

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLUMAS**



**LOCAL RULES OF COURT
Effective July 1, 2026**

**PLUMAS SUPERIOR COURT
520 Main Street, Room 104
Quincy, CA 95971
(530) 283-6305**

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RULE OF COURT NO. 1 GENERAL RULES

1.1 CITATION, APPLICATION, AND SEVERABILITY OF THE RULES:

These rules shall be known as the Plumas County Superior Court Local Rules. These rules and all amendments become effective July 1, 2026, and supersede all local rules previously adopted by the Plumas County Superior Court. These rules shall be applied in such a manner to not conflict with the California Rules of Court and shall serve in the proper administration equal access and justice in the Plumas County Superior Court. If any of these rules are found to conflict with any statute, rule, or decision, the rule(s) shall be deemed to conform with said statute, rule, or decision, and the remaining rules shall remain in full force and effect.

(Effective 7/1/03, Amended 1/1/05, 7/1/08, 7/1/26)

1.2 SANCTIONS FOR VIOLATIONS OF LOCAL RULES:

If any counsel, party, person or entity subject to these rules, fails to comply with any part thereof, the court on motion of a party or its own motion may strike out all or any part of a pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lessor nature as otherwise provided by law, and may order that the offending attorney, party, person or entity pay reasonable costs, including attorney fees, to the court and to other participants.

(Effective 7/1/03, Amended 1/1/05, 7/1/26)

1.3 CLERK'S AUTHORITY TO GRANT INITIAL FEE WAIVER:

Pursuant to Government Code section 68634(d), the court delegates the authority to grant applications for an initial fee waiver that meet the standards of eligibility and application requirements set forth in Government Code sections 68632 and 68633 to the Clerk. In some cases, fee waiver applications may be referred for judicial review and determination.

(Effective 7/1/03, Amended 7/1/26)

1.4 TIMELY APPEARANCE OF COUNSEL AND REQUIRED NOTIFICATION:

- (a) Except as set forth herein, once an attorney has made a general appearance in any matter, civil or criminal, that attorney shall appear in the department to which the matter has been assigned at or before the time set for any proceeding in that matter.
- (b) However, the attorney may appear at or before the start of any calendar to which his or her matter is assigned to notify the court the attorney will be late due to an appearance in another department. Counsel may also seek approval of the court to leave the court prior to the conclusion of the matter assigned to one department in order to appear in matters set in the other department.
- (c) An attorney shall not be late for a court appearance or fail to appear at a court appearance except for good cause shown.

(Effective 7/1/03, Amended 7/1/11)

1.5 GENERAL POLICY REGARDING COURTROOM DECORUM:

- (a) Courtroom Decorum rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the Constitution of the State of California, the laws of this State, and the Superior Court.
- (b) The rules of Courtroom Decorum set forth herein shall apply in all Superior Court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.
- (c) Each attorney who appears in court should:
 - (1) Pursuant to Business and Professions Code section 6068(b) “maintain the respect due to the courts of justice and judicial officers.”
 - (2) Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court’s staff.
 - (3) Be familiar with the rules and guidelines set forth in this section as well as other applicable statutes and rules of conduct, ethics, and professionalism.

- (4) Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

(Effective 7/1/03, Amended 7/1/11, 7/1/26)

1.6 COURTROOM ATTIRE:

- (a) All attorneys appearing in court or remotely by video, shall be dressed in business attire.
- (b) All persons in the courtroom or appearing remotely by video shall not be dressed in attire which tends to interfere with the functioning of the court or disrupts the decorum and integrity of the judicial process.
- (c) Bailiffs will remove any person from court who violates this rule. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

(Effective 7/1/03, Amended 7/1/11, 7/1/26)

1.7 USE OF LAPTOP COMPUTERS AND ELECTRONIC DEVICES:

All computers and electronic devices, including but not limited to cell phones, pagers, and personal digital assistants, shall be turned off before entering the courtroom. If a laptop computer or electronic device is necessary for a matter at issue, it may be used only if expressly authorized by the sitting judge at the hearing. An electronic device shall not be handled in any way as to indicate a picture, audio or video recording is being taken. Enforcement is in the sole discretion of the sitting judge. Violators are subject to contempt of court and/or confiscation of the computer or device.

(Effective 7/1/11, Amended 7/1/26)

1.8 REMOTE APPEARANCES:

All counsel and parties are required to be present at any contested hearing unless otherwise permitted by the court. Counsel and parties may appear remotely at Civil and Family Law Case Management Conferences, and for other hearings as permitted by the court. Counsel may apply to the court for a remote appearance using the appropriate request forms located on the court's website at www.plumas.courts.ca.gov

(a) The court uses the Zoom application to conduct remote proceedings (audio and video). Instructions for using Zoom to participate in an approved remote appearance can be found on the court's website at www.plumas.courts.ca.gov

(b) In addition to Zoom, the court utilizes CourtCall and an AT&T conference. Should one of these methods for remote appearance be ordered by the court, counsel shall contact CourtCall at (888) 88COURT to make arrangements to appear telephonically via CourtCall. The AT&T conference line number is (877) 335-1829, access code # 4023142#.

(Effective 7/1/08, Amended 7/1/09, 7/1/26)

1.9 OFFICIAL COURT REPORTERS:

(a) The Superior Court has one Official Court Reporter, who may be contacted through the Court Clerk's Office at (530) 283-6232.

(b) A party has the right to arrange, at the party's own expense, for the services of a court reporter if the services of an official court reporter are not available for proceedings. (Government Code section 68086 and California Rules of Court, rule 2.956). This document established the policy for a party arranging for a privately retained court reporter when an official court reporter is not available and established requirements for qualifying as an official reporter.

(c) In civil, family law cases, or any other matter where the Official Court Reporter is not provided or otherwise unavailable (California Rule of Court, rule 2.956 and Government Code section 68086), the parties requesting reporting services shall pay in equal proportion the appropriate fee to the Clerk of the Court prior to the confirmation of the reporter's availability and commitment to that proceeding. Should any party refuse to pay the pro rata fee, the other party may elect to pay the entire fee. In either case, all amounts so paid may be recovered as taxable costs. If the entire fee is not paid, reporting services shall be deemed waived.

(d) There can be only one official record of court proceedings, and only a reporter appointed by the court may report a court proceeding. (Code of Civil Procedure section 273; Government Code sections 70043 and

70044) Only one reporter will be allowed to report a court proceeding at any given time. If the parties cannot agree on a reporter, the judicial officer will make the selection. The transcript may not be modified except on court order.

- (e)** A party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter. It is that party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law.
- (f)** A party, with a fee waiver granted and requesting a court reporter, must file with the court at least ten (10) calendar days prior to a hearing Judicial Council form FW-020, Request for Court Reporter by Party with a Fee Waiver. Failure to timely file the Judicial Council form FW-020 may result in the unavailability of a court reporter or delay in the hearing.

(g) Transcripts

- (a)** The judicial officer may order any party who arranges for the transcription of proceedings by the official reporter pro tempore to lodge a copy of the transcript with the court. (Code of Civil Procedure section 128(a).)
- (b)** Transcripts produced by an official reporter pro tempore will be treated, for court purposes, identically to transcripts prepared by official reporters. Reporting notes of an official reporter pro tempore are official records of the court. (Government Code section 69955(a).) The notes of an official reporter pro tempore, when transcribed and certified, are prima facie evidence of the testimony and proceedings. (Code of Civil Procedure section 273(a).)
- (c)** Certified transcripts are admissible as evidence to the extent otherwise permitted by law. Transcripts prepared by a privately retained certified shorthand reporter appointed by the court as an official reporter pro tempore are admissible as evidence to the extent otherwise permitted by law. (Code of Civil Procedure section 273(a).)

- (d) Any person requesting a draft transcript of any proceeding reported by the Official Court Reporter shall first obtain an order from the Superior Court Judge authorizing the production of such transcript. In the event the court authorizes production of the transcript, an official certified transcript shall also be generated in a timely fashion according to code and shall replace the rough draft transcript. This official certified transcript shall be compensated at the rates set forth in Government Code section 69950 and 69954. Upon receipt of any rough draft transcript, each party or person shall sign a disclaimer regarding the use of this form of the proceedings in accordance with Code of Civil Procedure section 273(b). Rough draft transcripts will not include title pages, indexes, line numbers, or a Court Reporter's Certificate.
- (e) Parties and/or attorneys wanting transcripts in civil matter shall contact the court reporter to receive an estimate of the cost for production of a transcript. Upon the receipt of a deposit of an amount determined by the reporter, the transcript will be prepared.

(Effective 7/1/08, Amended 7/1/09, 7/1/26)

1.10 ELECTRONIC/FAX/EMAIL FILING/SERVICE

- (a) The Plumas Superior Court hereby adopts rule 2.300 et seq. of the California Rules of Court, allowing for the facsimile filing of civil, probate, and family law documents. The court has a 15-page limit on filings by fax.
- (b) A party may file by fax/email directly with the court using the facsimile number(s) and email address which are available on the court's website at www.plumas.courts.ca.gov.
- (1) The first sheet transmitted shall be the Judicial Council Facsimile Transmission Cover Sheet (form MC-005.) Notwithstanding a Fee Waiver, credit card information must be included on the cover sheet including the 3- or 4-digit security code. For purposes of facsimile/email filings in this court, the Telephone Number and E-Mail Address fields on the cover sheet are deemed required. All applicable fees will be charged to the credit card provided on the cover sheet.

(c) Documents received by the court on or before 4:00 PM PST, on a court business day, will be file stamped with the court date received.

Documents received after 4:00 PM PST will be file stamped received the following court business day. A filing is considered to be received at the time the last page of the document is received.

(d) If the credit/debit card issuing company rejects the charge, the court may call the filing party to seek alternate payment and/or mail a Notice of Return.

(1) If a document is rejected for filing due to missing or partial pages, facial defects, or other reasons, the entire document must be re-submitted, including the cover sheet. The court may call to notify the filing party of the rejection and/or mail a Notice of Return.

(e) Upon approval and acceptance of the filing, a receipt of payment will be delivered to the e-mail address in the upper section of the JC Form MC-005. Confirmation of receipt beyond that given by the standard confirmation option of the filing party's fax machine is not provided. If return of a conformed copy of the filed document(s) is required, you may add this request on the JC Form MC-005. The court will add the applicable processing and/or mailing fees.

(1) Certain documents/filings are not eligible for submission through electronic filing and must be filed through conventional methods. These documents include:

1. Any and all documents deemed sealed by California Rules of Court or statute;
2. Any and all documents requested or intended to be sealed by the court;
3. Subpoenaed documents;
4. Bonds;
5. Undertakings;
6. Original Wills/Codicils;
7. Exhibits

8. Copy Requests
9. Writs/Abstracts;
10. Any document to be submitted in paper format as ordered by the court.

(Effective 1/1/11, Amended 7/1/26)

1.11 JUVENILE DEPENDENCY FAX/EMAIL FILING

- (a) The Plumas Superior Court hereby adopts rule 5.522 of the California Rules of Court, allowing certain persons and agencies to file specified Juvenile Dependency documents by facsimile filing with the court.
- (b) Those persons and agencies as defined in rule 5.522(c) of the California Rules of Court, may file by fax directly with the court using the Juvenile facsimile number(s) which are available on the court's website www.plumas.courts.ca.gov. Each document must be accompanied by Judicial Council form Facsimile Filing Cover Sheet – Juvenile (JV-520), which shall be the first page transmitted.
- (c) Documents received by the court on or before 4:00 PM PST, on a court business day, will be file stamped with the court date received. Documents received after 4:00 PM PST will be file stamped received the following court business day.
 - (1) A filing is considered to be received at the time the last page of the document is received.

(Effective 7/1/26)

1.12 DEFINITION OF JUDICIAL VACATION

The presiding judge administers requests for judicial vacations as provided by California Rules of Court, rule 10.603(c)(2). A day of vacation for judges in the Plumas Superior Court is defined as any full day absence from the court. Other absences from the court listed in California Rules of Court, rule 10.603 are specifically excluded from this definition.

(Previously Rule 1.12, Effective 1/1/11)

RULE OF COURT NO. 2 CIVIL LAW AND MOTION MATTERS

2.1 APPLICABILITY

This Rule applies to all Civil Law and Motion proceedings.

(Effective 7/1/03)

2.2 FORM OF PLEADING PRESENTED FOR FILING

All documents presented for filing must comply with California Rules of Court, in particular California Rules of Court, rule 3.1110 through 3.1115.

(a) Format of Pleadings. The format for any papers filed with the Plumas Superior Court shall conform to the California Rules of Court, rule 3.1110.

(b) Length of Pleadings. The length of any motion or other document filed with the Plumas Superior Court shall conform to the limits set forth in 3.1113(d) of the California Rules of Court. A party may apply to file a longer pleading pursuant to California Rules of Court, rule 3.1113(d), and the court will freely grant such applications in the interest of justice.

(c) Proposed Order. At the time a Motion is filed in a civil case, it shall be accompanied by a Proposed Order. If there is opposition to the Motion, a Proposed Order on behalf of the opposing party shall accompany the Opposition Memorandum.

(Effective 7/1/03)

2.3 DEADLINE FOR FILING PLEADINGS

Unless otherwise ordered by the court or specifically provided for by law, all moving and supporting papers shall be served and filed pursuant to the provisions of rule 3.1300 of the California Rules of Court and Code of Civil Procedure section 1005.

The parties may stipulate for additional time and the court, upon application and good cause appearing, may extend the time for filing pleadings as allowed by law.

(Effective 7/1/03)

2.4 CALENDAR MATTERS

(a) **Law And Motion.** Civil Law and Motion matters are heard in Department 2 and shall be calendared according to master calendar dates listed on the court's website at www.plumas.courts.ca.gov

(1) If counsel believe that the matter to be heard will take more than 20 minutes, counsel should contact the court so that a setting for a longer hearing can be scheduled.

(b) **Case Management Conferences.** Case Management Conferences are heard generally on the second and fourth Mondays of the month. Case Management Conferences in which at least one party is appearing remotely will be scheduled at 1:30 p.m.; if no one is appearing remotely, the conference will be scheduled for 2:00 p.m.

(c) **Schedule.** The Clerk shall post a general schedule showing the days and times for holding each type of Law and Motion hearing. (California Rules of Court, rule 3.1304(a)).

(d) **Taking Matters Off Calendar.** In order to avoid unnecessary or untimely attention to motions that go off calendar, counsel must advise the court of such changes at the earliest possible time.

