

Superior Court of California, County of Plumas

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLUMAS**



**LOCAL RULES OF COURT Effective January 1, 2027
(Proposed)**

**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 § 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 §§ 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 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, litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the Superior Court.
- (b) All persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. Counsel shall instruct parties they represent, witnesses they call and persons accompanying them. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: shorts, tank tops, or any clothing that displays inappropriate words or pictures.
- (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:

The Court provides for remote appearances as listed below. Current provider information and participation instructions are available on the Court's website at www.plumas.courts.ca.gov in the "Online Services > Remote Appearances" section.

1. In Civil matters, including Family Law and Probate.
 - (a) The Court authorizes Remote appearances for parties and attorneys in all on-evidentiary Civil, Probate and Family Law matters including Case Management Conferences and Law & Motion matters. A *Notice of Remote Appearance* (RA-010) form is not required. In-person appearance is required for Jury Trials, Settlement Conferences, Court Trials, and Evidentiary Hearings unless a remote appearance has been approved by the Court.
 - (b) To request a remote appearance via video, parties must file and serve a *Notice of Remote Appearance* (RA-010) form at least five court days before the hearing.
 - (c) Parties must also file a proposed *Order Regarding Remote Appearance* (RA-020) form with the Court along with (RA-010).
 - (d) In response to a notice of remote appearance, a party may file and serve an *Opposition to Remote Proceeding at Evidentiary Hearing or Trial* (RA-015) form at least two court days before the proceeding.
2. In Criminal matters, including Traffic:
 - (a) The Court may authorize remote appearance as described in Local Rule 5.9.
3. In Juvenile Dependency and Juvenile Justice matters:
 - (a) The Court may authorize remote appearances for non-Evidentiary Hearings, where testimony is taken. Counsel must include a statement that they have met and conferred with their client prior to the hearing and the client has been notified of the attorney's remote appearance. Parties must file and serve the *Request to Appear Remotely* – (RA-025) form prior to the start of the hearing.
 - (b) Parties must also file a proposed *Order Regarding Remote Appearance* (RA-020) along with the (RA-025).
 - (c) In response to a request for remote appearance by video, a party may file and serve a *Request to Compel Physical Presence* –

Juvenile Dependency (RA-030) form two (2) court days before the proceeding.

4. Restraining Order Matters

(a) The Protected Party or Party seeking Protective Status in any of the following matters shall be granted remote appearance upon Request.

1. D.V.P.A Domestic Violence Protection Act (FC 6200).
2. Elder Abuse & Dependent Act (WIC 15657.03).
3. Civil Harassment & Workplace Violence (CCP 527.6/527.8).
4. School Violence CCP 523.65
5. Gun Violence PC 18100

(Effective 7/1/08, Amended 7/1/09, 7/1/26, 1/1/27)

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 2.956 and Government Code 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 § 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 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, family law, criminal and juvenile 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, 1/1/27)

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) CRC 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 Rule of Court 10.603(e)(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 10.603 are specifically excluded from this definition.

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

1.13 Photographing, recording, and Broadcasting in Courthouse Facilities

The procedures set forth herein have been developed for the protection and privacy of all, and to ensure the secure and efficient handling of judicial proceedings and business in the Superior Court, County of Plumas. No photographing, recording, or broadcasting is permitted at any courthouse facility except as provided in California Rules of Court, rule 1.150 and this local rule.

(a) Definitions

- (1)** Courthouse facility means all court building and associated real property.
- (2)** Photographing, recording and broadcasting are specifically defined in California Rules of Court, rule 1.150(b), and those definitions apply to this rule. Device means device capable of photographing, recording and broadcasting.
- (3)** “Media” or “media agency” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.
- (4)** “Media coverage” means any photographing, recording, or broadcasting by Media of court proceedings, and photographing or visually recording the interior of a courtroom or persons as they enter and exit the courtroom.

- (b)** A member of the public, who is not Media, who seeks to photograph, record in a courthouse facility must request and receive prior written permission by submitting a completed request form to the Public Information Officer/Court Executive Office in a timely manner.

- (c) Upon submission of a public request form, the Public Information Officer/Court Executive Officer will present the request to the Presiding Judge and will promptly communicate any decision or orders by the judge to the requesting party.
- (d) Media or media agency, seeking to perform Media coverage, must strictly comply with California Rules of Court, rule 1.150(e), including the timely filing of a fully completed Judicial Council form MC-500 Media Request to Photograph, record, or Broadcast, accompanied by a form MC-510 Order on Media Request to Permit Coverage.
- (e) Media or media agency that intends to photograph, visually record, or broadcast from the interior of a Courthouse facility, other than Media coverage, must notify the Public Information Officer/Court Executive Officer describing the intended activity no less than 24 hours in advance of the intended activity. Such activities shall not be conducted in a manner that disrupts or interferes with a court proceeding, obstructs free travel in a public hallway or area, or otherwise impedes the Court's business or personnel. The Presiding Judge, and their delegates, reserve the authority and discretion to restrict or prohibit photographing, recording, or broadcasting from the interior of a Courthouse facility, subject to a judge's specific order permitting Media coverage within that judge's courtroom pursuant to California Rules of Court, rule 1.150.
- (f) Violation of this rule, or related order of this court, may result in seizure of the violator's device, and an order to destroy all prohibited recordings or photographs. Violations may also result in contempt proceedings and resulting in punishment.

