

EMERGENCY LOCAL RULES: CIVIL
(Seventh Amended)

The Court adopts the following as Emergency Local Rules (“Rules”) intended to address the impact of the COVID-19 pandemic, under the authority granted the Court by the March 23, 2020, and March 30, 2020, Orders of the Chief Justice of the California Supreme Court, as Chair of the Judicial Council (“Orders”) and by the Emergency Rules in Response to the COVID-19 Pandemic issued by the Judicial Council on April 6, 2020 (“Judicial Council Emergency Rules”) and as amended thereafter. These Rules are effective October 30, 2020, subject to the limitations imposed by the Orders. These Rules supersede all prior Emergency and Supplemental Emergency Local Rules – Civil, except where expressly stated otherwise. These Rules shall remain in effect until either rescinded by this Court or by withdrawal or change to the Orders or to the Judicial Council Emergency Rules.

1. **Application.** These Rules shall apply only to Civil cases.
2. **Remote Hearings.** Unless otherwise stated in these Rules, or otherwise ordered by the assigned judge, all hearings will be conducted by CourtCall until further notice. **Do not come to Court for your hearing unless you are specifically requested to do so by the Court or by these Rules.**
3. **Filing of Papers.**
 - a. *Acceptance of Filings.* The Court will permit filings each day via drop box, excluding weekends and Court holidays. Two separate drop boxes will be provided at the Main Street entrance to the Wakefield Taylor Building, at 725 Court St., Martinez. **The clerk’s office is open but subject to social distancing restrictions; the Court encourages parties to use the drop boxes.**

One designated drop box will be for Civil *Ex Parte* matters as identified in Local Rule 3.47 and Civil Restraining Orders, which are defined to include the following:

- i. Requests for Civil Harassment Restraining Orders pursuant to CCP §527.6;
- ii. Requests for Workplace Violence Restraining Orders pursuant to CCP §527.8;
- iii. Requests for Elder or Dependent Abuse Restraining Orders pursuant to Welfare and Institutions Code §15657.03;
- iv. Petitions for Gun Violence Restraining Orders pursuant to Penal Code § 18100 et seq.

The second designated drop box will be for all other Civil filings.

b. *Procedure for obtaining Civil Restraining Orders.*

- i. Completed paperwork for all Civil Restraining Orders will be accepted via drop box at the Main Street entrance to the Wakefield Taylor Building, 725 Court St., Martinez, each court day between 9:00 AM and 10:30 AM. Packets including all necessary forms for Civil Harassment Restraining Orders and Elder or Dependent Abuse Restraining Orders are available through these links:

<http://www.cc-courts.org/forms/packets/CV644-CivilHarassmentPacket-A-B-C.pdf>

http://www.cc-courts.org/forms/local/Package_EA.pdf

- ii. The completed Requests for Restraining Orders will then be reviewed by a judicial officer. If approved, the orders will be issued, filed with the Court and a hearing date will be assigned.
- iii. Endorsed filed copies of issued Restraining Orders will be available for pick up at Room 402 on the fourth floor of the Wakefield Taylor Courthouse, 725 Court St., in Martinez, at 1:30 PM on the same day that they were submitted to the Court. Litigants and attorneys are reminded to stay a safe distance (at

least 6 feet) away from each other and Court staff at the time of distribution of these Orders.

c. *Procedure for Civil Ex Parte matters.*

- i. Parties may submit *ex parte* matters as they would have prior to the Court's emergency. The prior limitation in these Rules requiring that *ex parte* applications "truly present special issues that require immediate Court attention" shall no longer apply. When possible, parties shall participate in a meaningful meet and confer process before any *ex parte* matter is submitted to the Court.
- ii. At the time a party seeking an *Ex Parte* Order gives notice to all parties pursuant to the requirements of Rule 3.1203 of the California Rules of Court, such party shall also notify all parties of the existence and substance of these Emergency Local Rules.
- iii. Since the Civil courtrooms are generally closed to the public, all moving and opposition papers, along with proposed orders, will be accepted via drop box at the Main Street entrance to the Wakefield Taylor Building, at 725 Court St., Martinez, each court day between 9:00 AM and 10:30 AM. All such submissions shall include any necessary filing fee, as well as copies of any papers submitted and a self-addressed stamped envelope so that an endorsed filed copy can be returned to the parties.
- iv. Hearings will be conducted at 11:00 AM on the same day that the moving papers are submitted to the Court. All hearings will be conducted by CourtCall. Parties should call their assigned department.

Instructions for setting an appearance through CourtCall are found at this link:

<http://www.cc-courts.org/civil/court-call.aspx>

- d. *Procedures for Unlawful Detainer matters.* Effective October 5, 2020, the Court is accepting all unlawful detainer filings.
- i. Mandatory Cover Sheet. Parties shall use the mandatory form cover sheet (UD-101) issued by the Judicial Council pursuant to Code of Civil Procedure section 1179.01.5(c)(4). This cover sheet shall be in addition to other cover sheets that may be required by statute or rule, as set forth in Code of Civil Procedure section 1179.01.5(c)(3).
 - ii. Drop Box. Use of the drop box for all unlawful detainer filings is encouraged.
 - iii. In-Person Unlawful Detainer Filings.
 1. Filing Limit. **No more than five (5) unlawful detainer cases may be filed in-person in a single transaction at any clerk’s window.** (By way of non-exclusive example, a single “case” would include all filings to initiate a new complaint, and would also include all filings required to obtain default and default judgment in a single matter.) Thereafter, parties must return to the back of the line or use the drop box.
 2. Filing Locations/Times.