(Effective 1/1/05, Amended 7/1/08)

2.5 CONTINUANCES (CIVIL LAW AND MOTION ONLY)

Requests to Continue. Attorneys wishing to continue a hearing may submit a signed stipulation and order together with the filing fee. If the attorneys are not able to agree on a continuance they may stipulate to put the matter on the Case Management Conference calendar for resetting. Arrangements for a new hearing date, or to put the matter on the Case Management Conference calendar, should be made at the clerk's office 530-283-6305. A stipulation by the parties only to continue the hearing without a new hearing date is not sufficient.

No more than one continuance shall be permitted by stipulation of the parties without a court order.

(Effective 1/1/03, Amended 1/1/05, 7/1/08)

2.6 APPLICATION FOR ORDER SHORTENING TIME AND EX PARTE ORDERS

(a) Good Cause. All applications for ex parte orders, including orders shortening time, shall be supported by an affidavit or declaration showing good cause for the order, and, where applicable, shall comply with California Rules of Court, rule 3.1200 et seq.

(b) Application For Ex Parte Orders. An application for an order shall not be made ex parte unless it appears by affidavit or declaration, That:

- (1)** Within a reasonable time before the application, the party or counsel informed the opposing party or opposing party's counsel when and where the application would be made; or,
- (2)** The party in good faith attempted to inform the opposing party or the opposing party's counsel but was unable to do so, specifying the efforts made to inform them; or,
- (3)** For reasons specified, the party should not be required to inform the opposing party or the opposing party's counsel.

(Effective 1/7/03)

2.7 TENTATIVE RULINGS

On Thursday afternoon prior to the Civil Law and Motion Calendar, the court will post the tentative rulings on the Plumas Superior Court website at www.plumascourts.ca.gov

(Amended Effective 7/1/09, 7/1/26)

2.8 FILING PAPERS IN LAW AND MOTION

(a) The court recommends that all parties filing moving papers and opposition papers submit an extra copy of the papers to the clerk at the time of filing. The clerk will deliver this extra courtesy copy to the assigned Judge.

(b) Prior to filing a motion parties must meet and confer in good faith and file a Declaration with the court detailing the efforts.

(Effective 7/01/08, Amended 7/1/26)

2.9 MOTIONS FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION OF ISSUES

All motions for Summary Judgment or Summary Adjudication of issue must conform to the requirements of Code of Civil Procedure Section 437c and rules 3.1350, 3.1352, and 3.1354 of the California Rules of Court. Motions for Summary Judgment and Opposition papers shall be submitted with an extra copy that the clerk will deliver to the assigned judge.

(Formerly PCR 2.7, Amended 7/1/03, 7/1/08)

2.10 DEMURRERS, MOTION TO STRIKE

- (a)** All Demurrers, and papers in Opposition thereto, shall be submitted with an extra copy that the clerk shall deliver to the assigned judge. Demurrers in limited civil actions shall comply with Code of Civil Procedure Section 90 et seq.
- (b)** Motions to Strike shall comply with Code of Civil Procedure Section 90 et seq., which provides limits on motions to strike in limited civil cases. The court will exercise its inherent power to strike an unauthorized pleading or a pleading filed in violation of a court order.

(Effective 7/1/08, Amended 7/1/26)

2.11 DISCOVERY

General Policy. The policy of the law is one of liberality in allowing discovery. Doubt will be resolved in favor of permitting discovery. It is also the policy of this court that discovery be conducted in the most expeditious and least expensive manner. To that end, the court will entertain motions for protective orders seeking relief from oppressive discovery and may grant monetary and other sanctions against evasive, uncooperative and dilatory counsel who make or oppose motions without substantial justification. Similarly, the court will expect counsel to attempt to resolve any differences prior to filing any motions and, if a motion is filed, prior to the hearing.

(Formerly PCR 2.8, Amended 7/1/03)

2.12 ATTORNEY FEES IN CIVIL ACTIONS OR PROCEEDINGS

- (a) Promissory Notes and Contracts Providing For Fees.** In actions on promissory notes and contracts providing for payment of attorney fees, whenever a prevailing party is entitled to recovery of reasonable fees,

then the following schedule will be considered by the court in awarding such fees:

(1) Default Action: Exclusive of costs and interest.

- Twenty-five percent (25%) of the first two thousand dollars (\$2,000) awarded as damages with a minimum fee of three hundred dollars (\$300);
- Twenty percent (20%) of the next four thousand dollars (\$4,000);
- Fifteen percent (15%) of the next four thousand dollars (\$4,000);
- Ten percent (10%) of the next ten thousand dollars (\$10,000);
- Five percent (5%) of the next thirty thousand dollars (\$30,000); and
- Two percent (2%) of amounts in excess of the first fifty thousand dollars.
- The court, in its discretion, will fix fees for recoveries in excess of one hundred fifty thousand dollars (\$150,000).

(2) Contested Action: The same amount as computed under subpart 2.12(a)(1) above, increased by reasonable compensation (computed on an hourly or per-day basis) for any additional research, general preparation, trial, or other services, as may be allowed by the court.

(b) Attorney Fees When Defendant Is The Prevailing Party. When the defendant is the prevailing party, the fees will be reasonable compensation (computed on an hourly or per-day basis) for research, general preparation, trial, or other services rendered, as may be allowed by the court.

(c) Clerk's Calculation of Reasonable Attorney Fees. When a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the clerk will include attorney fees computed pursuant to the fee schedule included in this Rule.

- (d) Determination of Attorney Fees In Excess Of Schedule.** When a party claims attorney fees in excess of those allowed by this rule, then an application for attorney fees must be made to the court; the application must be supported by declarations setting forth the factual basis for the claimed fees. The fees will be fixed thereupon by the court.

(Formerly PCR 2.9, Effective 1/1/05, Amended 7/1/26)

2.13 ATTORNEY'S FEES IN UNLAWFUL DETAINER ACTIONS.

In actions for unlawful detainer for possession of residential property, except for property governed by Civil Code section 798 et seq., the attorney's fees awarded by the court will not, under normal circumstances, exceed the amounts indicated below. Normal circumstances include, but not limited to, contested trials one hour or less.

- (a)** \$200.00 in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure section 1170.
- (b)** \$300.00 in cases uncontested at trial where the defendant fails to appear, has filed an answer and a non-appearance default prove up hearing is required.
- (c)** \$500.00 in cases where a represented party and a self-represented litigant commence a contested trial.
- (d)** \$750.00 in cases where both parties are represented by counsel and the case proceeds to a contested trial.

(Effective 7/1/26)

RULE 3. CASE MANAGEMENT

3.1 CASE MANAGEMENT CONFERENCE

The goal of the court is to dispose of the cases subject to the Trial Court Delay Reduction Act within the standards for disposition adopted by the Judicial Council.

In order to achieve timely resolution of general civil actions, the court will actively manage and supervise the pace of litigation from the date of the filing of the action to its final disposition.

Upon the initial filing of a civil action or proceeding, other than juvenile, probate, family law, domestic violence, or civil harassment, the Clerk shall set the matter for a first case management conference on the case management calendar closest to, but not less than 180 days from the date of filing. The clerk shall issue a notice of case management conference with the summons. The plaintiff shall serve a copy of the notice of case management conference along with the summons and complaint.

(Effective 7/1/03, Amended 7/1/08)

3.2 EXEMPTION FROM TRIAL DELAY REDUCTION

A request to exempt a case from the Delay Reduction Rules shall be by written motion, supported by declaration showing good cause. A stipulation does not establish good cause.

(Effective 7/1/03)

3.3 PERIODS OF CASE PROGRESSION

In order to dispose of cases within the legislative standards, the court adopts the following time periods for progression of all cases:

- (a)** Service of the complaint within 60 days of filing.
- (b)** Service of responsive pleading within 30 days after service of the complaint.
- (c)** Discovery to commence at the earliest practicable date.
- (d)** First case management conference to be held approximately 180 days after filing of a complaint.

- (e) All discovery, other than depositions of expert witnesses, are to be completed by 240 days after filing of the complaint.
- (f) Stipulated extensions of time as provided in Government Code section 68616 shall be in writing and filed with the Clerk. Any other extensions shall only be after a written motion, supported by a declaration of good cause.

(Effective 7/1/03)

3.4 CASE MANAGEMENT STATEMENT

All parties taking part in a case management conference must submit a completed Case Management Statement before the case management conference pursuant to California Rules of Court, rule 3.725, using Judicial Council form CM-110. The Case Management Statement shall be filed with the court no later than 15 calendar days before the date set for the case management conference, and the statement shall be served on all other parties in the case.

(Effective 7/1/03, Amended 1/1/05, 7/1/08)

3.5 PARTICIPATION IN CONFERENCE

Counsel for each party, and each party not represented by counsel, shall attend the Case Management Conference, either in person or remotely.

(Effective 7/1/03, Amended 7/1/08)

3.6 SANCTIONS/ORDER TO SHOW CAUSE

The court may impose any and all sanctions allowed by law upon any party or counsel who fails to participate in the Case Management Conference or who otherwise impedes the Trial Delay Reduction Rules. The court adopts the following:

- (a) Failure to comply with these Local Court Rules or California Rules of Court, rules 3.720-3.735; 3.740 shall result in the filing and service of an Order to Show Cause Re: non-compliance on the responsible party and setting the matter for hearing. The order shall require the responsible party to show good cause why reasonable monetary sanctions should not be imposed as a result of the non-compliance.
- (b) Repeated failure to comply with these Local Rules, California Rules of Court, rules 3.720-3.725, or other orders of this court shall result in the filing and service of an Order to Show Cause Re: Dismissal, requiring

the responsible party to show good cause why dismissal of their entire action or cross action should not be entered.

(Effective 7/1/03, Amended 8/1/08, 7/1/26; also see rule 1.2)

3.7 MEDIATION/ARBITRATION (ALTERNATIVE DISPUTE RESOLUTION – ADR)

- (a)** The court supports ADR, and this court will make every effort to see that every case has the opportunity to go to mediation, arbitration or a settlement conference.
- (b)** Counsel for the parties will be given the opportunity to select a private mediator of their choice.
- (c)** The court recognizes that not all litigants or their counsel reside in Plumas County, and it may be more expeditious and economical to retain a private mediator or arbitrator from another area more convenient to the parties or their counsel.
- (d)** The case will be placed back on the Case Management calendar to confirm the identity of the mediator/arbitrator and the date and time of the mediation/arbitration.
- (e)** Subsequent to the date scheduled for the mediation/arbitration, there will be a follow up Case Management Conference to confirm that the mediation/arbitration went forward.
- (f)** If the mediation/arbitration results in the resolution of the dispute, counsel will not be required to appear at the follow-up Case Management Conference but are to notify the court of the resolution of the dispute.

(Effective 7/1/03, Amended 7/1/08)

3.8 SETTLEMENT CONFERENCES

- (a)** The court will schedule a Mandatory Settlement Conference for all cases.
- (b)** All parties, as well as their agents with authority to settle, will attend the Mandatory Settlement Conference.
- (c)** Failure of a party to attend, or failure of an agent with authority to attend a Settlement Conference, may result in sanctions imposed by the court.

- (d) No remote appearance will be allowed without prior approval by the court, and will only be allowed under extraordinary circumstances
- (e) The parties shall file and serve upon opposing counsel a Settlement Conference Statement no later than 5 p.m. on Friday at least 1 week prior to the hearing or as set by the judge. The Settlement Conference Statement shall be in the format, or substantially similar format as described in subsection (i) below.
- (f) The court adopts the policy that good faith efforts to settle civil proceedings are an essential part of the judicial process. Good faith efforts to settle shall be made at the Settlement Conference.
- (g) **Required attendance.** All persons whose consent is required to effect a binding settlement shall be personally present at the settlement conference unless excused by the assigned judge. Included among such persons, but without limitation, are the following:
 - (1) The attorney(s) for the plaintiff(s) and the plaintiff(s).
 - (2) The defendant(s), the attorney(s) for the defendant(s), and if the defendant is insured, the attorney for the carrier or carriers, and the claims adjuster or adjusters.
 - (3) An authorized representative of a corporation or other business or governmental entity which is a litigant, whether plaintiff or defendant.
- (h) Authority to settle:
 - (1) Each person required by subdivision (g) to attend the Settlement Conference must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.
 - (2) Anyone appearing in a representative capacity must have full unlimited authority to resolve the case. Said representative must have adequate knowledge of the case to evaluate offers by the opposing side and to re-evaluate his/her own offer based upon

information or questions presented during the Settlement Conference.

- (3)** The attorney assigned to try the case shall be present at the settlement conference, unless good cause for his/her absence is shown, and must be thoroughly familiar with the available evidence involving both liability and damages.

(i) Settlement Conference Statements and Supporting documents.

(1) Parties and counsel.

1. Identify separately each plaintiff and the respective attorney of record.
2. (Plaintiffs) identify each outstanding lien claimant and amount claimed.
3. Identify separately each defendant and the respective attorney of record.
4. (Defendants) identify each insurance carrier and the name of adjuster or representative.

(2) Case Statement.

1. Provide a brief statement of the facts of the case.

(3) Plaintiff.

1. Provide an explanation of the theory of the case.
2. List all economic damages claimed in the case (for each plaintiff state the nature of the past and future damages such as property damage, medical expense, loss of income etc.).
3. List all non-economic damages claimed in the case.

4. Specify and attorney fees, if any, that may be awarded to you.
5. Set forth all efforts made to negotiate any liens. If a claim for punitive damages is made, state the basis for such a claim.

(4) Defendant.

1. Explain your position on this case.
2. Specify attorney's fees, if any, that made be awarded to you.
3. Are there any medical payment reimbursement issues? If so, provide an explanation.
4. Do you anticipate any claim for post-trial reduction of special damages? If so, provide an explanation.

(5) Legal Issues

1. Identify major disputed legal issues.

(6) Factual Issues.

1. Identify any major disputed factual issues.

(7) Offers.

1. Specify all 998 offers made and the dates thereof.
2. Identify the best offer made by each party.

(a) Plaintiff(s):

(b) Defendant(s):

(c) Other(s):

(8) Settlement Efforts

1. State what settlement efforts have been made.

(9) Alternative Dispute Resolution

1. State what ADR efforts have been made.

(a) Type of ADR

(b) Date of ADR

(10) Length of Trial

1. State the anticipated length of trial
2. State the number of non-expert witnesses intended to be called at trial.
3. State the number of experts intended to be called, identify the number of retained and non-retained experts.