(Effective 1/1/27)

1.14 Drop Box

A depository box is available to file documents with the court on Friday afternoons from 3:00 p.m. to 5:00 p.m. only. The Superior Court Clerk's Office filing window shall be open to receive documents for filing during all remaining business hours (8:00 a.m. – 5:00 p.m. Monday through Thursday and 8:00 a.m. to 3:00 p.m. on Fridays).

(Effective 1/1/27)

1.15 Use of Artificial Intelligence (A.I.)

- (a) When using technology, including artificial intelligence, counsel shall independently review, verify, and exercise professional judgment regarding any output generated by the technology that is used in connection with representing a client. Further, counsel is required to independently verify the accuracy and existence of cited authorities, including those generated or assisted by artificial intelligence or other technological tools.
- (b) When using technology, including artificial intelligence, self-represented litigants shall independently review, verify, and exercise professional judgment regarding any output generated by the technology that is used in their matter before the court. Further, all self-represented litigants are required to independently verify the accuracy and existence of cited authorities, including those generated or assisted by artificial intelligence or other technological tools.
- (c) If any counsel, party, person or entity fails to comply with this rule, the court on motion of a party or its own motion may strike all or any part of the offending pleading, or dismiss the action or proceeding or any part thereof, or enter judgment against that party, or impose other penalties including ordering that the offending party pay reasonable court costs and attorney fees, to the court or the other party, or impose any other penalty as provided by law.

(Effective 1/1/27)

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 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 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 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 3.1300 of the California Rules of Court and Civil Code of Procedures § 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 2 p.m.; if no one is appearing remotely, the conference will be scheduled for 1:30 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 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 through 3.1207.

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

- (1)** A party seeking an ex parte order must notify all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent showing of exceptional circumstances that justify a shorter time for notice.
- (2)** That 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)** That, for reasons specified, the party should not be required to inform the opposing party or the opposing party's counsel.

(Effective 1/7/03, Amended 1/1/27)

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 Procedures 437c and 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)

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 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 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 Clerk's office maintains an ADR resource file with the names, curriculum vitae and charges of local mediators and arbitrators as well as other ADR material.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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) Remote appearance will not be permitted 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 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, 1/1/27)

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 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.

(13) 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

(13) 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.

Most motions *in limine* will be heard on the first day of trial. 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.

(13) 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.

(13) 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.

(13) 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.

Most motions *in limine* will be heard on the first day of trial. 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 1 to 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, Amended 1/1/27)

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.

Except for motions brought pursuant to Penal Code section 1538.5 and set for hearing at a felony preliminary examination, a party who has not timely filed and served written opposition to a motion may be precluded from oral argument absent a showing of good cause.

(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.

(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 1054 et seq. There shall be a standing order in each criminal action requiring all parties and their attorneys to comply with Penal Code 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 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.

(13) 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©(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)

5.8 Withdrawal as Attorney of Record

An attorney retained to represent a client in a criminal proceeding shall not withdraw from such representation except by order of the court either upon a timely motion or by the consent of the defendant.

(Effective 1/1/27)

5.9 Remote Proceedings – General Rules for All Remote Appearances

- (1) The court uses the Zoom application to conduct remote proceedings when approved and in compliance with Penal Code sections 977, 977.2. and 977.3.
- (2) Any party who wishes to appear remotely, consistent with Penal Code section 977, must receive advance approval from the judicial officer presiding over the hearing in which the remote appearance is being sought, unless the option or invitation to appear remotely without notice has been expressly provided by the court.
- (3) Unless this requirement is excused by the court, requests to appear remotely shall be emailed to the department no less than 5 court days prior to the hearing or must be requested in open court.
- (4) Participants must have audio/video capabilities without interruption. Viseo, if available, must be on for the entire proceeding unless otherwise instructed by the court.
- (5) If, during a remote appearance, a party encounters technological or audibility issues that prevent the party from fully participating in the proceeding or inhibit the party's ability to hear other participants, the party shall immediately contact the clerk.
- (6) Any party who does not receive approval to appear remotely must appear physically for the hearing, unless the option or invitation to appear remotely without notice has been expressly provided by the court.
- (7) Recording/Photographing Reproduction: Any video recording, audio recording, photographing, taking screenshots, and/or reproducing of the proceeding is strictly prohibited. The recording, publishing, broadcasting, or other copying or transmission of courtroom proceedings by video, audio, still photography, or any other means is strictly prohibited and is subject to penalties for contempt of court.
- (8) Remote appearances outlined in Penal Code section 977.2 are excluded from the above rules 2, 3, and 6.

(Effective 1/1/27)

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 Superior Court 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)

6.4 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)

6.5 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 may 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 and Local Rule 1.8.

(Effective 1/1/11, Amended 1/1/27)

6.6 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)

6.7 MEDIATION

(a) Scheduling of Mediation. Any Initial 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.

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 may be received into evidence 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, 1/1/27)

6.8 CUSTODY EVALUATION

If a custody evaluation is ordered by the court, the Clerk will inform Plumas Family Court Services for assignment of a child custody evaluator. 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 from Plumas Family Court Services. 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)

6.9 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)

6.10 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)

6.11 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 4330 by demonstrating progress toward becoming self-sufficient.

