement and to the restrained party at the address listed on the order.

D. If an ex parte GVRO is ordered, the court will fill in a date and time for the court hearing and the requesting party must have the GVRO served as required by applicable law.  
(Adopted 1/1/2023)

## CHAPTER 5 MISCELLANEOUS PROVISIONS

### Rule 2.5.1

#### Public Inspection and Copying of Files

A. Civil files may be reviewed in the civil business office of each division in accordance with the California Rules of Court and the following:

1. Any person requesting to view a file may be required to submit a valid California driver's license or other photo identification card;
2. Cases must be requested by case number;
3. If requested in nonsequential order, a maximum of 10 cases per day will be pulled by the clerk;
4. If requested in sequential order, a maximum of 50 cases per day will be pulled by the clerk (if the requested case(s) is in an electronic format, the customer will be directed to the kiosk for viewing);
5. Unlawful detainer case files may be requested by case number no sooner than 60 days following the date the complaint is filed pursuant to Code of Civil Procedure section 1161.2; and
6. No random searches will be accommodated.

B. Imaged files may be viewed at the public kiosks at each Civil Business Office or remotely through the court's website at <http://www.sdcourt.ca.gov>.

C. Persons requesting to copy documents in a case file must comply with the General Order of the Presiding Department: In Re Prohibiting The Use of Cameras and Other Digital Image-Capturing Devices in Courthouse.

D. If a party has a current fee waiver granted, the clerk will provide a maximum of one complete non- duplicative copy of the party's case in which the fee waiver was granted, including audio recordings of hearings. Fee waivers apply only in the case in which they are granted. If additional filings are processed in the case file, after a copy of the entire case file is made, the party with the fee waiver is entitled to one non- duplicative copy of the additional filings added. The filing of subsequent fee waivers does not entitle a party to an additional copy of the party's entire case file.  
(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2004; Renum. 1/1/2006; Rev. & Renum. 1/1/2010; Rev. 1/1/2015; Rev. 1/1/2018; Rev. 1/1/2021; Rev. 1/1/2022)

### Rule 2.5.2

#### Fax Filings

A. **Agency Fax Filings.** The court will accept for filing all documents submitted by fax filing agencies, except those specified in the California Rules of Court.

B. **Direct Fax Filings - Limited Civil Cases.** Any document not required to be accompanied by a fee may be filed directly by fax. Direct fax filing numbers may be obtained by contacting the appropriate business office.

The business office will not provide conformed copies unless a request is submitted to the court with a self-addressed, stamped envelope, and payment of \$.50 per page of the faxed document.

C. **Confirmation Fee.** Confirmation of the receipt of documents for filing, beyond that given by the standard confirmation option of the facsimile machines, must be given upon payment of the fee adopted by the court (\$3.50).

D. **Facsimile Filing Usage Fee.** The court shall charge a facsimile usage fee of \$.50 per page, including the cover sheet and all tab pages.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2010; Rev. 1/1/2016)

### Rule 2.5.3

#### Procedure Upon Death of Plaintiff

Within 10 calendar days of receiving notice of the death of a plaintiff, counsel for the plaintiff must file with the court and serve upon all other parties in the action, a Notice of Death of the Plaintiff. Within 15 days of filing a Notice of Death of the Plaintiff, counsel for plaintiff must contact the assigned department to schedule a status conference.

(Adopted 1/1/1998; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Renum. 1/1/2010; Rev. 1/1/2022)

#### **Rule 2.5.4**

##### **Receivers**

The court may appoint a receiver pursuant to statute or in conformance with equity practice. Appointment of a receiver may be made either by order after a show cause hearing, by order after a noticed motion for appointment of a receiver, or by ex parte order for appointment of a receiver.

Ex parte appointment of a receiver is a drastic remedy used only with extreme caution in cases of great emergency when it is shown that the party seeking appointment of a receiver will suffer irreparable harm before a noticed hearing can be held and that no less drastic remedy, such as a temporary restraining order, will prevent the threatened harm. Appointment of a receiver ex parte is contingent upon the filing of an applicant's bond (Code Civ. Proc., § 566) and a receiver's bond (Code Civ. Proc., § 567). The receiver's bond will be fixed in an amount sufficient to cover the value of transferable personal property and cash which the receiver may possess at any time during the expected period of the receivership. Confirmation of the ex parte appointment of a receiver must be done in conformance with the provisions of the California Rules of Court.