(11) Insurance carriers.

1. List the primary and excess carriers to which a defense tender has been made and whether or not such demand(s) has been accepted.
2. Is there any pending reservation of right? If so, please explain.

(12) Attachments

1. Provide additional information or attachments, if any, which will aid the settlement judge (such as excerpts from medical or police reports, photographs, compilations of damages, contracts etc.)

(Amended 7/1/08, 7/1/26)

RULE 4. CIVIL TRIALS

4.1 TRIAL SETTINGS

Except for trials governed by the Family Law provisions (See: Rule 6), all matters shall generally be set for trial at the first Case Management Conference.

The trial date shall be determined by the court, with due consideration for the convenience of the parties.

(Effective 7/1/03, Amended 7/1/08)

4.2 TRIAL READINESS CONFERENCE/FINAL TRIAL STATUS CONFERENCE

At the time the matter is set for trial, the court will set a Trial Readiness Conference. The Trial Readiness Conference shall take place at least three weeks prior to the commencement of the trial. Counsel or self-represented litigants shall file a Trial Brief five days prior to the Trial Readiness Conference/ Final Trial Status Conference.

At the Readiness Conference, counsel for the parties shall be prepared to:

- (a)** Submit a Statement of the Case to be read by the Judge to the jury;
- (b)** Submit questions that counsel wishes the court to ask prospective jurors on voir dire;
- (c)** Lodge depositions intended to be used as well as advising the court concerning recitation from depositions;
- (d)** Produce exhibits (except for impeaching exhibits) for marking for identification;
- (e)** Argue Motions in Limine.
- (f)** Submit Proposed jury instructions.

(Effective 7/1/03, Amended 7/01/08, 7/1/26)

4.3 TRIAL BRIEF

Civil Jury Trials:

Trials are scheduled to commence at 9:00 a.m., unless otherwise ordered by the court. One morning break and one afternoon break might be taken, depending on that day's proceedings. Lunch is taken between 12:00 p.m. and 1:30 p.m. Proceedings will generally recess at 4:15 each day.

The parties/counsel are to follow the civil trial procedure rules set forth in the Local Rule 4 and California Rules of Court.

The court will discuss methods of jury selection with counsel at the final status conference but generally follows a 6-pack method.

Absent special circumstances, the court will generally give preference to the oldest case if more than one case announces ready for trial.

Unless otherwise ordered, the following pre-trial filing and service deadlines apply. All deadlines for service are extended based on the manner of service as set forth in Code of Civil Procedure section 1013.

(1) Final Trial Status Conference ("FTSC") and Pretrial Filings

Final Status Conferences are conducted on 2nd and 4th Mondays at 2:00 p.m. approximately 3 weeks prior to the scheduled trial date. Pursuant to Local Rule 1.8, all trial counsel must attend the final trial status conference in person, unless excused by the court beforehand. All pretrial documents must be filed in advance of the FTSC.

At least ten (10) calendar days prior to the FTSC, the parties/counsel shall serve and file the following trial readiness documents:

- Trial Briefs – The court appreciates it when each party files a trial brief succinctly identifying:
 - (1) The claims and defenses subject to litigation;
 - (2) The major legal issues (with supporting points and authorities);
 - (3) The relief claimed and the calculation of damages sought; and
 - (4) Any other information that may assist the court at trial.

- *Motions in Limine* – Before filing motions *in limine*, the parties/counsel shall comply with the statutory notice provisions of Code of Civil Procedure section 1005 and Local Rule 4.3. The caption of each motion *in limine* shall concisely identify the evidence that the moving party seeks to preclude. Parties filing more than one motion *in limine* shall number the motions consecutively. Parties filing opposition and reply briefs shall identify the corresponding motion number in the caption of their pages.
- *Joint Statement* – For jury trials, the parties/counsel shall prepare a joint written statement of the case for the court to read to the jury. The joint statement shall be a neutral short statement of the case and not exceed 2 paragraphs. The parties/counsel shall sign the joint statement.
- *Joint Witness List* – The parties/counsel shall work together and file a joint list of all witnesses that each party intends to call, excluding impeachment and rebuttal witnesses. The joint witness list shall identify each witness by name, a general description of expected testimony, specify which witnesses are experts, estimate the length of direct examination, cross-examination, and re-direct examination of each, and *include a total of the number of hours for all witness testimony at the end*. There should be no duplicate names on the list. The parties shall identify all potential witness scheduling issues and special requirements. The parties/counsel shall sign the joint witness list.
- *Joint List of Proposed Jury Instructions* – The parties/counsel shall jointly prepare and file a list of proposed jury instructions, organized in numerical order, specifying the instructions upon which all sides agree and the contested instructions, if any. The list of proposed jury instructions must include a space by each instruction for the court to indicate whether the instruction was given. The parties/counsel shall sign the joint list of proposed jury instructions.
- *Jury Instructions (Joint and Contested)* – The parties/counsel shall prepare a complete set of full-text proposed jury instructions, printed on one side only, with one instruction per

page, editing all proposed California Civil Jury Instructions, insert party name(s), eliminate blanks, brackets, and irrelevant material. The parties shall prepare special instructions printed in a format ready for submission to the jury with the instruction number, title, and text only (i.e. there should be no boxes or other indication on the printed instruction itself as to the requesting party). Where there is an available CACI instruction, the court will generally not give a substituted special instruction. Substantively modified CACI instructions beyond bracketed language must be prominently identified. Uncontested and contested instruction shall be separated into subsections, with all uncontested instructions together, and all contested instructions together.

- Joint Verdict Form(s) – The parties/counsel shall prepare and file a joint proposed general verdict form or special verdict form acceptable to all sides. If the parties/counsel cannot agree on a joint verdict form, and if feasible, the court prefers a single proposed joint verdict form with relines identifying each party's proposed language where the language is disputed. The parties should bring an electronic copy of their proposed verdict form to the FTSC and to trial, ready to be edited in the courtroom.
- Joint Exhibit List – The parties/counsel shall prepare and file a joint exhibit list organized with columns identifying each exhibit and specifying each party's evidentiary objections, if any, to admission of each exhibit. The parties/counsel shall meet and confer in an effort to resolve objections to the authenticity and admissibility of each exhibit. The parties/counsel shall sign the joint exhibit list.
- Page and Line Designation for Deposition and Former Testimony – If the parties intend to use deposition testimony or former trial testimony in lieu of any witness's live testimony, the parties shall meet-and-confer and jointly prepare and file a chart with columns for each of the following: (1) the page and line designations of the deposition or former testimony requested for use, (2) objections, (3) counter-designations, (4) any responses thereto, and (5) the court's rulings. The objecting party shall specify all objections in the respective column. The parties/counsel shall sign the designations.

(2) Trial Binders

Counsel must provide a joint trial binder for the court at the FTSC. The trial binder shall be organized as follows:

Tab A:	Trial Briefs
Tab B:	Motions <i>in Limine</i>
Tab C:	Joint Statement
Case Tab D:	Joint Witness List
Tab E:	Joint List of Jury Instructions
Tab F:	Joint and Contested Jury Instructions
Instructions Tab G:	Joint and/or Contested Verdict
Forms Tab H:	Joint Exhibit List
Tab I:	Joint Chart of Page and Line Designations for Deposition and Former Testimony
Tab J:	Copies of all Current Operative Pleadings

(3) Motions in Limine

The parties/counsel MUST meet and confer in good faith prior to filing the motions *in limine* in an attempt to reach a stipulation on the evidence and other evidentiary issues. A simple exchange of letters that identify the motions to be filed is not a good faith meet and confer. Failure to meet and confer in good faith may result in a summary denial of the motion.

Each motion *in limine* must identify a specific item or category of evidence, or a specific witness, that is sought to be limited or excluded. Lack of specificity in the request may result in a summary denial of the motion.

Any party/counsel seeking to file in excess of 10 motions *in limine* shall contact the court to schedule a *Motions in Limine Conference* before doing so. This conference must occur prior to the deadline for filing the motions. The parties/counsel are strongly discouraged from filing more than 5 contested motions *in limine*. The parties/counsel are strongly encouraged to stipulate to uncontested motions. Uncontested motions should note “uncontested” in the caption.

The following motions *in limine* are deemed filed and deemed granted:

- 1) To preclude non-testifying non-party non-expert witnesses from being present in the courtroom when others are testifying (See Evid. Code, §777).

- 2) To preclude reference to the liability insurance in a case defended by that liability insurance policy;
- 3) To preclude references, etc., to settlement discussions;
- 4) To limit opinions and testimony of treating physicians to those acquired for the purposes of treatment;
- 5) To exclude evidence, argument, etc., to “demonize” any party.

All orders on motions *in limine* will apply across the board to all lawyers, all parties and all witnesses unless otherwise ordered by the court.

Motions *in limine* are governed by the statutory notice requirements set forth in Code of Civil Procedure sections 1005(b) and 1013, and should be set *with a hearing date of the final status conference*. Only motions *in limine* relating to witnesses whose depositions were taken after the deadline to file the motions *in limine* herein will be considered after this deadline, and only if filed within 36 hours of the completion of that deposition. Rough transcripts from the deposition may be used, or a declaration of counsel may be used at the filing of these motions, so long as final transcripts are filed with the court within 24 hours of receipt of those transcripts. Noncompliant motions *in limine* will not be considered absent good cause.

When filing motions *in limine*, the parties must comply with Local Rule 4.3, including the required declaration, if applicable.

Motions *in limine* shall not be used to seek dispositive orders that should have been sought through a motion for summary judgment, summary adjudication or judgment on the pleadings.

The parties/counsel shall organize motions *in limine* (tabbed in numerical order) behind Tab B with the opposition papers and reply papers for each motion placed directly behind the moving papers.

(4) Exhibits

All exhibits must be pre-marked using Arabic numerals and in instances where exhibits consist of multiple pages, each page must be numbered sequentially. The exhibits *must be* exchanged at least five (5) calendar days before the FTSC and lodged with the court on the first day of the trial. At least five sets of exhibit binders – tabbed and paginated – are required on the first day of trial: a complete set each for the court, the judicial assistant, and the witness. Counsel

must also supply an exhibit binder to each opposing party, and one for counsel themselves.

Any party intending to use technology to present their exhibits should make arrangements to be familiar with the court's technology prior to the start of trial. The parties are strongly encouraged to test their presentation method before trial begins, and at all times possess all necessary hardware and wiring for the system to be fully operational at all times during trial.

Parties intending to submit native format digital exhibits at trial (such as excel spreadsheets, video evidence, audio evidence, etc.) shall have an appropriate electronic device that will be given to the jury during deliberations to view the digital evidence. That device shall be stripped of all files and programs other than the evidence at issue, and the necessary program(s) to present that evidence to the jury. The evidence at issue shall be identified only by its exhibit number. No other program or file may be loaded onto the device. Each party shall each review and approve the device and its contents before presentation to the jury.

Civil Bench Trials:

Trials are scheduled to commence at 9:00 a.m., unless otherwise ordered by the court. One morning break and one afternoon break might be taken, depending on that day's proceedings. Lunch is between 12:00 p.m. and 1:30 p.m. Proceedings will generally recess at 4:15 each day.

The parties/counsel are to follow the civil trial procedure rules set forth in the Local Rule 4 and California Rules of Court.

Absent special circumstances, the court will generally give preference to the oldest case if more than one case announces ready for trial.

Unless otherwise ordered, the following pre-trial filing and service deadlines apply. All deadlines for service are extended based on the manner of service as set forth in Code of Civil Procedure 1013.

(5) Final Trial Status Conference ("FTSC") and Pretrial Filings

Final Status Conferences are conducted on 2nd and 4th Mondays at 2:00 p.m. approximately 3 weeks prior to the scheduled trial date. Pursuant to Local Rule 1.8, all trial counsel must attend the final trial status conference in person, unless excused by the court beforehand. All pretrial documents must be filed in advance of the FTSC.

At least ten (10) calendar days prior to the FTSC, the parties/counsel shall serve and file the following trial readiness documents:

- Trial Briefs – The court appreciates it when each party files a trial brief succinctly identifying:
 - (1) The claims and defenses subject to litigation;
 - (2) The major legal issues (with supporting points and authorities);
 - (3) The relief claimed and the calculation of damages sought; and
 - (4) Any other information that may assist the court at trial.
- Motions *in Limine* – Before filing motions *in limine*, the parties/counsel shall comply with the statutory notice provisions of Code of Civil Procedure section 1005 and Local Rule 4.3. The caption of each motion *in limine* shall concisely identify the evidence that the moving party seeks to preclude. Parties filing more than one motion *in limine* shall number the motions consecutively. Parties filing opposition and reply briefs shall identify the corresponding motion number in the caption of their pages.
- Joint Witness List – The parties/counsel shall work together and file a joint list of all witnesses that each party intends to call, excluding impeachment and rebuttal witnesses. The joint witness list shall identify each witness by name, a general description of expected testimony, specify which witnesses are experts, estimate the length of direct examination, cross-examination, and re-direct examination of each, and *include a total of the number of hours for all witness testimony at the end*. There should be no duplicate names on the list. The parties shall identify all potential witness scheduling issues and special requirements. The parties/counsel shall sign the joint witness list.
- Joint Exhibit List – The parties/counsel shall prepare and file a joint exhibit list organized with columns identifying each exhibit and specifying each party's evidentiary objections, if any, to admission of each exhibit. The parties/counsel shall meet and confer in an effort to resolve objections to the authenticity and admissibility of each exhibit. The parties/counsel shall sign the joint exhibit list.

- Page and Line Designation for Deposition and Former Testimony – If the parties intend to use deposition testimony or former trial testimony in lieu of any witness's live testimony, the parties shall meet-and-confer and jointly prepare and file a chart with columns for each of the following: (1) the page and line designations of the deposition or former testimony requested for use, (2) objections, (3) counter-designations, (4) any responses thereto, and (5) the court's rulings. The objecting party shall specify all objections in the respective column. The parties/counsel shall sign the designations.