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

6.12 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)

6.13 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)

6.14 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)

6.15 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)

6.16 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)

6.17 DEFAULT OR UNCONTESTED JUDGMENTS

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

No award of child support, spousal support or attorney's 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:

- 1) 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.
- 2) 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.

- 3) 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)

6.18 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)

6.19 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)

6.20 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)

6.21 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 10000 et seq.

(Effective. 1/1/11)

6.22 FAMILY LAW FACILITATOR COMPLAINT PROCESS

Complaints concerning the Family Law Facilitator should be submitted to the Presiding Judge 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)

6.23 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)

6.24 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© 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 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, Amended 1/1/27)

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 CRC 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 declaration of dependency. (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)

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 (c) 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.

(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 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 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 Counsel 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 Counsel of California form UD-110 Judgment, and/or UD-116 Declaration for Default Judgment, which have been adopted for optional use.

11.8 Ex Parte Orders

(a) Time of Notice

A party seeking an ex parte order must notify all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice.

(b) Time of notice in unlawful detainer proceedings

A party seeking an ex parte order in a unlawful detainer proceeding may provide shorter notice than required under (a) provided that the notice is reasonable.

(Effective 1/1/27)

11.9 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, previously Rule 2.13 amended 1/1/27)

RULE 12. PROBATE

12.1 PREPARING FOR HEARING

(a) All pleadings shall be filed and served in accordance to time stated in Probate Code & Civil Code of Procedure. Pleadings not timely filed and served may be disregarded.

(b) All amendments, supplements and documents pertaining to calendared probate matters shall be filed no later than five (5) court days prior to the scheduled date.

(c) Tentative Rulings on non-confidential matters shall be posted per Local Rule 2.7.

- (d) Application of this rule is optional in the case of a Petition for Appointment of a Guardian of a Person.

(Effective 1/1/27)

12.2 PROBATE LAW AND MOTION CALENDAR

- (a) All motions in Probate shall be set on the Probate Law & Motion calendar.
- (b) Matters set on the Probate Law & Motion calendar will be subject to these Local Rules.
- (c) Parties filing matters that are set on the Probate Law & Motion calendar shall follow all procedures contained in Rule 2 – 8.
- (d) This rule does not apply to Probate ex parte applications.

(Effective 1/1/27)

12.3 PREPARATION OF NOTICES

- (a) All notices required to be published (except the notice required by Probate Code section 8120) shall be captioned with the words “Notice of hearing” followed by the general nature of the petition.
- (b) When a clerk’s posted notice is required, a completed Notice of Hearing (Judicial Council forms DE-120, GC-020 or GC-020(c)) together with all necessary copies shall be presented concurrently with the petition.

(Effective 1/1/27)

12.4 IDENTIFY PERSONS TO RECEIVE NOTICE

In all petitions, the names and addresses of the persons entitled to notice shall be set forth along with the status entitling the person to notice (e.g., “heir”, “beneficiary,” or “filed request for special notice”).

(Effective 1/1/27)

12.5 PROBATE HEARING; CONTINUANCES IN PROBATE MATTERS OTHER THAN CONSERVATORSHIP AND GUARDIANSHIP; PROCEDURE FOR RESETTING A MATTER FOR HEARING

- (a) A party seeking a continuance of the date set for hearing or trial, if contested, must make a request for a continuance by noticed motion or an ex parte application with supporting declaration. The party must

make the motion or application as soon as reasonably practical once the necessity for the continuance is discovered.

- (b) Continuances requested by the party or attorney of record may be granted upon showing of good cause. Continuances by stipulation are subject to approval of the Probate Judge.

(Effective 1/1/27)

12.6 REMOTE PROCEEDINGS

The court uses the Zoom application to conduct remote proceedings. Instructions for using Zoom to participate in proceedings can be found on the court's website.

(Effective 1/1/27)

12.7 RESPONSE OR OBJECTION TO CALENDARED MATTERS

- (a) A response or objection to a petition for affirmative relief may be filed at or before the hearing, pursuant to Probate Code section 1043. The court may determine any response or objection at the time of the hearing, may take the matter under submission, or continue the matter to consider and determine an objection or response.
- (b) A request for affirmative relief, other than a request for surcharge on an account, shall not be included in an objection to matters on calendar and shall not be considered except upon filing a separate petition, calendared for hearing and noticed as required by law.

(Effective 1/1/27)

12.8 SETTLEMENT CONFERENCE

- (a) At the request of a party, the party may set a settlement conference. Subject to the following rules.
 - 1) File and serve on all parties a trial statement settling forth each issue in dispute, and the legal and factual basis in support of the party's contention as to each disputed issue.
 - 2) File and serve all motions in limine and other pretrial motions.
 - 3) File written confirmation that each of the objecting parties has exchanged copies of all exhibits which may be offered in evidence, except that will be used for rebuttal of impeachment.

- 4) File written list of witness list of witnesses intended to be called at Trial.

(Effective 1/1/27)

12.9 FORMAL ORDERS

The proposed formal order for a noticed hearing shall be presented to the Probate Court five court days prior to the hearing.