The proposed order appointing a receiver must set forth the powers of the receiver and must designate as precisely as possible what real and personal property will be subject to the receivership estate. The powers of the receiver are limited to those designated by statute and set out in the appointing order. If there is any doubt as to the receiver's authority to take certain action, he or she should petition the court for instructions. The proposed order will also specify the rate of compensation of the receiver.

Employment of counsel by the receiver requires the approval of the court. In this regard, the application must comply with the provisions of the California Rules of Court, rule 3.1180. In addition, the application and the proposed order must set forth the attorney's hourly rate and a good faith estimate of the number of hours the attorney will expend on behalf of the receivership estate.

If the receiver intends to employ a property management company, the proposed order must specify its rate of compensation. If the proposed property management company is affiliated with the receiver, full disclosure of the affiliation must be made to the parties and the court.

Any money collected by the receiver and not expended pursuant to the receiver's duties must be held in the receivership estate until court approval of the receiver's final report and discharge of the receiver, except as otherwise ordered by the court.

The receiver is an agent of the court, not of any party to the litigation. The receiver is neutral, acts for the benefit of all who may have an interest in the receivership property, and holds assets for the court, not the plaintiff.

Accountings filed in receivership proceedings must set forth the beginning and ending dates of the accounting period and contain a summary of income, expenses, and capital outlays on a month-by-month basis. Receiver's fees and administrative expenses, including fees and costs of property managers, accountants and/or attorneys previously authorized by the court must be included in the summary, but separately stated. The summary must be supported by appropriate itemized schedules and evidentiary foundation.

This rule is not an exhaustive treatment of receivership law and procedure. For applicable law, also see Code of Civil Procedure sections 564-570 and the California Rules of Court, rules 3.1175-3.1184.

(Adopted 1/1/1998; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. & Renum. 1/1/2010; Rev. 1/1/2016)

#### **Rule 2.5.5**

##### **Confidentiality Agreements, Protective Orders, Sealed Documents**

It is the policy of the court that confidentiality agreements and protective orders are disfavored and should be recognized and approved by the court only when there is a genuine trade secret or privilege to be protected.

**A.** Requests to approve a confidentiality agreement that involves documents submitted to or filed with the court must be made pursuant to rules 2.550–2.585 of the California Rules of Court.

**B.** To the extent any request to seal court records falls outside the scope of rules 2.550–2.585 of the California Rules of Court and is not covered by a specific statute, rules 2.550–2.585 must be followed as closely as is practicable. (Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. & Renum. 1/1/2006; Renum. 1/1/2010; Rev. 1/1/2014)

#### **Rule 2.5.6**

##### **Exhibits: Permissible Filings Defined**

Absent leave of court, the court will not accept for filing any media storage device, such as a Compact Disc (CD), Digital Video Disc (DVD), or flash drive, that is attached as an exhibit to a motion or pleading. Such exhibits must be “lodged” with the court and will be returned to the submitting party, as provided below. This rule does not apply to exhibits identified and marked for the record at the time of trial or other hearing.

**A. Permissible Format.** Absent leave of court, and except as provided in subdivision B, an exhibit attached to or filed with a motion or other pleading must be filed in paper format, or by e-filing if available. Such exhibits must be legible and complete, and must not require use of another resource to view the exhibit. CDs, DVDs, flash drives, and other types of media storage devices are specifically prohibited as an exhibit attached to or filed with a motion or other pleading.

**B. Sound and Sound-and-Video Recordings.** A party who would like the court to review an electronic sound, video, or sound-and-video recording prior to any hearing on the motion or other pleading to which it pertains must:

1. Lodge the recording and file a transcript of the relevant portions sought to be considered by the court as an exhibit.

2. File an original and one copy of a notice of lodgment that includes a numbered listing and brief description of all lodged items.

3. File proof of service of the lodgment and notice of lodgment on all opposing parties, and provide the court with the means of return of the lodgment in accordance with California Rules of Court, rule 3.1302(b).