Pittsburg and Richmond: Unlawful detainer filings will be accepted at the clerk’s office windows during normal business hours.

Martinez: Filings will be accepted between 8:00 A.M. and 1:00 P.M. at Room 402 on the fourth floor of the Wakefield Taylor Courthouse, 725 Court St., in Martinez. **Do not** bring unlawful detainer filings to the main clerk’s window on the first floor in

Martinez. For filings after 1:00 P.M., use the drop box.

e. *All other Civil filings.*

- i. Drop Box. All other Civil filings will be accepted via a separate drop box at the Main Street entrance to the Wakefield Taylor Building, 725 Court St., Martinez, each court day between 9:00 AM and 4:00 PM. All such submissions shall include any necessary filing fee, as well as copies of any papers submitted and a self-addressed stamped envelope so that endorsed filed copies can be returned by mail. **While the clerk's office is open, there will be long lines and extended wait periods due to social distancing guidelines; the Court encourages parties to use the drop box.**
- ii. Complex Cases. Filings in Complex cases shall be governed by the separate Emergency Local Rules – Complex Cases.

4. **Hearings and Trials.**

- a. *Normal Hearing Schedule*. The Civil department has resumed a normal hearing schedule. Most civil matters will be heard via CourtCall, under the procedures set forth in Section 5, below, and subject to the exceptions in this Section 4.
- b. *Orders of Examination*. The Court is now hearing these matters. Orders of Examination vacated under earlier versions of these Rules shall be re-filed and re-served; the Court **will not** reschedule them. These hearings will occur in-person with appropriate social distancing.
- c. *Small Claims Hearings*.
 - i. Small claims hearings are normally conducted in-person with appropriate social distancing. Parties seeking to appear by Zoom (audio only) may request to do so in

writing to the department no later than **3 court days** before the hearing. The request shall include the email address of each party for purposes of delivering the Court's decision. Any documents shall be exchanged by the parties no later than **3 court days** before the hearing.

- ii. Previously-vacated hearings were rescheduled. Provisions in previous versions of the Civil Emergency Local Rules govern notice and rescheduling.

d. *Civil Restraining Order Hearings*

- i. Definitions. For purposes of these Rules, Civil Restraining Orders are defined to include the following:
 - 1. Requests for Civil Harassment Restraining Orders pursuant to CCP §527.6,
 - 2. Requests for Workplace Violence Restraining Orders pursuant to CCP §527.8,
 - 3. Requests for Elder or Dependent Abuse Restraining Orders pursuant to Welfare and Institutions Code §15657.03
 - 4. Petitions for Gun Violence Restraining Orders pursuant to Penal Code § 18100 et seq.
- ii. Restraining Order hearings are normally conducted in-person with appropriate social distancing. Parties seeking to appear by Zoom (audio only) may request to do so in writing to the department no later than **3 court days** before the hearing. The request shall include the email address of each party for purposes of delivering the Court's decision. Any documents shall be exchanged by the parties no later than **3 court days** before the hearing.

e. *Unlawful Detainer Hearings and Trials.*

- i. Unlawful detainer hearings are normally conducted in-person with appropriate social distancing. Parties

seeking to appear by Zoom (audio only) may request to do so in writing to the department no later than **3 court days** before the hearing. The request shall include the email address of each party for purposes of delivering the Court's decision. Any documents shall be exchanged by the parties no later than **3 court days** before the hearing.

- ii. Unlawful detainer trials may be conducted by Zoom (audio only) only with the consent of all parties and on a showing of good cause.
- f. *Filing Deadlines for Rescheduled Hearings.* For hearings reset by these Rules, the statutory deadlines for papers not yet filed shall be based on the new hearing date.
- g. *Tentative Rulings.* The Court's existing tentative ruling procedure remains in effect during the emergency.

5. Remote Appearances and CourtCall; Public Access

- a. Except as may be provided above concerning unlawful detainer matters, civil harassment matters, small claims matters, and Orders of Examination, the Court will require that judicial proceedings be conducted remotely using CourtCall. As permitted by these Rules, the Orders, or the Judicial Council Emergency Rules, remote conduct of a proceeding may include: the electronic exchange and authentication of documentary evidence; e-filing and e-service; the use of remote interpreting; and the use of remote reporting and electronic recording to make the official record of an action or proceeding.
- b. Parties are not required to obtain prior Court permission to appear by CourtCall for any law and motion hearing. Parties are, however, required to notify the Court and all other parties of any telephonic appearance in a law and motion matter no later than 4:00 P.M. the Court day before the appearance.

- c. Parties with fee waivers may participate by informing CourtCall of their fee waiver as provided in Rule 3.670(1) of the California Rules of Court. Be prepared to provide CourtCall with a copy of the fee waiver order.
- d. A dedicated call-in number will be provided on the Court's website to enable the public to hear any matter not otherwise closed to the public. The public line will be muted.

(Emergency Local Rules - Civil, eff. 4/6/20; amended and renamed eff. 4/24/20; amended eff. 5/1/20; amended eff. 5/22/2020; amended eff. 6/29/2020; amended eff. 7/29/20; amended eff. 9/2/20; amended eff. 10/30/20.)