(Effective 1/1/27)

12.10 NOTICE REQUIREMENT ON COURT APPOINTED ATTORNEY FEE PETITION

An attorney appointed by the court pursuant to Probate Code section 1470 and section 1471 shall request payment compensation and expenses by filing a Motion for Attorney Fees. If the Motion raises issues that the party is financially unable to pay all or a portion of the costs of counsel as fixed by the court, the Notice of Motion shall be served on the County of Plumas.

(Effective 1/1/27)

12.11 EX PARTE PETITION FOR FINAL DISCHARGE

Petitions shall include filed endorsed copies of all proper receipts.

(Effective 1/1/27)

12.12 EX PARTE APPLICATION

- (a) Ex Parte applications are governed by California Rule of Court. Rules 3.1200 and 7.1062. A judge will only grant ex parte relief if the party requesting it shows a risk of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte as set forth in California Rule of Court, rule 3.1202(c).

- (b) Requirements of the Moving Party

- 1) Notice and service to opposing/interested party(ies).

The moving party must:

- a. Serve the opposing/interested party(ies) with a copy of the ex parte application. The application may be served personally, by fax, by electronic means if permitted, or by overnight mail or other overnight carrier.
- b. Notify opposing/interested party no later than 10:00 a.m. the court day before the moving party wants the matter to be considered by the court, as states in California Rules of Court, rule 3.1203(a).

2) Completed Proof of Service

The moving party must submit a completed proof of service to the court prior to the scheduled ex parte hearing date.

3) Request to Waive Notice.

A party may ask the court to waive notice to all parties and their attorneys of the request for emergency orders. To make the request, the party must file a written declaration signed under penalty of perjury that includes facts showing good cause not to give notice, as explained in California Rules of Court, rule 3.1204(b)(3).

4) The moving party must submit to the court the proposed order.
(Effective 1/1/27)

PART TWO. GUARDIANSHIP

12.13 APPOINTMENT OF GUARDIAN OF MINOR

- (a)** Petitions for guardianship shall contain an allegation as to whether or not the minor(s) has been or is a party to a civil action in which monetary damages are claimed. If the minor(s) is such a party, the file number of the action shall be indicated, as well as the name of the court in which the case is pending (Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (Judicial Council Form FI-105).
- (b)** Children with a common parent shall be included in the same petition. Otherwise, separate petitions and case numbers shall be required.

(Effective 1/1/27)

Part Three. DECEDENT'S ESTATE

12.14 PRESENTING WILLS FOR LODGING OR ADMITTANCE

All Wills presented to Probate shall include the unaltered, signed original Will and one copy for the court. If the person for whom the Will is being submitted is deceased, proof of death is required at the time the Will is presented. Proof of death shall be in the form of a death certificate, an obituary or a declaration indicating the date of death.

(Effective 1/1/27)

12.15 ADMISSION OF WILL OR CODICIL CONTAINING DELETIONS AND/OR INTERLINEATIONS

A petition for probate of a Will and or/Codicil which includes deletions and/or interlineations shall include a request for determination of the validity of said deletions and/or interlineations and include any documentary evidence in support of the petitioner's position.

In addition to mailing a Notice of Petition to Administer the Estate, the petitioner shall cause notice by mail of a copy of the petition and all supporting documents at least 15 days prior to the hearing to all persons requiring notice pursuant to Probate Code section 8110 and to all persons affected by the deletions and or/interlineations.

(Effective 1/1/27)

12.16 SPECIAL LETTERS, NOTICE, AND APPOINTMENT

- (a)** A petition for special letters of administration shall be presented separately from and not included in a petition for general letters.
- (b)** Neither general powers nor IAEA authority can be given to a special administrator, except at a hearing for which notice has been mailed and published as provided in Probate Code section 8545.
- (c)** If the petition for special administrator requests authority to defend suits or negotiate claims against the estate, then the petition shall pray for general powers, unless good cause is stated why notice to creditors pursuant to Probate Code Section 9050 will not be necessary.

(Effective 1/1/27)

12.17 REQUIREMENTS FOR GIVING NOTICE OF PROBATE WILL

The notice of hearing of a petition of Will is sufficient notice respecting all instruments which are offered for probate in the petition for which notice of hearing is given. If any other instruments. E.g., alleged Wills or codicils not mentioned in the petition, are presented to the court by way of an amended petition, a second amended petition, or otherwise, a new notice thereon must be given setting a date of hearing not earlier than the date set in the original notice.

(Effective 1/1/27)

12.18 INDEPENDENT ADMINISTRATION OF ESTATES

In addition to the requirements of California Rules of Court, rule 7.250, the Notice of Proposed Action with proof of service, and any objections, consent and waiver, shall be filed with the court.

(Effective 1/1/27)

12.19 WAIVER OF BOND

Personal representatives who are not California residents will be required to post bond unless (1) bond is waived by the beneficiaries or (2) bond is waived in the Will and it appears from the face of the Will that the testator was aware at the time that the nominee did not reside in California.

(Effective 1/1/27)

12.20 MULTIPLE REPRESENTATIVES

When multiple representatives are appointed by the court, letters will not be issued unless each representative has complied with Probate Code section 8403 and section 8404.

(Effective 1/1/27)

12.21 NOTICE OF ADMINISTRATION TO CREDITORS

If notice of Administration of Estate is mailed to creditors, the original notice and proof of service shall be filed with the court.