(6) Trial Binders

Counsel must provide a joint trial binder for the court at the FTSC. The trial binder shall be organized as follows:

Tab A:	Trial Briefs
Tab B:	Motions <i>in Limine</i>
Tab C:	Joint Statement
Tab D:	Joint Witness List
Tab E:	Joint Exhibit List
Tab F:	Joint Chart of Page and Line Designations for Deposition and Former Testimony
Tab G:	Copies of all Current Operative Pleadings

(7) Motions in Limine

The parties/counsel **MUST** meet and confer in good faith prior to filing the motions *in limine* in an attempt to reach a stipulation on the evidence and other evidentiary issues. A simple exchange of letters that identify the motions to be filed is not a good faith meet and confer. Failure to meet and confer in good faith may result in a summary denial of the motion.

Each motion *in limine* must identify a specific item or category of evidence, or a specific witness, that is sought to be limited or excluded. Lack of specificity in the request may result in a summary denial of the motion.

Any party/counsel seeking to file in excess of 10 motions *in limine* shall contact the court to schedule a *Motions in Limine Conference* before doing so. This conference must occur prior to the deadline for filing the motions. The parties/counsel are strongly discouraged from filing more than 5 contested motions *in limine*. The parties/counsel are strongly encouraged to stipulate to uncontested motions. Uncontested motions should note "uncontested" in the caption.

The following motions *in limine* are deemed filed and deemed granted:

- 1) To preclude non-testifying non-party non-expert witnesses from being present in the courtroom when others are testifying (See Evid. Code, 777);
- 2) To preclude reference to the liability insurance in a case defended by that liability insurance policy;
- 3) To preclude references, etc., to settlement discussions;
- 4) To limit opinions and testimony of treating physicians to those acquired for the purposes of treatment;
- 5) To exclude evidence, argument, etc., to “demonize” any party.

All orders on motions *in limine* will apply across the board to all lawyers, all parties and all witnesses unless otherwise ordered by the court.

Motions *in limine* are governed by the statutory notice requirements set forth in Code of Civil Procedure sections 1005(b) and 1013 and should be set *with a hearing date of the final status conference*. Only motions *in limine* relating to witnesses whose depositions were taken after the deadline to file the motions *in limine* herein will be considered after this deadline, and only if filed within 36 hours of the completion of that deposition. Rough transcripts from the deposition may be used, or a declaration of counsel may be used at the filing of these motions, so long as final transcripts are filed with the court within 24 hours of receipt of those transcripts. Noncompliant motions *in limine* will not be considered absent good cause.

When filing motions *in limine*, the parties must comply with Local Rule 4.3, including the required declaration, if applicable.

Motions *in Limine* shall not be used to seek dispositive orders that should have been sought through a motion for summary judgment, summary adjudication or judgment on the pleadings.

The parties/counsel shall organize motions *in limine* (tabbed in numerical order) behind Tab B with the opposition papers and reply papers for each motion placed directly behind the moving papers.

(8) Exhibits

All exhibits must be pre-marked using Arabic numerals and in instances where exhibits consist of multiple pages, each page must be numbered sequentially. The exhibits *must be* exchanged at least five (5) calendar days before the FTSC and lodged with the court on the first day of the trial. At least five sets of exhibit binders – tabbed and paginated – are required on the first day of trial: a complete set each for the court, the judicial assistant, and the witness. Counsel must also supply an exhibit binder to each opposing party, and one for counsel themselves.

Any party intending to use technology to present their exhibits should make arrangements to be familiar with the court's technology prior to the start of trial. The parties are strongly encouraged to test their presentation method before trial begins, and at all times possess all necessary hardware and wiring for the system to be fully operational at all times during trial.

Parties intending to submit native format digital exhibits at trial (such as excel spreadsheets, video evidence, audio evidence, etc.) shall have an appropriate electronic device that will be given to the jury during deliberations to view the digital evidence. That device shall be stripped of all files and programs other than the evidence at issue, and the necessary program(s) to present that evidence to the jury. The evidence at issue shall be identified only by its exhibit number. No other program or file may be loaded onto the device. Each party shall each review and approve the device and its contents before presentation to the jury.

(Replaces Rule 4.3 & 4.4 Adopted 7/1/03 in its entirety, Effective 7/1/26)

4.4 JURY FEES

- (a)** Advance jury fees shall be paid pursuant to Code of Civil Procedure section 631.
- (b)** At the commencement of the second day the court is in secession for the trial (including jury selection), and on each succeeding day, the demanding party shall deposit with the Clerk of the Court a sum equal to the panel or seated jury's one-day jury fees and mileage.
- (c)** If, during jury selection or trial, the party responsible for jury fees waives the jury and fails to pay the jury fees described herein, any other party may preserve their right to jury trial by depositing fees as

therein required. If no other party deposits required jury fees, the jury is waived, and the trial shall proceed without a jury.

(Effective 7/1/26)

RULE 5. CRIMINAL RULES

5.1 ARRAIGNMENT

Unless otherwise ordered by the court, at the defendant's first appearance for arraignment, defendant will be expected to enter a plea to the information, complaint or indictment. Entry of a plea will not constitute a waiver of the defendant's right to demur to the accusatory pleading or otherwise attack it as provided by law.

(Effective 7/1/03)

5.2 SETTINGS

Unless otherwise ordered by the court, at the arraignment the court shall set the dates for:

- (a)** the trial, giving priorities as required by law;
- (b)** a Readiness Conference to be held no later than 21 days prior to the trial date;
- (c)** the filing and service of motions and responses and any hearing thereon. All pretrial motions will be set for hearing on or before the date set for the Readiness Conference.

(Effective 7/1/03)

5.3 PRETRIAL MOTIONS

(a) TIME FOR FILING MOTIONS (CRIMINAL)

Except for motions to be heard at a felony preliminary examination, and unless otherwise ordered or specifically provided by law, all moving papers in criminal cases shall include a Memorandum of Points and Authorities and shall be served and filed at least ten (10) court days before the date of the hearing. All papers opposing the motion shall be filed and served at least five (5) court days prior to the date of the hearing, and all reply papers shall be filed and served at least two

(2) court days prior to the date of the hearing. Proof of Service of the moving papers shall be filed no later than five (5) court days prior to the date of the hearing.

(b) MEMORANDUM OF POINTS AND AUTHORITIES (CRIMINAL).

A Memorandum of Points and Authorities shall include a statement of the case and/or statement of facts setting for the factual and procedural matters relevant to the determination of the motion, and shall include page references to any transcript, declaration, or other document to be relied upon at the hearing. The memorandum must clearly specify the precise factual and legal issues raised in the motion and the specific legal theory relied upon in support of the motion. Absence of a Memorandum of Points and Authorities may be deemed an abandonment of the motion. No issues, factual or legal, other than those set forth in the Memorandum of Points and Authorities will be considered in the ruling on the motion unless it is demonstrated that the new issues were not reasonably discoverable before the motion was filed.

A copy of the current Complaint, Information or indictment shall be attached to the Memorandum of Points and Authorities in support of a Demurrer, Motion to Strike, or Motion to Dismiss. Further, the Notice of Demurrer and Motion to Strike shall set forth, with specificity the count(s), enhancement(s), allegation(s), special circumstances, or other aspect of the pleading which defendant seeks to dismiss or strike. Should defendant seek to strike or dismiss the entire Complaint, Information, or Indictment, the notice shall so specify.

(c) MOTIONS PURSUANT TO PENAL CODE SECTION 1538.5.

(1) Time for Filing: Any Penal Code section 1538.5 motion brought to be heard at the time of the preliminary examination must be filed and served at least five (5) court days prior to the date of the preliminary examination. The People may file and serve a written response or opposition to the motion to suppress at least two (2) court days prior to the preliminary examination.

(2) If, during the course of a preliminary examination, evidence demonstrating grounds for the suppression of evidence come to light, that defendant was reasonably previously unaware of, the court may grant a continuance to allow defendant to file a motion to suppress.

- (3) All other Motions to Suppress filed pursuant to Penal Code section 1538.5 not to be heard at the time of the preliminary examination shall be filed and served in compliance with this rule, or as designated by the judge.
- (4) A Memorandum of Points and Authorities must be included as required by paragraph (2) of subdivision (a) of Penal Code section 1538.5.
1. **List of items to be suppressed or returned:** The moving party shall include a complete itemized list of the specific items of property to be returned or evidence to be suppressed.
 2. **Specification of factual and legal basis for motion.** The moving party must set forth the specific legal and factual basis for the relief requested within the included memorandum of points and authorities.
 3. **Copy of Search Warrant, Affidavit, and Inventory.** If relevant to the motion, legible copies of the search warrant, affidavit in support of the warrant, and return and inventory shall be attached to the moving papers as an exhibit.
 4. **Failure to comply** with the provisions of Penal Code section 1538.5 (a)(2) may constitute cause for denial of the motion.

(Replaces Rule 5.3 Adopted 7/1/03 in its entirety, Effective 7/1/26)

5.4 CRIMINAL DISCOVERY

Discovery in criminal actions is reciprocal in nature and is governed by Penal Code section 1054 et seq. There shall be a standing order in each criminal action requiring all parties and their attorneys to comply with Penal Code section 1054 et seq. The order is deemed to have been made and communicated to all counsel at the time of arraignment.

Before a party may seek court enforcement of any of the disclosures required by law, the party shall make an informal request of opposing counsel for the desired materials and information in the manner required by Penal Code section 1054.5(b). Failure to make such request shall be

grounds for denial of a discovery motion. Informal requests should be presented to opposing counsel in writing.

Motions for discovery shall be focused upon specific items which remain in dispute after presentation of informal requests. "Boilerplate" discovery motions are disfavored. Counsel shall meet and confer in a good faith effort to resolve or narrow the disputed issues before the hearing of any discovery motion.

(Effective 7/1/03)

5.5 TRIAL READINESS CONFERENCE.

(a) Trial readiness conference in criminal matters shall be subject to the following requirements:

- (1)** Trial Readiness Conferences shall be set no later than twenty-one (21) days prior to the date of the first day of the jury trial.
- (2)** When declaring ready for trial, all parties shall confirm to the court that all discovery has been properly provided to opposing counsel, all substantive motions have been presented and heard by the court, subpoenas have been served on all necessary witnesses, and the matter is ready to proceed to trial.
- (3)** Trial counsel must be personally present, and the prosecuting attorney must have authority to dispose of the case. The defendant must be personally present.
- (4)** Trial counsel shall have filed and served on the opposing counsel all trial documents including: list of witnesses anticipated to be called at trial, list of exhibits to be produced at trial, and any in limine motions including points and authorities if necessary.

(b) Motions to Continue Jury Trial.

- (1)** Motions to continue jury trials in criminal matters are disfavored and shall be denied unless the moving party demonstrates through the existence of good cause that the interests of justice require the matter to be continued pursuant to Penal Code section 1050.

(Replaces Rule 5.5 Effective 7/1/03 in its entirety, Effective 7/1/26)

5.6 PROPOSED PATTERN JURY INSTRUCTIONS

In criminal jury trials, the instruction forms contained in the latest edition of the Judicial Council of California, Criminal Jury Instructions—Criminal (CALCRIM) —shall be used whenever applicable. Proposed pattern jury instructions that have been modified by a party shall specify in parentheses or other appropriate manner the respect in which the instructions have been modified. Any proposed instruction not taken from (CALCRIM) shall indicate the source or authority of the proposed instruction.

(a) Trial counsel shall submit proposed jury instructions in the following format as specified in California Rules of Court, rule 2.1055.

(1) Each proposed instruction must be on a separate page or pages; include the instruction number and title of instruction at the top of the first page of the instruction; and be prepared without any blank lines or unused bracketed portions, so that it can be read directly to the jury. CRC rule 2.1055(c)(1)-(3).

(2) Proposed instructions must include an index as required by CRC rule 2.1055 (b) (1-3).

(Effective 7/01/03, Amended 7/01/09, 7/1/26)

5.7 PRESENTENCE PROBATION INVESTIGATION/REPORTS FOR MISDEMEANOR MATTERS.

No misdemeanor case shall be referred to the Plumas County Probation Department for a presentence investigation report unless the case and specific circumstances meet one or more of the following criteria:

(a) The case involves a sex offense or crime.

(b) The case involves domestic violence.

(c) The case involves child abuse.

(d) The court determines good cause exists for the referral.

(Effective 7/1/26)

RULE 6. FAMILY LAW

6.1 GENERAL INFORMATION

These Rules apply to all matters related to the Family Law Act, the Uniform Parentage Act, the Domestic Violence Prevention Act, and the Uniform Child Custody Jurisdiction and Enforcement Act.

(Effective 7/1/03, Amended Eff. 1/1/11)

6.2 DOCUMENTS PRESENTED FOR FILING

All documents presented to the court for filing shall be in conformance with the California Rules of Court and with Rule 2 of these Plumas County Local Rules Rules. Judicial Council forms shall be used for all filings for which such forms have been adopted.

(Effective 7/01/08, Amended Eff. 1/1/11)

6.3 FAMILY LAW CASE MANAGEMENT

The Plumas Superior Court's policy is to assist all parties in family law cases in managing their cases so that a timely resolution is reached with the least possible cost. Case Management Conferences will be set in all family law matters involving dissolution, legal separation or nullity for parties to a marriage or domestic partnership, cases to establish parental relationships and any other cases assigned to case management by the family law judge filed after September 1, 2010.

(Effective 1/1/11)

6.3.1 DOCUMENTS ISSUED UPON FILING OF PETITION

Upon the filing of a family law petition, the Clerk will provide the Petitioner with two (2) copies of each of the following documents. One of these copies is to be served by Petitioner on Respondent when a copy of the Petition and Summons is served:

- (a)** Notice of Family Law Case Management Conference. This document provides the parties with the date, time and location of the Family Law Case Management Conference.
- (b)** A blank Case Management Conference Statement. This document must be completed by the Petitioner and Respondent, either

separately or jointly and filed 10 days prior to the Case Management Conference.