4. Upon return of the lodgment, store and maintain it for the time required for the case type in which it was lodged as set forth in Government Code section 68152, unless the recording is identified and marked for the record at the time of trial or other hearing.

5. Return the lodged recording to this court or a reviewing court if required by law, requested, or ordered for purposes of reconsideration, appeal, or other review by the court.

(Adopted 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2022)

#### **Rule 2.5.7**

##### **Depositions**

No deposition may be noticed for taking before the court, or in any room or quarters under the control of the court, without the express approval in writing of the presiding judge.

Any deposition transcript returned to the court may be opened by the clerk at the request of either party, and the clerk will note thereon at whose request it was opened, and file the deposition transcript on the day it was received by the clerk.

(Adopted 1/1/1998; Renum. 7/1/2001; Renum. 1/1/2006; Renum. 1/1/2010)

#### **Rule 2.5.8**

##### **Remote Appearances**

Pursuant to California Rules of Court, rule 3.672, and consistent with the requirements of Code of Civil Procedure section 367.75, anyone appearing in a civil action, including any nonparty who is subject to discovery, may appear remotely at all hearings except as follows. Remote appearances are not permitted for: (1) judgment debtor exams; (2) order to show cause hearings in which the order demands an in-person appearance; and (3) warrants of attachment. The following rules apply to proceedings in which remote appearances are authorized.

##### **A. Unlimited and Limited Civil Cases (except Civil Restraining Order Actions):**

A party who intends to appear remotely for a hearing, including an evidentiary hearing, but excluding a trial or ex parte hearing, must provide notice to the court and all parties or persons entitled to receive notice of the proceedings at least five court days prior to the hearing by filing and serving a “Notice of Remote Appearance” (JC Form #RA-010). Any witness who intends to appear remotely for an evidentiary hearing must provide the same notice.

A party who intends to appear remotely for a trial must provide notice to the court and all parties or persons entitled to receive notice of the proceedings at least two court days prior to the trial readiness conference by filing and serving a “Notice of Remote Appearance” (JC Form #RA-010). For unlawful detainer court trials, this notice must be provided at least two court days prior to the trial. Any witness who intends to appear remotely for a trial must provide the same notice at least two court days prior to the trial unless a party has previously provided such notice.

A person who wishes to oppose the use of remote technology at an evidentiary hearing or trial must do so in writing by filing and serving an “Opposition to Remote Proceedings at Evidentiary Hearing or Trial” (JC Form #RA-015) no later than noon on the court day before the evidentiary hearing or trial readiness conference, and must deliver a courtesy copy to the department. For unlawful detainer court trials, this notice must be provided no later than noon on the court day before the trial. Failure to do so shall be deemed to be a waiver of any objection to the remote appearance.

For ex-parte hearings, a moving party intending to appear remotely must file a “Notice of Remote Appearance” (JC Form #RA-010) together with ex parte papers and notify the other side when ex parte notice is given. If a non-moving party intends to appear remotely, the non-moving party must file and serve a “Notice of Remote Appearance” (JC Form #RA-010) by 4:00 p.m. the court day prior to the ex-parte hearing.

**B. Small Claims and Civil Restraining Order Cases:**

Written notice of a remote appearance is permitted, but not required for small claims and civil restraining order cases, including evidentiary hearings and trial. If notice is in writing, the party must file and serve a “Notice of Remote Appearance” (JC Form #RA-010). Oral notice of a remote appearance may be given in open court at the commencement of proceedings.

Any witness who intends to appear remotely must provide oral or written notice as set forth above.

A party who wishes to oppose the use of remote technology at an evidentiary hearing or trial may oppose either: (i) orally in open court at the commencement of the evidentiary hearing or trial; or (ii) in writing by filing an “Opposition to Remote Proceedings at Evidentiary Hearing or Trial” (JC Form #RA-015). Failure to do so shall be deemed to be a waiver of any objection to the remote appearance.

**C. Rules Applicable to all Civil Cases including Small Claims and Civil Restraining Order Cases:**

Notice of a remote appearance or opposition to a remote appearance may not be given by calling or emailing the court.