(Effective 1/1/27)

12.22 PETITIONS FOR FAMILY ALLOWANCE

A petition seeking an allowance shall set forth the income from sources outside the estate available to the person for whom the allowance is sought, as well as an itemization of that person's separate property and monthly expenses. If the petition is not filed by the personal

representative, prior to the hearing on the petition, the personal representative shall file a declaration setting forth the current assets and liabilities of the estate.

(Effective 1/1/27)

12.23 CHARACTER OF PROPERTY AND TRANSMUTATION IN SUMMARY PROCEEDINGS

In any summary proceedings under Probate Code section 13150, section 13200, or section 13650 where the court is to consider or determine the character of property as community or separate, the petition shall set forth the form of record title and character of ownership at all relevant times. If there is an alleged trans mutation of ownership interests based on a written document, a copy of the document shall be filed with the petition.

(Effective 1/1/27)

12.24 EVIDENCE OF RECORD TITLE IN PROCEEDINGS UNDER PROBATE CODE SECTION 850 ET SEQ. AND SECTIONS 17200 ET SEQ

In a proceeding to determine ownership of property under Probate Code section 850 et seq. or section 17200 et seq., the petition shall set forth the form of record title and character of ownership at all relevant times. If the form of record title is based on a written document, a copy of the document shall be filed with the petition.

(Effective 1/1/27)

12.25 PETITION FOR FINAL DISTRIBUTION

(a) Petitions for final distribution shall include a report of the following:

- 1)** The character of all assets as separate or community where there is a surviving spouse;
- 2)** All capital transactions and other actions taken under the independent Administration of Estates Act, including the amounts of any gains or losses;
- 3)** Disclosure of liabilities and other matters necessary to show the condition of the estates (Probate Code section 10900);
- 4)** Declaration of compliance with Local Rules, rule 12.24 (Petition to include Proposed Declaration);

- 5) That no federal or California estate taxes are payable or that they have been paid;
 - 6) That income taxes and all other taxes (e.g., supplemental real property or personal property taxes, if any) have been paid or otherwise provided for;
 - 7) Whether the personal representative has complied with the provisions of Probate Code section 8800(d), concerning the change of ownership requirements of revenue & Taxation Code section 480.
- (b) If estate taxes are payable or paid: (1) the petition must set forth whether said taxes were prorated pursuant to Probate Code section 970/20100 et seq. or the provisions of the Will; and (2) the petition must reflect the whether or not there are non-probate includable in the gross estate for estate purposes.

(Effective 1/1/27)

12.26 PETITION TO INCLUDE PROPOSED DISTRIBUTION

- (a) Details of the proposed distribution shall be set forth either in the body of the petition or by attachment. Terms of the Will as to disposition of property and what is to be distributed under the laws of interstate succession shall be set forth. When the proposed distribution includes establishing a testamentary trust, the proposed terms shall be fully stated in the petition.
- (b) Where an issue concerning distribution is presented, the petition shall fully set forth that issue including apparent alternative resolutions for the court's consideration. Distribution issues include interpretation of the Will, validity of a testamentary trust or its provisions, issues of heirship or interstate succession. The caption and notice of hearing on the petition shall include notice to affected persons that an issue concerning distribution will be submitted for the court's determination.

(Effective 1/1/27)

12.27 APPORTIONMENT OF STATUTORY COMPENSATION

An allowance on account of statutory compensation will ordinarily not be granted until the judgment of final distribution for an attorney who withdraws or for a personal representative who resigns or is removed.

(Effective 1/1/27)

12.28 COMPENSATION FOR EXTRAORDINARY SERVICES

- (a) In addition to the requirements of California Rules of Court, rule 7.702, a petition for extraordinary services shall include the date each service is rendered.
- (b) In every case where the combined extraordinary commissions and extraordinary commissions and extraordinary attorney's fees exceed \$1,000, the heirs or residuary devisees shall be given notice of the amounts requested in the caption of the petition.

(Effective 1/1/27)

12.29 ACCOUNT FOR WITHHOLD

A supplemental account shall be presented if assets, in excess of \$5,000 are withheld from initial final distribution, unless the account has been waived.

(Effective 1/1/27)

12.30 CONSENT OF TESTAMENTARY TRUSTEE TO ACT

When distribution is to be made to a testamentary trustee, the consent of the of the trustee to act shall be filed prior to the hearing on the petition for distribution.

(Effective 1/1/27)

PART THREE. CONSERVATORSHIP, GUARDIANSHIP, DECEDENT AND TRUST ACCOUNTING

12.31 GENERAL COMPLIANCE WITH PROBATE CODE 1063(G) AND 1064(A)(B)

A petition for approval of an account shall include a report affirmatively addressing Probate Code section 1063(g) and section 1064(a) and (b).

(Effective 1/1/27)

12.32 GUARDIANSHIP ACCOUNTS

- (a) The first account shall be for a minimum period of nine months from date of appointment.