(Effective 1/1/11)

6.3.2 FAMILY LAW CASE MANAGEMENT CONFERENCE

(a) Family law Case Management Conferences will generally be held on the first and third Mondays of each month. Should that Monday fall on a court holiday, the conference will be held the following Wednesday. The initial Case Management Conference shall be held at least 120 days after the filing of the petition. Parties may file Case Management Conference Statement local form PL 001 prior to the hearing. The form may be found on the court's website at www.plumas.courts.ca.gov

(b) At the Case Management Conference, the court may order the following:

- (1)** An order establishing a discovery schedule
- (2)** An order referring the case to Mediation/Investigative Evaluation
- (3)** An order requiring the filing of further documents
- (4)** An order setting the case for mandatory settlement conference/trial
- (5)** An order dismissing the action in whole or in part or imposing sanctions
- (6)** An order requiring counsel or the parties to engage in a meet and confer discussion
- (7)** An order continuing the case for further Case Management

(c) Remote Proceedings: The court uses the Zoom application to conduct remote proceedings. Instructions for using Zoom to participate in Family Court proceedings can be found on the court's website at www.plumas.courts.ca.gov

(Effective 1/1/11)

6.4 CHILD CUSTODY AND VISITATION / ORDERS PENDING HEARING

(a) Visitation Policy. It is the policy of the court that the child(ren)'s previously established living situation should not be radically altered during the pendency of custody and visitation disputes. Only under extraordinary circumstances will the court deny access of one parent to the child(ren) or change any child(ren)'s principal place of residence pending a hearing on the matter. Therefore, any application to change the child(ren)'s living situation prior to a court hearing shall include the following:

- (1) The current court order (if any);
- (2) The current child-sharing schedule or agreement (if any);
- (3) Any change in the child(ren)'s place of residence in the previous 120 days and the circumstances surrounding those changes;
- (4) The proposed time-sharing plan;
- (5) Reasons for any proposed changes in the child(ren)'s living situation; and
- (6) Any other relevant information.

(b) Supervised Visitation. In some cases, the court may order visitation supervised by an approved suitable supervised visitation provider, whether professional or nonprofessional provider. The professional and the nonprofessional provider must comply with and meet specific qualifications specified in Family Code section 3200.5.

(Effective 1/1/05, 1/1/11, 7/1/26)

6.5 MEDIATION

(a) Scheduling of Mediation. Any dispute regarding custody and/or visitation shall be referred to mediation. The parties complete the intake packet and the mediation orientation presentation located on the court's website at www.plumas.courts.ca.gov. The parties must provide the completed intake packet to the court clerk's office to schedule the date and time for mediation. The court clerk may be contacted at (530) 283-6232.

(b) Complaint about Mediator. A person who has a complaint about a mediator regarding the mediator's professional conduct and/or procedures used during mediation must make the complaint in writing to the Court Executive Officer. The Court Executive Officer or designee will conduct an investigation and report the findings of the investigation in writing to the complaining person and mediator within 30 days of the complaint being filed.

(c) Who May Attend Mediation. Generally, the only persons in attendance at a mediation session are the two parents and the mediator. However, the mediator has discretion to allow other person(s) to participate in the mediation process including a Domestic Violence Support Person.

When visitation issues arise between persons other than the parents (such as grandparents or step-parents), the persons attending mediation shall be determined by the mediator.

(d) Mediator's Recommendation. If the parties reach an agreement during mediation, the mediator will have the parties sign the agreement and present the agreement to the court. If the parties are unable to reach a full agreement, the mediator must submit recommendations regarding custody and visitation to the court. A copy of any agreement or recommendation must be provided to the court, all counsel and all self-represented parties.

(e) Objection to Mediation Report. When the parties do not reach an agreement, the mediator presents his/her written recommendations to the court. The recommendations can be reviewed at a hearing noticed by the parties. If any party wants to examine the mediator at a contested hearing, it is that party's responsibility to secure the mediator's attendance as a witness. The mediator may appear remotely as a witness.

(f) Ex Parte Communications. The mediator will not initiate ex parte communication with the Judge regarding a particular case except where there are questions regarding procedure in that case. If the mediator finds it necessary to discuss substantive issues with the Judge, the mediator shall inform each of the parties of the communication.

(Effective 7/1/03, Amended 7/1/08, 1/1/11, 7/1/26)

6.6 CUSTODY EVALUATION

If a custody evaluation is ordered by the court. The parties or their attorneys will be informed of the assignment of the evaluator by written notice.

(a) Challenge of Evaluator. If a person wishes to challenge the assignment of the child custody evaluator, he/she should do so by filing a notice of the challenge with the Court Executive Officer within 10 calendar days after receiving the notice of assignment. The challenge will be reviewed by the judge, and a written determination will be sent to all parties within 5 days of the receipt of the challenge.

(b) Ex Parte Communications. The child custody evaluator will not conduct ex parte communication with the Judge regarding a particular case except where there are questions regarding procedure in that case. If any substantive issues are discussed with the Judge, the evaluator shall so inform each of the parties of the communication.

(c) Evaluation Report. A court date will be set to receive the report of the child custody evaluator. The report will be sent to the court, the parties, and their attorneys prior to that date. The parties may stipulate to accept the recommendations of the child custody evaluator, or the court may set the matter for a contested hearing.

(d) Payment for Custody Evaluation. The financial responsibilities for payment of the cost of the custody evaluation will be reviewed by the judge, and the judge will order such payment arrangements as are applicable to the case. All payments will be made to the Plumas Superior Court. If a party should fail to make payments for the custody evaluation, then the custody evaluator may unilaterally cancel the custody evaluation. In such event, the custody hearing will go forward without the custody evaluation, and the court may take into consideration a party's non-compliance with the payment arrangements.

(Effective 1/1/05, Amended 7/1/08, 1/1/11, 7/1/26)

6.7 CHILD AND SPOUSAL SUPPORT/INCOME AND EXPENSE DECLARATION

A current Income and Expense Declaration must be filed by each party where support is at issue. If current facts are temporary, both the actual current facts and estimated prospective facts may be shown if properly

identified. If attorney's fees and/or costs are requested, the paragraph pertaining to attorney's fees must be completed.

Wage earners must attach legible copies of their paycheck stubs for the most recent two months. In the event no pay-check stubs are available, other appropriate documentation must be attached. Self-employed parties shall bring their most recent profit and loss statements, balance sheets, quarterly sales tax reports, the last filed tax return, or similar documentation evidencing income from all sources. All social security information should be deleted from these documents prior to submission to the court.

(Effective 7/1/03, Amended 7/1/08, 1/1/11)

6.8 TAX RETURN

The parties may be asked to provide legible copies of their last three state and federal income tax returns, including all attachments. All social security information should be deleted from these documents prior to submission to the court.

(Effective 7/1/03, Amended 7/1/08, 1/1/11)

6.9 SUPPORT MODIFICATIONS

Every motion to modify support shall set forth the date of the prior order and the amount of the prior order. At a hearing on modification of spousal support, the supported spouse shall be prepared to give evidence of his or her compliance with Family Code section 4330 by demonstrating progress toward becoming self-sufficient.

(Effective 7/1/03, Amended 7/1/08, 1/1/11)

6.10 MEET AND CONFER REQUIREMENTS; EXCHANGE OF DOCUMENTS

Prior to any hearing, counsel and the parties must meet and confer in good faith, in an effort to resolve all issues. While conferring, or prior thereto, litigants must exchange all documentary evidence that is to be relied upon for proof of any material fact. Failure to meet and confer or to exchange documents in a timely manner may result in the matter being dropped from the calendar or continued. At the hearing, the attorneys for the parties must advise the court as to what issues have been settled by agreement and what issues remain contested.

(Effective 1/1/11)

6.11 AT-ISSUE MEMORANDUM

A family law case may be put on the case management calendar for trial setting by filing a Family Law At Issue Memorandum. The form may be found on the court's website at www.plumas.courts.ca.gov. Prior to filing the Family Law At Issue Memorandum, the filing party shall:

- (a) Verify that a responsive pleading has been filed;
- (b) Served the Preliminary and Final Declaration of Disclosure on all parties;
- (c) Received a copy of the other party's Declaration of Disclosure or obtained a waiver pursuant to Family Code section 2107;
- (d) Provided responses to discovery propounded excepting that discovery properly objected to; and
- (e) Met and conferred, or attempted to meet and confer, with all other parties to determine agreed upon trial dates.

(Effective 7/1/08, Amended 1/1/11, 7/1/26)

6.12 FAMILY LAW COMMISSIONER

The Family Law Commissioner shall hear all Title IV-D support cases, support enforcement, and other family law matters as assigned. The Title IV-D cases and other family law cases as assigned will be heard on the day and time set forth in the Superior Court calendar available on the court's web site at www.plumascourts.ca.gov.

(Effective 7/1/03, Amended 7/1/08, 1/1/11)

6.13 REMOTE APPEARANCES – FAMILY SUPPORT HEARINGS

Remote appearances in Title IV-D (family support) cases are permitted pursuant to California Rule of Court 5.324. Any party appearing remotely must comply with that rule.

(Effective 1/1/11)

6.14 ORDERS AFTER HEARING

Orders After Hearing. At the hearing the court shall designate one counsel to prepare the written Order After Hearing (OAH). This draft OAH should be submitted to the other counsel/party for approval as to form and forwarded to the court. All OAH's must be submitted to the court within 14 days following the hearing; failure to do so may result in the imposition of sanctions. If opposing counsel does not respond to the request for approval as to form within five days, the proposed OAH may be submitted directly to the court with an attached declaration indicating counsel's attempts at notifying opposing counsel.

(Previously Rule 6.17; Effective 1/1/05, Amended 7/1/08, 1/1/11)

6.15 DEFAULT OR UNCONTESTED JUDGMENTS

(a) Child Support, Spousal Support or Attorney's Fees Awards.

No award of child support, spousal support or attorney fees will be granted unless there is either an attached written agreement between the parties settling those issues or there is sufficient information on which the court may base an order, including a fully completed and executed Income and Expense Declaration with information on both parties where available.

(b) Community and/or Separate Property. No division of community property (assets or debts) or confirmation of separate property will be ordered unless there is either an attached written agreement between the parties settling those issues, or there is a completed Property Declaration attached to and served with the Request to Enter Default.

(c) Visitation. Where the judgment is taken by default, if there is no attached written agreement concerning custody and visitation, and either supervised visitation or a denial of visitation is requested, an attached factual Declaration under penalty of perjury shall be submitted with the judgment and shall set forth the following:

(a) Where the party is seeking to deny visitation between the child(ren) and the defaulting party: The specific reasons visitation should be denied; the last time there was visitation between the child(ren) and the defaulting party; and whether the whereabouts of the defaulting party is known, and, if so, his or her address.

(b) Where the party is seeking supervised visitation between the child(ren) and the defaulting party: The reasons such visitation

should occur; the person or agency to do the supervision; and how the supervision is to be paid for.

- (c) Other information: The declaration shall inform the court when the parties separated, who has been the primary caretaker of the child(ren) during the last 6 months and the extent of contact between the child(ren) and the non-caretaker parent during that time. The declaration shall be mailed to the defaulting party with the Request to Enter Default, and proof of mailing shall be filed with the court.

(Effective 7/1/03, Amended 1/1/11, 7/1/26)

6.16 WAIVER OF FINAL DECLARATION OF DISCLOSURE

If a stipulated judgment is submitted for final dissolution of divorce without a hearing, and if that stipulation includes a waiver of service of the final declaration of disclosure, that stipulated waiver must be signed under penalty of perjury in accordance with Family Code 2105(d).

(Effective 7/01/08)

6.17 SETTLEMENT CONFERENCE

- (a) **Settlement conference.** All contested family law cases will be set for a settlement conference. The parties and the attorneys must be present at the conference.
- (b) **Settlement Conference Statements.** At least one week prior to, each party shall prepare, file and serve on the other party or attorney, a Settlement Conference Statement with contents as indicated below:
 - (1) **Statement of issues and contentions.** The parties shall identify each issue in dispute and briefly state the contention of the party as to each issue in dispute, and the legal authority supporting that party's contention.
 - (2) **Statistical information.** Date of Marriage; Date of Separation; names and dates of Birth for all Minor Children.

(3) Current orders. Identify each current order by date the order was issued for the following:

1. Child custody and visitation;
2. Child support;
3. Spousal support;
4. Domestic violence restraining order;
5. Any other interim order.

(4) Contested Issues and Contentions. Identify each issue in dispute, briefly state the contention of the party as to each issue in dispute, and the legal authority supporting the contention, as follows:

- Custody and visitation;
- Child support;
- Spousal support;
- Property characterization and division;
- Credits, reimbursements, and offsets;
- Attorney's fees and costs;
- Any other issue in dispute.

(5) Witness lists each party intends to be called at trial and a brief statement of the expected area of testimony of each witness.

(6) Income and Expense declaration. Each party shall file a current, updated Income and Expense Declaration.

(Effective 7/1/03, Amended 1/1/11, 7/1/26)

6.18 CONDUCT OF TRIAL

The trial will be conducted in accordance with rules and procedures for all other civil trials.

(Eff. 7/1/03, Amended 1/01/2011)

6.19 FAMILY LAW FACILITATOR

The Plumas Superior Court has established an office of Family Law Facilitator for self-represented litigants. The office of Family Law Facilitator has all the duties allowed under Family Code section 10000 et seq.

(Effective. 1/1/11)

6.20 FAMILY LAW FACILITATOR COMPLAINT PROCESS

Complaints concerning the Family Law Facilitator should be submitted to the Court Executive Officer or his/her designee in writing. The court will investigate the complaint and respond to the complaint within thirty (30) days after receipt of the complaint.

(Effective 1/1/11)

6.21 EX PARTE APPLICATIONS

Ex Parte applications are governed by California Rules of Court rule 5.151. A judge will only grant ex parte relief if the party requesting it shows a risk of irreparable harm or immediate danger, as more fully described in Family Code section 3064 and California Rules of Court rule 5.151(d).

(Effective 7/1/26)

6.22 ATTORNEY'S FEES REQUESTS:

All request for attorney's fees and costs shall comply with California rules of Court rule 5.427.

(Effective 7/1/26)

RULE 7. JUVENILE LAW DEPENDENCY PROCEEDINGS

7.1 ADOPTION OF COMPETENCY STANDARD

This rule, Rule 7 of the Local Rules of Plumas County Superior Court, is adopted to comply with Division 3 of the California Rules of Court.

(Effective 1/1/05, Amended 7/1/08)

7.2 GENERAL COMPETENCY REQUIREMENT

- (a) All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules. These rules are applicable to attorneys representing public agencies, attorneys employed by public agencies and attorneys appointed by the court to represent any party in a juvenile dependency proceeding.
- (b) Every party in a dependency proceeding who is represented by counsel is entitled to competent counsel. [CRC 5.660(b)] “Competent counsel” means a state bar member in good standing who is trained in the juvenile dependency law, and who demonstrates adequate forensic skills, knowledge and comprehension of the substantive law of juvenile dependency, the purposes and goals of dependency proceedings, and the procedures for filing extraordinary writ petitions. [CRC 5.660(b)(1)]
- (c) Attorneys are expected to meet regularly with clients, including children; contact social workers and other professionals associated with the client’s case; work with other counsel and the court to resolve disputed issues without hearing; and adhere to mandated timelines. The child’s attorney is not, however, required to assume the responsibilities of a social worker or to perform services for the child unrelated to legal representation. [CRC 5.660(b)(4)]
- (d) All attorneys retained, assigned or appointed are required to adhere to the timelines and the procedures stated elsewhere in these rules or as provided by Statute of California Court Rules of Court for settlements, discovery, protocols and other issues related to contested matters.