Notice that a party intends to appear remotely for the duration of the case must be provided concurrently with any other notice of a remote appearance or earlier.

The hearing on whether a person may appear remotely for an evidentiary hearing or trial when there is an objection may be conducted remotely. If the court sustains the objection, the evidentiary hearing or trial may be continued to a later time or date to allow the parties and/or witness(es) to appear in person.

Parties and witnesses are advised that the use of remote technology may result in technological or audibility issues that could require a delay or a halt to the proceedings.

All confidentiality requirements applicable to proceedings held in person apply equally to remote proceedings.

Further information on how to appear remotely and the types of proceedings and cases for which the court has the technological capabilities to allow remote appearances may be found on the court’s website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov). The mandatory Judicial Council forms may be found on the Judicial Council’s website at [www.courts.ca.gov](http://www.courts.ca.gov).

Prior to each hearing for which an appearance will be made remotely parties must refer to the court’s website, including the general instructions for their particular case-type and departmental rules, as well as the Notice of Hearing, for current and detailed instructions on how to appear. Directions will be posted on the website on how to alert the court of technology or audibility issues during a remote proceeding.

(Adopted 1/1/1998; Rev. 1/1/1999; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2003; Renum. 1/1/2006; Rev. 1/1/2009; Renum. 1/1/2010; Rev. 1/1/2014; Rev. 1/1/2022; Rev. 2/28/22; Rev. 1/1/2023)

**Rule 2.5.9**

**Reserved for future use.**

(Del. 1/1/2010)

**Rule 2.5.10**

**Default Attorney Fee Schedule**

Whenever the obligation sued upon provides for the recovery of a reasonable attorney fee, the fee in each default case may be fixed pursuant to the following schedule:

<b><u>PRINCIPAL AMOUNT</u></b>	<b><u>FEEES ALLOWED</u></b>
\$0 to \$300	\$100
301 to 400	125
401 to 500	150
501 to 700	175
701 to 900	200
901 to 1,000	250
1,001 to 1,500	300
1,501 to 2,000	375
2,001 to 2,500	450
2,501 to 3,000	525
3,001 to 3,500	600
3,501 to 4,000	675
4,001 to 4,500	750

4,501 to 5,000	825
5,001 to 6,000	900
6,001 to 7,000	1,000
7,001 to 8,000	1,100
8,001 to 9,000	1,200
9,001 to 10,000	1,300
10,001 to 12,500	1,400
12,501 to 15,000	1,500
15,001 to 17,500	1,600
17,501 to 20,000	1,700
20,001 to 22,500	1,800
22,501 to 25,000	1,900
Over 25,000	Add 2% of the next 25,000
Over 50,000	Add 1% of the next 50,000
Over 100,000	Add .5%

In any case where an attorney claims he or she is entitled to a fee in excess of any of the above amounts, the attorney may apply to the court therefor and present proof to support the claim. The court will determine the reasonable fee amount according to proof.

In contested matters, the court will determine the reasonable attorney fees as proved by the prevailing party after trial in accordance with Code of Civil Procedure section 1021 et seq., Civil Code sections 1717 and 1717.5, and the California Rules of Court, rule 3.1702.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2010)

#### **Rule 2.5.11**

##### **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 specifically name the parties 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 order must expressly identify the document(s) 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 1/1/1999; Rev. 1/1/2000; Renum. 7/1/2001; Rev. 1/1/2005; Renum. 1/1/2006; Renum. 1/1/2010; Rev. 1/1/2015; Rev. 1/1/2021)

#### **Rule 2.5.12**

##### **Sanctions**

**A.** If any counsel, a party represented by counsel, or a party in pro per, fails to comply with any of the requirements of Division II of the San Diego Superior Court Rules, the court, on motion of a party or on its own motion, may set an order to show cause as to the appropriate sanctions that might be imposed.

**B.** If a failure to comply with the rules in Division II is the responsibility of counsel and not of the party, any penalty must be imposed on counsel and must not adversely affect the party's cause of action or defense thereto.

(Adopted 7/1/2002; Rev. 1/1/2005; Renum. 1/1/2006; Renum. 1/1/2010; Rev. 1/1/2022)