- (b) Where there are multiple wards or conservatees joined in a single guardianship or conservatorship proceeding, an account shall reflect a separate accounting for each of them.
- (c) Each account except a final account shall be accompanied by a report on the sufficiency of the bond, including (1) the total amount of bond currently posted; (2) which accounts are blocked and the balances thereof and (3) setting forth the annual income and assets subject to bonding as provided in Probate Code section 2322(c).
- (d) The financial institution account statement required by Probate Code section 2620(c) shall consist of the most current statement showing the balance as of the close of the account period.
- (e) The financial institution account statements shall be presented in the same sequence as the assets are listed in the schedule of property on hand. The petitioner shall in addition highlight the following information contained on each account statement.
 - 1) Name, address of account holder;
 - 2) The account or property description number;
 - 3) The account type or property description;
 - 4) The statement period;
 - 5) The reported balance at the close of the accounting period;
- (f) Petitioner shall file a reconciliation declaration when the reported balance on the financial institution account statement is not the same as stated in the schedule of property on hand. The declaration shall explain the reason for the discrepancy between the balances listed.

(Effective 1/1/27)

12.33 GUARDIANSHIP FINAL ACCOUNT AND REPORT

- (a) Waiver of a guardian's final account will be permitted for good cause.
- (b) Waiver of a guardian's account by a ward who has attained the age of majority will not be accepted unless the ward personally appears and confirms the waiver or a written waiver by the ward is filed which includes a complete list of assets to be distributed to the ward.

- (c) The final report and/or account shall include a description of the remaining assets on hand to distribute to the ward.

(Effective 1/1/27)

12.34 CONSERVATORSHIP FINAL ACCOUNT AND REPORT

- (a) If the conservatee is deceased, notice of hearing shall be given to the personal representative trustee of conservatee's Living Trust. If the conservator is also the personal representative of the deceased conservatee's estate or there is no personal representative of the deceased conservatee's heirs and devisees.
- (b) A final account shall be required on the termination of the conservatorship of an estate.

(Effective 1/1/27)

12.35 TRUST ACCOUNTINGS

- (a) A petition for approval of a trust accounting that includes disbursements for trustee fees or attorney fees shall include a declaration to support the payment of fees in the accounting. If "reasonable fees" are authorized by the trust or if compensation is paid based on Probate Code section 15681, the trustee shall set forth how the "reasonable fee" was calculated. Trustee fees which are provided in the Trust instrument subject to review and determination of the court shall set forth how the fees were calculated.

Requests for approval of fees shall comply with California Rules of Court, rule 7.776 and shall categorize service performed and the hourly rate, hours performed and amount of fees rendered for each category of services. Each request shall also include a statement of the total hours and total amount of fees incurred for the accounting period.

Trustee fees are based on fee schedules that are not in compliance with California Rules of Court, rule 7.776 will not be accepted by the court to support a request for fees.

Trustee compensation shall be presumed reasonable if the total compensation requested does not exceed one percent (1%) per annum of the fair market value of the assets at the end of the accounting period for all services rendered during the account period by Trustee and its affiliates that provide administrative and financial Trust Management services. If the total compensation requested

exceeds one percent (1%) per annum of the fair market value of the assets at the end of the accounting period, then the request must be supported by a detailed description of the services rendered, their necessity, benefit to the estate, expertise required, time expended, and hourly rate.

If the Trustee engages affiliates who at as investment advisors or financial advisors or financial managers, the Petition must disclose the affiliate, the affiliate's total compensation, and state how compensation was calculated.

(b) Trust accountings require the following:

- 1) A schedule for receipts and for disbursements shall be categorized into sub-schedules reflecting the particular income sources or payees from whom there are more than twelve entries per accounting period.
- 2) A schedule for disbursements shall contain a separate listing for all compensation paid to any fiduciary, attorney or accountant during the accounting period from trust assets.
- 3) Special Needs Trusts require notice of hearing on a petition for approval of an account of a special needs trust established pursuant to Probate Code section 3604 shall be provided to the Directors of the Department of State Health Services, Department of Developmental Services, and the Department of State Hospitals at the Sacramento office on a petition for approval of an account of a special needs trust established pursuant to Probate Code section 3604.

(Effective 1/1/27)

12.36 REPORT OF TRUSTEE

(a) A report shall accompany each account of a trustee and shall include the following:

- 1) A concise reference to the purpose of the trust and how they have been satisfied by the trustee during the period of the account.
- 2) A list of the beneficiaries (both present and future), the address, relationship to the trustor, whether they are a minor or an adult, and the beneficiary's age, if age is relevant.

- 3) A brief summary of distribution made to or for their benefit, as reflected in the account.
- 4) Investment objectives, and results with reference to the purpose of the trust, by setting forth a brief summary of the account measured in terms of the specific trust objectives and requirements.

(Effective 1/1/27)

RULE 13. JUVENILE JUSTICE

13.1 EX PARTE APPLICATION AND ORDER

- (a) Applications and supporting documents shall be submitted to the clerk of the court. An ex parte application that does not contain a statement concerning notice may be summarily denied. Ex parte applications shall set forth by affidavit or declaration the following:
 - 1) That within the time prescribed in subparagraph (2) below, the applicant has informed other interested parties when and where the application would be made; or
 - 2) That the applicant attempted to inform an interested party or the party's attorney but was unable to do so, specifying the efforts made to inform the party; or
 - 3) That for reasons specified, the applicant should not be required to inform the interested party or party's attorney.
- (b) An applicant for an ex parte order shall give a minimum of 24 hours' notice to interested parties, absent a showing of exceptional circumstances. Notice shall include a specific statement of the nature of the order sought. Notice of the ex parte application may be excused if the giving of such notice would frustrate the purpose of the order, or cause the minor or the public to suffer immediate and irreparable physical or emotional harm. Notice may also be excused if, following a good faith attempt, the giving of notice is not possible.