(Effective 7/1/03)

**7.3 MINIMUM STANDARDS OF EDUCATION AND TRAINING;
WORKLOADS**

- (a) Each attorney appointed in a dependency matter before the Juvenile Court shall complete the following minimum educational and training requirements:
- (1) Eight hours of education and training in juvenile dependency law, covering such areas as child abuse and neglect; child development; domestic violence; or,
 - (2) Previous experience in dependency proceedings as determined by the presiding Juvenile Judge in which the attorney has demonstrated competence. A Certificate of Competency may be obtained from the Court Clerk. (Appendix B)
- (b) A Certificate of Competency shall be completed by the attorney of record for the dependency matter and submitted to the court within 20 days of his or her first appearance in a dependency matter.
- (c) Failure to submit a Certificate of Competency will cause the court to notify the attorney that his or her right to practice in dependency proceedings is revoked. The attorney shall have 30 days from mailing of the notice to submit a Certificate of Competency. If the attorney, after such notice, fails to submit a Certificate of Competency, the court shall issue an order prohibiting the attorney from practicing in dependency proceedings.
- (d) The attorney for a child must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code 317(e) and the California Rules of Court.

(Effective 7/1/03)

7.4 APPOINTMENTS

- (a) The court will only appoint counsel who have been certified by the Court to represent parents or children in the Juvenile Dependency Court.
- (b) Billing shall be forwarded to the court with appropriate documentation for approval.

(Effective 7/1/03)

7.5 STANDARDS OF REPRESENTATION

Attorneys appearing in juvenile dependency proceedings shall meet the following minimum standards of representation:

- (a)** The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the Court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of, and/or involvement in, the matters alleged or reported. The attorney shall contact social workers and other professionals associated with the case to ascertain that allegations and/or reports are supported by accurate facts and reliable information.
- (b)** The attorney is not required to meet, either directly or through an agent (e.g. an investigator), with a client who is incarcerated or committed out of Plumas County. If the attorney believes, however, that such contact is essential to representing the interests of the client, application may be made to the Court. The attorney shall advise the client of the possible course of action and the risks and benefits of each. This shall include advising the client of the risk and benefits of resolving disputed matters without the necessity of a hearing and of the necessity for adhering to Court mandated timelines.

(Effective 7/1/03)

7.6 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

- (a)** Any party to a Juvenile Court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.
- (b)** Upon receipt of a written complaint, the Court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney 15 days from the date of the notice to respond to the complaint in writing.
- (c)** After response has been filed by the attorney, or the time for the submission of a response has passed, the Court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to rules or policies or has acted incompetently. The

Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

- (d) If, after reviewing the complaint, the response, and any additional information, the Court finds that the attorney acted contrary to the rules or policies of the Court or incompetently, the Court shall take appropriate action.
- (e) The Court shall notify the attorney and complaining party, either in writing or by oral ruling at a closed hearing, of its determination of the complaint. The Court's determination will be final.

(Effective 7/1/03)

7.7 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

- (a) At any time during the pendency of a juvenile dependency proceeding, any interested person may notify the Court that a minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum.
- (b) Notice to the Court may be given by the filing of Judicial Council form JV-180 or by filing of a declaration. The person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued; the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected; and the nature of the proceedings being contemplated or conducted there.
- (c) If the Court determines that further action on behalf of the child is required, the Court shall:
 - (1) Authorize the minor's attorney to pursue the matter on the child's behalf;
 - (2) Appoint an attorney for the child if the child is unrepresented;
 - (3) Notice a joinder hearing pursuant to W & I 632 compelling the responsible agency to report to the Court with respect to whether it has carried out its statutory duties with respect to the child;
 - (4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

- (5) Take any other action the Court may deem necessary or appropriate to protect the welfare, interest and rights of the child.

(Effective 7/1/03)

7.8 DISCOVERY

- (a) The discovery provisions of California Rules of Court, rule 5.546 are hereby adopted and incorporated.
- (b) Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties involved in the litigation.
- (c) **Formal Discovery.** Only after all informal means have been exhausted may a party petition the Court for discovery. Any noticed motion shall state the relevancy and materiality of the information sought and the reasons informal discovery was not adequate to secure such information. The motion shall be served on all parties at least 5 judicial days before the hearing date. The date for the hearing shall be obtained from the clerk.
- (d) **Civil Discovery.** In order to coordinate the logistics of discovery in dependency cases, there shall be no depositions, interrogatories, subpoenas of juvenile records or any other similar types of civil discovery without approval of a Judge of the Juvenile Court upon noticed motion.
- (e) **Case Records and Reports (CRC 5.546).** In contested proceedings, the social worker's narratives and other relevant case records shall be made available to all counsel at least 10 calendar days before the hearing and any updated records 2 calendar days before the hearing. In all other cases, such documents shall be made available at least 2 calendar days prior to the hearing.
- (f) Upon timely request, parents, guardians and de facto parents shall disclose to all other parties such non-privileged material and information within the parent's, guardian's, or de facto parent's control that is relevant.

(Effective 7/1/03)

7.9 PRESENTATION OF EVIDENCE

Social study reports prepared by Children's Services shall be made available to all counsel before the hearing in accordance with the following time limitations unless otherwise ordered by the Court:

- (a)** Jurisdictional and/or dispositional reports are due at least 48 hours before the hearing.
- (b)** Review of dependency status and status review reports are due at least 10 calendar days before the hearing.
- (c)** All other reports shall be due a reasonable number of days before the hearing but in no event less than 48 hours before the hearing.
- (d)** All proposed modifications to the petition shall be exchanged 48 hours prior to the jurisdiction hearing.
- (e)** If any discovery, reports or proposed modifications have not been made available to all counsel, then any affected party or the Court may request a continuance of the hearing to the extent permitted by law.
- (f)** The names of any experts to be called by any party and copies of their reports (if not part of a social study report prepared by Children's Services) shall be provided to all counsel at least 10 days before the hearing unless a shorter time is ordered by the Court.
- (g)** Reports prepared by and CASA advocate shall be made available to all counsel a reasonable number of days before the hearing but in no event less than 48 hours before the hearing.

(Effective 7/1/03)

7.10 SETTLEMENT CONFERENCES

- (a)** A Settlement Conference shall be calendared and held prior to every contested hearing unless deemed unnecessary by the judicial officer setting the contested hearing.

- (b) The attorneys and all parties shall be present at the settlement conference unless excused by the Court. All excused parties shall be readily available either in person or by telephone at the direction of their attorneys. A representative of Children's Services with authority to settle cases shall be present at the settlement conference.

(Effective 7/1/03)

7.11 TIMELINES

Attorneys for parties are required to adhere to the statutory timelines for all hearings. Time waivers will be accepted and continuances granted only on a showing of good cause.

- (a) Detention Hearings. Detention Hearings shall be heard no later than the end of the next Court day after a petition has been filed. (W & I 315; CRC 5.667)
- (b) Jurisdiction Hearing. If the child is not detained, the hearing on the petition shall be begun within 30 calendar days from the date the petition was filed. If the child is detained, the hearing on the petition shall be begun within 15 Court days from the date of the detention order. (W & I 334; CRC 5.680)
- (c) Disposition Hearing. If the child is detained, the hearing on disposition must be begun within 10 days from the date the petition was sustained. If the child is not detained, the disposition hearing shall be begun no later than 30 calendar days after jurisdiction is found. (W & I 358; CRC 5.686)
- (d) Six-Month Review. The Court is required to review the status of every dependent child within six months of the declaration of dependency and at least every 6 months thereafter. (W & I 364, 366, 366.21; CRC 5.710)
- (e) Twelve-Month Review. The Court is required to review the status of every child who has been removed from the custody of a parent or guardian within 12 months of the date of entry into Foster Care. (W & I 366.21; CRC 5.715)
- (f) Eighteen-Month Review. If the child is not returned at the 12-month review, the Court shall conduct a review no later than 18 months from the date of the original detention. (W & I 366.21, 366.22; CRC 5.720)

- (g) Notice Of Intent to File Writ Petition. A Notice of Intent to file a petition for extraordinary writ shall be filed within 7 days of the date of the order setting a hearing under W & I 366.26, with an extension of 5 days if the party received Notice of the Order only by mail. (CRC 8.454)
- (h) Petition For Writ. A petition seeking writ review of orders setting a hearing under W&I Code shall be served and filed within 10 days after the filing of the record in the reviewing Court. (CRC 8.454, 8.456)
- (i) Response To Writ Petition. Any response to a writ petition shall be served and filed within 10 days after the filing of the writ petition or within 10 days of receiving a request for a response from the reviewing Court.
- (j) Selection Hearing. Selection hearing for permanent plan shall begin within 120 days of the review at which reunification services are terminated and a hearing under W & I 366.26 ordered. (W & I 366.31, 399.22; CRC 5.715, 5.720)
- (k) Notice Of Appeal. A Notice of Appeal shall be filed within 60 days after the rendition of the judgment. (CRC 8.400)

(Effective 7/1/03)

INFRACTION PROCEEDINGS

When juveniles are issued citations for infractions, they will be ordered to appear in traffic court. If the office of Plumas County District Attorney determines that a petition should be filed on the juvenile in the Juvenile Court, then the parents of the juvenile will be notified prior to the traffic court date. The parents will be directed to the next session of the Juvenile Court.

7.12 OFFENSES INCLUDED

Infractions include those offenses defined in Penal Code 19.6 and 19.8.

(Effective 7/1/03)

7.13 APPEARANCE

The Juvenile Court will require the appearance of the juvenile and at least one parent. For good cause shown, the parent's appearance and/or the juvenile's appearance may be excused.

(Effective 7/1/03)

7.14 CONFIDENTIALITY

Pursuant to Welfare and Institutions Code 603.5, such infraction proceedings are excluded from the rules of confidentiality usually applicable to juvenile matters.

(Effective 7/1/03)

**RULE 8. COURT APPOINTED
SPECIAL ADVOCATE PROGRAM (CASA)**

8.1 ADOPTION OF COURT APPOINTED SPECIAL ADVOCATE PROGRAM.

The court hereby adopts the guidelines for the Court Appointed Special Advocate Programs (CASA) set forth in Welfare and Institutions Code Sections 100-109, 356.5 ,and California Rule of Court 5.655 as well as the policy and procedures manual of the Plumas County Court Appointed Special Advocate Program, as a Local Rule of Court applicable to CASA, and the guidelines are incorporated herein by reference.

The Court may appoint Special Advocates to represent the interests of dependent children. In order to qualify for appointment, the Special Advocate must be trained by, and function under, the auspices of CASA, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association.

CASA shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for Child Advocates.

(Effective 7/1/03)

8.2 SPECIAL ADVOCATES

Special Advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the Special Advocate has been appointed.

(a) Functions of Special Advocates. In general, a Special Advocate's functions are:

- (1)** To support the child throughout the Court proceedings;
- (2)** To establish a relationship with the child to better understand his or her particular needs and desires;
- (3)** To communicate the child's needs and desires to the Court in written reports and recommendations;
- (4)** To identify and explore potential resources that will facilitate early family reunification or alternative permanency planning;

- (5) To provide continuous attention to the child's situation to ensure that the Court's plan for the child is being implemented;
 - (6) To communicate and coordinate efforts with the case manager (probation officer or social worker) to the fullest extent possible;
 - (7) To communicate and coordinate efforts with the child's attorney to the fullest extent possible; and,
 - (8) To represent the interests of the child in other judicial or administrative proceedings.
- (b) **Sworn Officer of the Court.** A Special Advocate is an officer of the Court and is bound by these rules. Each Special Advocate must be sworn in by a Judge or Court Commissioner before beginning his or her duties and shall subscribe to a written oath.
- (c) **Specific Duties.** In its initial Order of Appointment, and thereafter in subsequent orders as appropriate, the court may set forth the Special Advocate's duties in each case, including interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the child's grandparents and other relatives, and reporting back directly to the court.

(Effective 7/1/03)

8.3 RELEASE OF INFORMATION TO SPECIAL ADVOCATES

- (a) **To Accomplish Appointment.** To accomplish the appointment of a Special Advocate, the Judge or Commissioner making the appointment shall sign an order granting the Special Advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child to the same extent as any other officer appointed to investigate proceedings on behalf of the court.
- (b) **Access to Records.** A Special Advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation officer) with regard to records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The Special Advocate shall

present his or her identification as a Court-appointed Special Advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the Special Advocate to have access to any records relating to the child.

(c) Report of Child Abuse. A Special Advocate is a mandated child abuse reporter with respect to the case to which he or she was appointed. **(d) Communication.** There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the Special Advocate, case manager, child's attorney, attorneys for the parents, relatives, foster parents, and any therapist for the child.

(d) Communication. There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the Special Advocate, case manager, child's attorney, attorneys for the parents, relatives, foster parents, and any therapist for the child.

(Effective 7/1/03)

8.4 RIGHT TO TIMELY NOTICE

The moving party shall provide the Special Advocate timely notice of any motions concerning a child for whom a Special Advocate has been appointed.

(Effective 7/1/03)

8.5 CALENDAR PRIORITY

In light of the fact that a Special Advocate renders a volunteer service to children and the Court, matters on which they appear should be granted priority on the Court's calendar whenever possible.

(Effective 7/1/03)

8.6 VISITATION THROUGHOUT DEPENDENCY

A special advocate shall regularly visit the child to whose case he or she has been appointed. The advocate shall monitor the case as appropriate until dependency is dismissed.

(Effective 7/1/03)

8.7 FAMILY LAW ADVOCACY

Should the Court dismiss dependency and create family law orders pursuant to Welfare and Institutions Code 362.4, the Special Advocate's appointment may be continued in the family law proceeding, in which case the Court, by specific Order, shall set forth the nature, extent and duration of the Special Advocate's duties in the family law proceeding.