(Effective 1/1/27)

13.2 ACCESS TO COURTROOM BY NON-PARTIES

Unless otherwise provided by law or order of the court, non parties shall not be admitted.

- (a) Request by Party. A party who wishes to have a non-party admitted to the courtroom for any hearing must orally move the court for such admission prior to the hearing. If the motion is granted, the court shall admonish the non-party that the proceedings are confidential.

(Effective 1/1/27)

13.3 APPEARANCES AND CONTINUANCES

- (a) Juvenile Court Priority. Dates calendared for juvenile proceedings shall be regarded by counsel as priority appearances. Counsel appearing in other courts on the same date for which a juvenile case is set shall advise the other courts of the precedence of juvenile matters over other matters so that the juvenile matter may proceed as scheduled. No matter shall be continued except with approval of the juvenile court for good cause shown.

- (b) Continuance Motions. Motions for continuances shall be made as follows:

- 1) By oral motion in open court after prior notice to the opposing party; or
- 2) By submitting a stipulation and proposed order.

(Effective 1/1/27)

13.4 POST-DETENTION HEARING MODIFICATIONS

- (a) If the probation officer elects to initiate an evaluation of the suitability for conditional release and determines to recommend a modification to the court's prior order, specific notice of the probation officer's application must be served on the attorneys for each party prior to presentation of the proposed modification order to the judicial officer. The application to the judicial officer shall consist of a recitation of relevant facts and a recommendation that a conditional release should be granted. The court will process the request. After ruling, the court shall file a written minute order or modification order detailing the result of the request.

- (b) When serving a copy of the application and proposed modification order on the attorneys for both parties, the probation officer shall ascertain in writing whether each party (a) requests a hearing before the judicial officer, (b) objects to the proposed modification of custody status, but does not request a hearing, or (c) agrees with the proposed modification order without a hearing, and shall include that information from the attorneys in the application to the judicial officer.
- (c) Applications and proposed modification orders for conditional release from custody shall be presented to the judicial officer. If a hearing is requested, the court will schedule the matter on an expedited basis.

(Effective 1/1/27)

13.5 RESTITUTION DETERMINATION PROCEDURES

- (a) In any juvenile justice disposition where the Probation Department does not have sufficient information at the time of disposition to make a specific recommendation as to the amount of restitution to the victim that may be ordered, the following procedure will apply:
 - 1) The Probation Department shall investigate the matter and prepare a restitution recommendation report that addresses:
 - a. The value of stolen or damaged property;
 - b. Medical expenses;
 - c. Lost wages or profits due to injury;
 - d. Lost wages or profits due to time spent as a witness or assisting the police or District Attorney; and
 - e. The names of any co-responsible persons.
- (b) The restitution report shall be submitted to the court and both counsel no later than 30 days after the disposition hearing. Upon showing of good cause, the time for submission of the restitution report may be extended.
- (c) The documentation upon which the Probation Officer relies in making the restitution recommendation shall be forwarded with the recommendation report to the District Attorney and minor's counsel, but not the court.

(d) On the date set for the restitution hearing, the matter will be called on the record in the presence of counsel for both parties. No witnesses will be called.

1) If a party disputes the amount of restitution recommended by the Probation Department, a hearing will be set in the court which presided over the contested proceedings.

(e) If an oral or written request to modify the amount of restitution is made, the court will calendar the modification hearing.

1) The defense attorney shall notify the minor and their parent(s) of the scheduled date and time for the modification hearing. The minor and their parent/guardian must be present at any hearing where the modification motion seeks to increase the amount of restitution previously ordered.

2) The District Attorney's Office and/or Probation Officer shall notify the victim of the scheduled date and time for any modification hearing wherein the petition for modification is to decrease the amount of restitution previously ordered.

(Effective 1/1/27?)

13.6 RETURN HOME OF MINOR IN OUT OF HOME PLACEMENT

(a) Except as described below, after the court orders placement in a home or facility, the minor may not be permanently returned to the home of the minor's parent or guardian without prior approval of the court.

1) Home pass

a. The probation officer may authorize home passes by the minor to the home of the minor's parent or guardian without specific approval by the court.

b. A "routine home pass" is limited to not more than 21 days during any consecutive 60-day period.

2) Extended Home Pass

a. After the court orders a Permanent Plan of "return home," the probation officer may authorize an extended home pass by the minor to the home of the minor's

parent or guardian without specific approval by the court.

- b.** An “extended home pass” is limited to not more than 30 days during any consecutive 90-day period.

(Effective 1/1/27)

13.7 CONTESTED JURISDICTION HEARING/TRIAL

- (a)** Unless otherwise ordered by the court, or agreed by the parties attorneys representing a party in a contested hearing shall comply with the following procedure:

- 1)** The Court will require a Trial Readiness Conference (TRC) hearing on all cases set for trial. A TRC shall be scheduled at least two weeks before the trial.