(Effective 7/1/03)

8.8 RIGHT TO APPEAR

A Special Advocate shall have the right to be present and be heard at all Court hearings and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A Special Advocate shall not be deemed to be a "party" as described in Title 3 of Part II of the Code of Civil Procedure. However, the Court, at its discretion, has the authority to grant the Special Advocate amicus curiae status, which includes the right to appear with counsel.

(Effective 7/1/03)

8.9 DISTRIBUTION OF CASA REPORTS

(a) CASA reports shall be submitted to the Court at least 5 Court days prior to the hearing.

(b) CASA shall serve a copy of the report on the parties to the case including, but not limited to: attorney for the Department of Social Services; Attending case Social Worker; Child's Attorney; Parents' attorney; Child (via Foster Family Agency); ICWA Representative (if applicable); and, de facto Parents.

(c) CASA shall serve a copy of the report on the parties entitled to receive a copy of the report at least 2 Court days prior to the hearing.

(Effective 7/1/03, Amended 7/1/08)

8.10 RESIGNATION OR REMOVAL OF SPECIAL ADVOCATE

A Special Advocate may resign from an individual case or the CASA program or may be removed from an individual case in accordance with California Court Rules of Court, Rule 5.655(j).

(Effective 7/1/03)

RULE 9. DOMESTIC VIOLENCE COORDINATION RULES

9.1 COURT COMMUNICATION

Until the court has an operational case management system capable of automatically coordinating domestic violence orders, whenever possible the Court's criminal, family and juvenile law departments shall communicate and exchange information with each other prior to issuing protective orders and child custody and visitation orders to determine if any such orders have already been issued as to the same parties or children in any other department.

(Effective 1/1/07, Amended 7/1/08)

9.2 AVOIDING CONFLICTING ORDERS

The family court or the juvenile court shall not issue a protective order or custody order in conflict with the order of the criminal court. In the event such an order issues inadvertently, the orders of the criminal law proceeding shall control.

(Effective 7/01/08)

9.3 MODIFICATION OF CRIMINAL ORDERS

A court issuing a criminal court protective order may, after consultation with the family or juvenile court, modify the criminal court protective order to allow or restrict contact between the restrained person and his or her children.

(Effective 7/01/08)

9.4 COEXISTING CRIMINAL AND FAMILY OR JUVENILE ORDERS

If multiple restraining orders have been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority pursuant to Code of Civil Procedure 527.12(d)(2), Penal Code Section 136.2, Family Code Section 6383(h)(2) and 6405(b).

(a) Emergency Protective Order (EPO). Provisions that are more restrictive than in the other restraining/protective orders must also be enforced. Provisions of another order that do not conflict with the EPO must be enforced.

- (b) No-Contact Order.** If a restraining/protective order includes a no-contact order, the no-contact order must also be enforced.
- (c) Criminal Protective Order (CPO).** If none of the orders are an EPO or a no-contact order, the most recent CPO must be enforced. A CPO issued in a criminal case involving domestic violence or charges requiring sex offender registry must be enforced over any civil court order. All other provisions in the civil order that do not conflict with the CPO must be enforced.
- (d) Civil Restraining Orders.** If there is more than one civil restraining order (domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(Effective 7/01/08, Amended 7/1/26)

RULE 10. CIVIL LITIGATION DELAY REDUCTION

10.1 STATEMENT OF POLICY.

These Rules are revised and promulgated pursuant to the Trial Court Delay Reduction Act of 1986, as revised, set forth in Government Code section 68600, et seq. and California Rules of Court Title 3 Civil Rules et seq. and apply to all pending and hereafter filed civil actions in this court which are designed for inclusion in the Plumas Superior Court Delay Reduction Program as set forth in these rules.

It is the policy of the Plumas Superior Court to actively manage, supervise and control the litigation of all actions subject to these rules from initiation of an action through disposition, for the purpose of resolving all subject civil cases with economy to the parties in the most efficient manner consistent with the obligation of the court to give full and careful consideration to all issues presented for resolution and provide a forum wherein the parties may adequately prepare and present their cases before the court.

(Effective 7/1/26)

The goal of the Program is to manage civil cases from filing so that:

- (1)** Of unlimited civil cases, 75% are disposed of within 12 months, 85% are disposed of within 18 months, and 100% are disposed of within 24 months.
- (2)** Of limited civil cases, 90% are disposed of within 12 months, 98% are disposed of within 18 months, and 100% are disposed of within 24 months.

In managing individual civil cases the court must consider each case on its merits. To enable the fair and efficient resolution of civil cases, each case should be set for trial as soon as appropriate for that individual case consistent with Rule 3.729.

10.2 CIVIL CASES SUBJECT TO PROGRAM.

All civil cases filed in the court are subject to the Program except those in the following categories:

Probate	Guardianship	Conservatorship
Family Law	Adoptions	Small Claims
Unlawful Detainer	Small Claims Appeals	Writs
Civil Petitions	Sister State Judgments	Water Rights
Juvenile Court Proceedings		

10.3 LAW AND MOTION MATTERS NOT SUBJECT TO PROGRAM

Any law and motion matters not specifically related to the processing of the case pursuant to these rules or encompassed in the management of the case pursuant to these rules shall be set and noticed in the appropriate law and motion department of the court.

10.4 DUTIES OF CLERK AND PARTY/ATTORNEY UPON FILING FIRST PAPER.

At the time of filing the initial paper instituting a subject case, the clerk shall provide the party or attorney for the party presenting the document for filing a Delay Reduction Program Notice (PL-007). A copy of that document shall be served upon each other party with the Summons or other first document served upon them. Any party filing a Cross-Complaint shall serve a copy of the document with the Summons or other first document served upon any Cross-Defendants who have not previously been served as a party to the action.

10.5 TIME FOR SERVICE OF COMPLAINT, CROSS-COMPLAINT AND RESPONSE.

(a) Applicability. This rule applies to the service of pleadings in civil cases except for unlawful detainer actions, proceedings under the Family Code, and other proceedings for which different service requirements are prescribed by law.

(b) Service of Complaint. The Complaint must be served on all named Defendants and proof of service on those Defendants must be filed with the court within 60 days after the filing of the Complaint. When the Complaint is amended to add a Defendant, the added Defendant must

be served and proof of service must be filed within 30 days after the filing of the amended complaint.

(c) Service of Cross-Complaint. A Cross-Complaint against a party who has appeared in the action must be accompanied by proof of service of the Cross-Complaint at the time it is filed. If the Cross-Complaint adds new parties, the Cross-Complaint must be served on all parties, and proof of service on the new parties must be filed within 30 days of the filing of the Cross-Complaint.

(d) Timing of Responsive Pleadings. The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial Complaint with written notice to the court.

(e) Modification of Timing; application for order extending time. The court, on its own motion or on the application of a party, may extend or otherwise modify the times provided in (2) – (4). An application for a court order extending the time to serve a pleading must be filed before the time for service has elapsed. The application must be accompanied by a declaration showing why service has not been effected, documenting the efforts that have been made to effect service, and specifying the date by which service is proposed to be effected.

(f) Request for Entry of Default. If a responsive pleading is not served within the time limits specified in this rule and no extension of time has been granted, the Plaintiff within 10 days after the time of service has elapsed must file a Request for Entry of Default.

(g) Default Judgment. When a default is entered, the party to request the entry of default must obtain a Default Judgment against the defaulting party within 45 days after entry of default, unless the court has granted an extension of time.

10.6 CASE MANAGEMENT CONFERENCE; MEET-AND-CONFER REQUIREMENT; AND CASE MANAGEMENT ORDER.

(1) Initial case management review. In every general civil case except complex cases and cases exempted under California Rules of Court, rules 3.712, 3.714, and 3.735, the court shall review the case no later than 180 days after the filing of the initial complaint.

(2) Case Management Conference.

- (a) Case management conference.** In each case, the court will set an initial case management conference to review the case. Notice of the case management conference will be given to all parties no later than 45 days before the conference, unless otherwise ordered by the court. At the conference, counsel for each party and self-represented litigant must appear personally or, if permitted under rule 1.8, remotely, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in (5)-(6) below.

At the initial conference, the court must review the case comprehensively and decide whether to assign the case to an alternative dispute resolution process, whether to set the case for trial, and the other matters stated in this rule. The initial case management conference should generally be the first case management event conducted by court order in each case, except for orders to show cause.

- (b) Case management order without appearance.** If, based on its review of the written submissions of the parties and such other information as is available, the court determines that appearances at the conference are not necessary, the court may issue a case management order and notify the parties that no appearance is required.

- (3) Special order or request for a case management conference.** The court on its own motion may order, or a party or parties may request that a case management conference be held at any time.

- (4) Arbitration determination.** The court at the case management conference or review will determine if the case is suitable for judicial arbitration pursuant to Code of Civil Procedure section 1141.11(b).

- (5) Subjects to be considered at the case management conference.** In any case management conference or review under this rule, the parties must address, if applicable, and the court may take appropriate action with respect to the following:

- (a)** Whether there are any related cases;
- (b)** Whether all parties named in the complaint or cross-complaint have been served, have appeared, or have been dismissed;

- (c)** Whether any additional parties may be added or the pleadings may be amended;
- (d)** Whether, if the case is a limited civil case, the economic litigation procedures under Code of Civil Procedure section 90 et seq. will apply to it or the party intends to bring a motion to exempt the case from these procedures;
- (e)** Whether any other matters (e.g. the bankruptcy of a party) may affect the court's jurisdiction or processing of the case;
- (f)** Whether the parties have stipulated to, or the case should be referred to, judicial arbitration or any other form of Alternative Dispute Resolution (ADR) and, if so, the date by which the ADR must be completed;
- (g)** Whether an early settlement conference should be scheduled and, if so, on what date;
- (h)** Whether discovery has been completed and, if not, the date by which it will be completed; disclosing all who have been deposed; all who are to be deposed, when and where they are to be deposed, and the reason why each person is being deposed.
- (i)** What discovery issues are anticipated;
- (j)** Whether the case should be bifurcated or a hearing should be set for a motion to bifurcate under Code of Civil Procedure, section 598;
- (k)** Whether there are any Cross-Complaints that are not ready to be set for trial and, if so, whether they should be severed;
- (l)** Whether the case is entitled to any statutory preference and, if so, the statute granting the preference;
- (m)** Whether a jury trial is demanded, and, if so, the identity of each party requesting a jury trial;
- (n)** The date by which the case will be ready for trial;
- (o)** The estimated length of trial;

- (p) The nature of the injuries;
 - (q) The amount of damages, including any special or punitive damages;
 - (r) Any additional relief sought;
 - (s) Whether there are any insurance coverage issues that may affect the resolution of the case; and
 - (t) Any other matters that should be considered by the court or addressed in its case management order.
- (6) **Meet-and-confer requirement.** Unless the court orders another time period, no later than 30 days before the date set for the case management conference, the parties must meet and confer, in person or by telephone, to consider each of the issues identified in (e) and, in addition, to consider the following:
- (a) Resolving any discovery disputes and setting a discovery schedule;
 - (b) Identifying and, if possible, informally resolving any anticipated motions;
 - (c) Identifying the facts and issues in the case that are uncontested and may be the subject of stipulation;
 - (d) Identifying the facts and issues in the case that are in dispute;
 - (e) Determining whether the issues in the case can be narrowed by eliminating any claims or defenses by means of a motion or otherwise;
 - (f) Whether there will be an independent medical exam and, if so, the date the parties expect to schedule the same;
 - (g) The nature of experts who are anticipated to be used at trial.

(7) Case Management Statement.

- (a) **Timing of statement.** No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement and serve it on all other parties in the case.

- (b) Contents of statement.** Parties must use the mandatory CM-110, Case Management Statement form. All applicable items on the form must be completed. In lieu of each party filing a separate case management statement, any two or more parties may file a joint statement under this rule.
- (c) Description of case.** Parties shall provide a statement of the case, including any damages, with sufficient detail and specificity. The claims and causes of action must be clearly identified and adequately described. The nature and amount of damages must be clearly identified and adequately described, to include the specific injury and specific dollar amount if monetary damages are sought. Indicating “nature and amount of damages to be determined” or other non-specific statements regarding damages will be deemed insufficient and non-compliant with this local rule.
- (d) Discovery.** Parties must indicate whether or not all discovery has been completed. If all discovery has not been completed, parties shall describe in substantial detail: (1) the identity of the party with incomplete discovery; (2) the description of the incomplete discovery; and (3) the specific dates by which the incomplete discovery will be completed. Indicating “pursuant to code” or other non-specific statements regarding the date by which incomplete discovery will be completed will be deemed insufficient and non-compliant with this local rule.
- (e) Identity of the Attorney of Record.** Parties must specifically designate the Attorney of Record who shall be responsible to the court for the case management.
- (8) Stipulation to Alternative Dispute Resolution (ADR).** If all parties agree to use an ADR process, they must jointly complete the ADR stipulation form provided for under California Rules of Court 3.221 and file it with the court.
- (9) Case management order.** The case management conference must be conducted in the manner provided by local rule. The court will enter a case management order setting a schedule for subsequent proceedings and otherwise providing for the management of the case. The order should include such provisions as may be appropriate, including:

- (a) Referral of the case to judicial arbitration or some other form of alternative dispute resolution;
 - (b) A date for completion of the arbitration process or other form of alternative dispute resolution process if the case has been referred to such a process;
 - (c) Whether all parties necessary to the disposition of the case have been served or have appeared;
 - (d) The dismissal or severance of parties not served or not appearing in the action;
 - (e) The names and addresses of the attorneys who will try the case;
 - (f) The date, time, and place for a mandatory settlement conference;
 - (g) The date, time, and place for a final case management conference before trial if such a conference is required by the court or the judge assigned to the case;
 - (h) The date, time, and place of any further case management conferences or review; and
 - (i) Any additional orders that may be appropriate.
- (10) **Case management order controls.** The order issued after the case management conference or review controls the subsequent course of the action or proceeding unless it is modified by a subsequent order.

10.7 Further Case Management Conference.

After the first case management conference, the court will normally set one or a series of further case management conferences, for each of which the parties have the same duties as with the first (service and filing of a case management statement and appearance of the party or trial counsel). The parties will be expected to have completed the discovery identified in the order from the first case management conference within the time limits set for the same in the order.

10.8 At-Issue Memorandum Abolished.

No At-Issue Memorandum shall be filed by the clerk of the court in any case subject to this rule. Requests for trial shall be made on the case management statement together with request for court reporter services.

10.9 Responsibility of Case Management Judge.

The responsibility of the case management judge is to achieve a just and effective processing of each subject case through active management and supervision of the pace of litigation from the date of filing to disposition.

Rule 11. Unlawful Detainers

11.1 FILING OF COMPLAINT

- (a) At the time of the filing of the original complaint the plaintiff will be notified that an OSC re: Dismissal will be issued in 45 days if the case has not been adjudicated or a request to Set Case for Trial -Unlawful Detainer (Judicial Counsel of California Form UD-150) has not been filed, or Stipulation for Entry of Judgment (Judicial Counsel of California Form UD-115) has not been filed, or conditional settlement has not been filed.

11.2 SERVICE OF SUMMONS AND COMPLAINT.

- (a) Proof of Service of the Summons and Complaint must be filed within 30 days of the filing of the original complaint.
- (b) Any proposal for an order for service by publication, or posting, presented to the court shall contain the date by which such service will be completed.

11.3 REQUEST TO SET CASE FOR TRIAL

- (a) A Request to Set Case for Trial- Unlawful Detainer (Judicial Counsel of California Form UD-150) shall be filed within 45 days of the filing of the original complaint.
- (b) Should a Request to Set Case for Trial not be filed within the time specified in Local Rule 11.1, and Order to Show Cause shall issue.
- (c) Trial Date shall be assigned under the direction of the judge assigned to the civil division.

11.4 DEMAND FOR JURY TRIAL

- (a) A party desiring a jury trial, shall after issue is joined, make demand at the time of filing the Request to Set Case for Trial-Unlawful Detainer, or by written demand within five (5) days following the filing of the Answer or of the expiration of time in which an Answer may be filed.
- (b) Jury fees must be deposited with the Clerk's Office at least five (5) days prior to the date of trial. Failing to timely file jury fees will result in waiver of jury trial.

11.5 DUTIES OF PARTIES

- (a)** Pursuant to California Rules of Court, rule 3.1385, whenever a case has been settled, the attorneys or parties shall immediately notify the court thereof. Failure to do so will be deemed an interference with the proceeding of the court and may result in that attorney or party being ordered to show cause as to why counsel/party should not be held in contempt or subject to other sanctions.
- (b)** Plaintiff shall file with the court a dismissal, stipulated judgment or conditional settlement with the court pursuant to California Rules of Court 3.1385. Failure to do so shall result in dismissal, unless good cause shown.

11.6 TRIAL RULES

- (a)** At least five (5) days prior to the start of trial, both parties shall file and exchange the following Trial Documents:
 - (1)** List of witnesses intended to be called at trial.
 - (2)** List of exhibits anticipated to be produced at trial.
 - 1.** Each exhibit shall be pre-marked for identification. Plaintiff shall designate each exhibit numerically ("Plaintiff's Exhibit 1" etc.). Defendant shall designate each exhibit alphanumerically ("Defendant's Exhibit A" etc.).
 - (3)** Each party shall prepare a brief statement of the case summarizing their respective positions and relief requested.
 - (4)** Any pre-trial evidentiary or in limine motions supported by brief points and authorities.
 - (5)** For Jury Trials Only: All requested and relevant proposed jury instructions in the following format:
 - 1.** Each set of proposed jury instructions bound loosely.
 - 2.** Each proposed instruction on a separate page or pages.

3. Include the instruction number and title of the instruction at the top of the page and be prepared without any blank lines or unused bracketed portions.

11.7 DEFAULT PROCEDURE

- (a) Should Defendant fail to file an Answer or otherwise appropriate pleading within the time limit to file such responsive pleading, Plaintiff may then proceed with a default.
- (b) Plaintiff shall file and serve the mandatory Judicial Council of California form CV-100 Request for Entry of Default.
- (c) Plaintiff shall file Judgment and a declaration in support thereof. Plaintiff may use Judicial Council of California form UD-110 Judgment, and/or UD-116 Declaration for Default Judgment, which have been adopted for optional use.

RULE 12. MISCELLANEOUS

12.1 GUARDIANSHIP INVESTIGATIONS

Upon the filing of a petition for guardianship, the Court shall order the appropriate level of guardianship investigation. Petitioner shall be required to pay for the guardianship investigation at a cost determined by the court, unless there has been approval of a fee waiver.

12.2 RESERVED

12.3 BIAS INFORMAL COMPLAINT POLICY

This policy is intended to preserve the integrity and impartiality of the judicial system, the Court shall:

- (a) Ensure fairness. Ensure that courtroom proceedings are conducted in a manner that is fair and impartial to all of the participants.
- (b) Refrain from and prohibit biased conduct. In all courtroom proceedings, refrain from engaging in conduct and prohibit others from engaging in conduct that exhibits bias based on race, religion, ethnicity, national origin, socioeconomic status, disability, age, gender, or sexual orientation, including whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants.

Notice of Concern Process. If an individual has a concern about compliance with the mandates set forth in this policy by the Court or by any courtroom participant, then:

- (a) The individual may submit a written Notice of Concern to the Presiding Judge or Court Executive Officer, which identifies all courtroom participants and the specific behavior or conduct occurring in the courtroom of concern;
- (a) The intent of the Notice of Concern procedure is to educate all parties with the purpose of ameliorating the concern rather than disciplining the person who is the subject of the notice;
- (b) To the extent possible and unless disclosure is required by law, the Court shall protect the confidentiality of the noticing party, the person who is the subject of the notice, and other interested persons;

(c) The focus of this Local Rule is on incidents of concern:

- (1) Bias based on race, religion ethnicity, national origin, socioeconomic status, disability, age, gender, or sexual orientation;
- (2) Whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants; and
- (3) Where the incident does not warrant discipline but requires education and correction.

(d) Courtroom activities constituting legitimate advocacy when matters of race, religion, ethnicity, national origin, socioeconomic status, disability, age, gender or sexual orientation which are relevant to issues in the courtroom proceeding are exempt from this Notice of Concern procedure.

Formal Complaint Process

1. With respect to any incident that if substantiated would warrant discipline against a judge, the concerned individual may file a formal complaint with the Commission on Judicial Performance;
2. Nothing in this procedure in any way shall limit the ability of any person to submit a formal complaint of misconduct regarding any courtroom participant to the Commission on Judicial Performance or the appropriate disciplinary body.
3. A formal complaint about a courtroom participant should be sent as follows:

Superior Court of California, County of Plumas

- A Superior Court Judge
- To: The Commission on Judicial Performance (CJP)
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102
Website: https://cjp.ca.gov/file_a_complaint
- A Superior Court Commissioner or Court Executive Officer:
- To: Presiding Judge Plumas Superior Court
520 Main Street, Rm 104
Quincy, CA 95971
- A Member of Court Staff or Court Contractor TO:
- To: Court Executive Officer Plumas Superior Court
520 Main Street, Rm 104
Quincy, California 95971
- An Attorney
- To: State Bar of California
100 Howard Street
San Francisco, California 94105
Website: www.calbar.ca.gov/Public/Complaints-Claims
- A Courtroom Bailiff
- To: Plumas County Sheriff's Office
1400 E. Main Street
Quincy, California 95971

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APPENDIX "A"

Plumas County Superior Court

Superior Court of California

Certification of Attorney Competency
(Juvenile Dependency Proceeding)

I, _____,
Attorney's Name Office Address Telephone Number

am an attorney licensed to practice in the State of California. My State Bar
Number is _____.

I hereby certify that I meet the minimum standards for practice before a Juvenile
Court set forth in California Rules of Court, Rule 1438, and PCR 7.3, and that I
have completed the minimum requirements for training, education and/or
experience as set forth below.

Training and Education:

<u>Course Title</u>	<u>Date Completed</u>	<u>Hours</u>	<u>Provider</u>
---------------------	-----------------------	--------------	-----------------

Summary of Juvenile Dependency Experience:

Date: _____

Signature

APPROVED

Date: _____

Superior Court Judge

APPENDIX “B”

APPELLATE DIVISION

LOCAL RULES

A. SESSIONS.

The Appellate Division will convene at times and places designated by the Presiding Judge of the Appellate Division.

B. JUDGE.

The Presiding Judge of each participating court or their designee shall act as the Appellate Division Presiding Judge, rotating every two years, commencing January 1, 2020, in the following order by court: Modoc, Sierra, Lassen, and Plumas. The Presiding Judge of the Appellate Division shall oversee the processing of appeals, appoint the panel judge(s) as may be required to hear the case assigned, designate the presiding judge of each panel and act upon routine matters, applications, and motions before the court.

C. BRIEFS.

All briefs filed with the Appellate Division must be bound on the top, with covers in colors as designated by California Rules of Court, rule 8.40(a). Copies are not required to be submitted because briefs are submitted to the appellate panel judges electronically, eliminating the need for additional copies. Briefs that are filed by fax filing or electronically filed are not required to be bound or to have covers in the colors designated by California Rules of Court, rule 8.40(a).

D. MOTIONS.

All motions, including ex parte applications for orders in a case where there has not been an appointment of a hearing panel and presiding judge thereof, shall be presented to the presiding judge of the Appellate Division. In cases where a panel designation has been made, they shall be presented to the presiding judge of the panel. Any such presiding judge may act on routine matters or may schedule a motion for hearing before the panel at their discretion.

E. MOTIONS FOR AUGMENTATION AND CORRECTION OF THE RECORD; MOTIONS FOR ADDITIONS TO THE RECORD.

All motions for augmentation and correction of the record pursuant to California Rules of Court, rule 8.841, and motions for the addition of omitted portions of the record pursuant to rule 8.841, shall set forth the facts showing: 1) good cause why the materials have not been included in the record on appeal; and 2) any previous motions for augmentation or additions to the record granted or denied to any party after filing of the notice of appeal. All such motions shall specifically identify each paper, record, or exhibit that is being requested and/or specifically identify, by subject, date, and department what portion of the proceedings before the trial court is being requested to be transcribed.

F. COURT REPORTER.

The sessions of the Appellate Division shall not be reported by a court reporter unless a party so requests at least one week prior to the date set for the hearing.

G. WAIVER OF COURT FEES AND COSTS

Applications for a waiver of fees and costs shall be made pursuant to California Rules of Court, rule 8.818.

H. APPOINTED COUNSEL IN MISDEMEANOR APPEALS.

Right to counsel. A Defendant appealing a misdemeanor conviction, who was represented by appointed counsel at trial, or who has otherwise met the criteria to be represented by appointed counsel, is entitled to appointed counsel on appeal.

Applications for appointed counsel. A party who meets the criteria may apply for appointment of counsel either in the trial court or in the Appellate Division pursuant to California Rules of Court, rule 8.851. Applications filed in the Appellate Division are decided by the presiding judge without a hearing.

List of attorneys. Appointments are made by the Appellate Division from the list of attorneys maintained by the Appellate Division.

I. ELECTRONIC FILINGS.

Electronic filings will be accepted in the Appellate Division during normal business hours.

A party may submit documents electronically to the Appellate Division for filing. Each document transmitted electronically for filing shall contain the phrase "Electronically Submitted" immediately below the title of the document.

A party who files a signed document electronically represents that the original signed document is in his or her possession or control.

At any time after filing a signed electronically filed document, any other party may serve a demand for production for the original physically signed document. The demand shall be served on all other parties but not be filed with the court.

If a demand for production of the original signed document is made, the parties shall arrange a meeting at which time and place examination of the original signed document will take place.

Notwithstanding any provision of law to the contrary, a signature produced by electronic transmission is an original.

Electronic filings shall be sent to appeals@plumas.courts.ca.gov unless instructed otherwise by a clerk of the Appellate Division.

Electronic filings shall be accompanied by a cover sheet with the following information:

TO: Appellate Division of the Superior Court
520 Main Street., RM 104
Quincy, CA 95971
Telephone Number: 530-283-6232
Email Address: appeals@plumas.courts.ca.gov

NAME, ADDRESS, TELEPHONE NUMBER & EMAIL ADDRESS
OF PARTY MAKING FILING
DATE SUBMITTED
DOCUMENT SUBMITTED
TOTAL NUMBER OF PAGES

Electronically submitted documents will be printed and the filed documents will be placed in the case file.

If a technical problem with respect to a court's electronic filing system precludes the court from receiving electronically submitted documents during its regular filing hours on a particular court day, the electronic filer may apply to the designated panel presiding judge for that case for an order deeming the electronically submitted documents received nunc pro tunc as of the day of the attempted filing.

J. ORAL ARGUMENT APPEARANCES BY VIDEOCONFERENCE.

Whenever hearings for oral argument on appeal have been set, upon request by any party or on their own motion, the presiding judge of the panel may permit appearances of any of the parties and any or all the judges assigned to the panel to appear by videoconference, provided all the following conditions are met:

Notice of the time and place of the oral argument will be given to all parties;

The parties will present oral argument in the venue where the underlying case being appealed was heard;

Each of the judges assigned to the panel shall participate in person or by videoconference during the entire oral argument hearing;

The oral argument hearings shall be open to the public in the venue where the place of the oral argument is being heard and in each other venue where one of the judges assigned to the panel is participating by videoconference equipment; and

Notice shall be given to all parties of the location where each participating panel judge will be located while participating in the oral argument hearing.

K. ELECTRONIC RECORDING.

Electronic Recording Pursuant to California Rules of Court rule 8.837(d)(6)(A), 8.869(d)(6)(A), or 8.916(d)(6)(A). A judicial officer may order that the original of an official electronic recording of the court proceedings, or a copy made by the court, be transmitted to the Appellate Division as the record of oral proceedings in a limited civil, misdemeanor or infraction case without being transcribed and in lieu of correcting appellant's proposed statement on appeal. Such order may be made when the judicial officer determines that this procedure would save court time and resources.

This rule shall apply only if the appellant elects a statement on appeal as the record of oral proceedings pursuant to California Rules of Court rule 8.831(b)(4), 8.864(a)(3) or 8.915(a).

L. OTHER APPELLATE RULES.

Except as modified by the Appellate Division Local Rules herein, the California Rules of Court (commencing with rule 8.800 et seq.) apply to the Appellate Division. Any applications involving matters pending before the Appellate Division shall be presented to the designated presiding judge of the assigned panel for the case involved. In the absence of such designation or unavailability of the respective assigned panel presiding judge, such applications shall be presented to the Presiding Judge of the Appellate Division.

(Effective 7/1/24)