- 2)** Trial Readiness Conference shall be subject to Local Rule 5.5 (a) 2 – 4.

(Effective 1/1/27)

13.8 ACCESS TO AND DISCLOSURE OF JUVENILE COURT RECORDS

- (a)** Juvenile case file records, including documents and information maintained by the Department of Social Services and the Probation Department, are confidential and may not be obtained or inspected by civil or criminal subpoena. Access to these records is governed primarily by Welfare and Institution Code section 827 and California Rules of Court, rule 5.552, and as further set forth below.

- 1)** Access to Juvenile Case File: Court Order Required

- a.** Except as provided in paragraph 2, below, any person or agency seeking access to juvenile case file must file a *Request for Disclosure of Juvenile Case File (“Petition”)*, Judicial Council Form JV-570.
 - b.** At least 10 days before the Petition is submitted to the court, the Petitioner must serve, in accordance with rule 5.552, the Petition, a *Notice of Request for Disclosure of Juvenile Case File (“Notice”)* (form JV-571), and a blank copy of *Objection to Release of Juvenile Case File (“Objection”)* (form JV-572).

- c.** Petitioner must complete and file the original and one copy of *Proof of Service – Request for Disclosure* (JV-569) with the court at the time the Petition is filed.

2) Filing of Petition

- a.** Petitioner shall submit the original and one copy of the Petition for filing. In addition, if Petitioner asks the court to notice any of the individuals or agencies listed in paragraph 2 of the *Proof of Services – Request for Disclosure* (form JV-569), Petitioner shall provide the court with additional copies of the Petition, Notice, and Objection.

3) Filing Objections

- a.** Any objection to Petitioner's request for access to juvenile case file records must be submitted on *Objection to Release of Juvenile Case File*, form JV-572.
- b.** The original and one copy of the Objection must be filed.

4) Ruling on Petition

- a.** The court may summarily deny all Petitions that lack complete information that are not properly served, or that do not comply with the filing and other requirements set forth in California Rule of Court, rule 5.552.
- b.** After reviewing the Petition and any supporting or opposing documents, the court may grant or deny the Petition or may set the matter for a hearing prior to ruling on the Petition. If a hearing is scheduled, the court will notify the petitioner and all applicable persons/entities listed in California Rule of Court, rule 5.552(c)(1) of the hearing.

(b) Access to Juvenile Case File: Court Order Not Required

1) Declaration for Access to Juvenile Case File

- a.** The persons and agencies identified in Welfare and Institution Code section 827(a)(1)(A) – (O) are authorized to inspect the juvenile case files without having to file a JV-570 petition.

- b. If the documents sought are in possession of an agency, the person seeking access to the juvenile case file documents must contact the agency for instructions on that agency's disclosure policies and procedures.

2) Inspection and Copying of Records

- a. The right to inspect juvenile case file records does not automatically mean a right to copies of these documents. Only those persons identified in Welfare and Institutions Code, section 827(a)(5) are authorized to receive copies of the case file records without a further court order. Those not listed in Welfare and Institutions Code, section 827(a)(5) must file a Petition for Disclosure of Juvenile Case File.

(Effective 1/1/27)

RULE 14. TRAFFIC COURT RULES

14.1 TRIAL BY DECLARATION

- (a) Pursuant to Vehicle Code section 40902, Trial by declaration shall be permitted for any citation for an infraction, except one that involves an accident or requires an appearance, or for which the defendant failed to appear. The defendant must post bail in the amount established by the court pursuant to Vehicle Code section 40310.

(Effective 1/1/27)

14.2 ABILITY-TO-PAY DETERMINATIONS

- (a) The clerk of the court is authorized to make ability-to-pay determinations based on specified criteria established by the court as set forth in Government Code 68645.3.

(Effective 1/1/27)

14.3 REQUEST TO CONTINUE COURT TRIAL

- (a) Party wishing to continue a Court Trial must submit the request on Local Court Form PL-007 *Request for Postponement if Traffic Court Trial*. Form PL-007 shall be filed and served on the other party 15 days prior to the start of the Trial.

(b) A party wishing to object to the Request for Postponement of Traffic Court Trial must file and serve Local Form PL-008 *Objection to Postponement of Traffic Court Trial* at least 5 days prior to the start of Trial.

(Effective 1/1/27)

14.4 JUVENILE TRAFFIC

When juveniles are issued citations for infractions, they will be ordered to appear in traffic court. If the District Attorney's office 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.

14.5 OFFENSES INCLUDED

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

(Effective 7/1/03, previously Rule 7.12 amended 1/1/27)

14.6 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, previously Rule 7.13 amended 1/1/27)

14.7 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, previously Rule 7.14 amended 1/1/27)

RULE 15. MISCELLANEOUS

15.1 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 or at discretion of the court.

15.2 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;
- (b)** 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;
- (c)** 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;
- (d)** 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;
- (e)** 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.
- (f) 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:

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 Streer., Rm 104
Quincy, CA 95971

A Member of Court Staff or Court Contractor TO:
Court Executive Officer Plumas Superior Court
520 Main Street., Rm 104

Superior Court of California, County of Plumas

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. Sierra County Superior Court 32 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 FEES AND COSTS. Applications for a waiver of fees and costs shall be made pursuant to California Rules of Court, rule 8.818.

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 1
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)