

PROPOSED LOCAL RULES
(Effective 1/1/17)

The Kings County Superior Court proposes to add or amend the following Local Rules:

RULE 110 - Judicial Notice

A. In addition to complying with the requirements set forth in Rule 3.1306, subdivision (c) of the Rules of Court, any party requesting that judicial notice be taken of documents in a file in a case in The Kings County Superior Court other than the case in which the motion is brought, shall at the time of the filing of the motion notify the Clerk of the request and of the name and Court number of the file containing the documents requested to be noticed.

B. Family law matters scheduled to be heard in Department 4 of the Kings County Superior Court are governed by Local Rule 730. (Eff. 1/1/99; as amended, eff. 1/1/7.)

RULE 404 - Procedures in Unlawful Detainer Cases

A. Case Disposition Time – The Court shall endeavor to dispose of all unlawful detainer cases as follows: 90% within 30 days after filing; and 100% within 45 days after filing.

B. Service and Filing of Proof of Service – Within 15 days from the date the unlawful detainer complaint was filed, a plaintiff shall either serve all named defendants and file a proof of service with the Court, or file an application for service by posting. If service is made by posting, proof of service must be filed within 15 days of issuance of the order.

C. Status Conference – Within **45 days** from the filing of the Complaint, a status conference will be conducted in all pending unlawful detainer cases where a default has not been entered and/or a trial date has not been set by the Court. Notice of the date, time and location of the status conference shall be served by the plaintiff upon all named defendants in the same manner as the unlawful detainer complaint.

1. Parties are required to appear at the conference ready to advise the Court as to the status of the litigation. No written statements need be filed by the parties prior to the conference, however, any party wishing to appear at the conference by telephone must schedule such appearance with the Court's designated vendor prior to the noticed hearing date.

2. If the Complaint has been served, but the deadline for the filing of a responsive pleading thereto will not lapse by the date on which the conference is scheduled to occur, plaintiff and/or plaintiff's counsel may appear at the

conference via the filing of a declaration setting forth all facts demonstrating that good faith efforts are being taken by him/her to comply with the case disposition standards set forth above. The declaration must be filed with the court at least **five (5) court days** prior to the scheduled conference. In addition, the declaration must be accompanied by a proposed order resetting the conference to a date beyond the applicable responsive pleading deadline. If such declaration cannot be timely filed, plaintiff and/or his attorney of record shall appear at the conference as provided in Paragraph 1 above.

D. Request to Set Trial Date – Within 15 days from the date the unlawful detainer answer is filed, the plaintiff shall file a Request to Set Case for Trial (UD-150), unless a judgment, request for dismissal, or notice of conditional settlement has been filed. By filing a Request to Set Case for Trial, a party represents that the case is at issue and will be ready to proceed to trial on the date assigned. The opposing party may object to the Request to Set Case for Trial in an unlawful detainer action by serving and filing a counter request within five (5) days.

E. Dismissal Hearing – Failure to comply with this rule will result in the scheduling of a dismissal hearing requiring the attendance of all counsel and any unrepresented parties who have appeared in the case to show cause why the case should not be dismissed. Failure of the plaintiffs to appear shall result in dismissal of the case. A dismissal hearing will be taken off calendar if a judgment, request for dismissal, notice of conditional settlement or a Request to Set Case for Trial is filed with the Court prior to the date of the dismissal hearing.

F. Defaults of DOE Defendants – Before any default or default judgment will be entered by the Court against a fictitiously named defendant, a proof of service must be filed which fully complies with the provisions of California Code of Civil Procedure Section 474 or otherwise demonstrates personal service upon the fictitiously named defendant of a copy of the Complaint, Summons, and Amendment to Complaint providing adequate notice to the fictitiously named defendant of his involvement in the litigation. All proofs of service reflecting service of the Complaint, Summons and/or Amendment to Complaint upon a fictitiously named defendant shall include a physical description of the individual served. Service of any documents following the entry of default against one or more named defendants in the litigation shall comply with the provisions of Code of Civil Procedure Section 1010.

G. Hearing to Prove Damages – After a Clerk’s judgment for restitution of the premises has been entered, a plaintiff seeking to recover money damages must set the case for a hearing within 6 months after the judgment is entered. A personal appearance will not be required if a declaration is submitted pursuant to Section 585(b) and (d) of the Code of Civil Procedure.

H. Undertaking For Immediate Possession of Premises – Unless otherwise ordered by the Court, the minimum amount of undertaking required for an order for immediate

possession of premises, pursuant to Section 1166a of the Code of Civil Procedure, shall be ten (10) times the amount of monthly rental, but not less than \$2500.00.

I. Judgment – When a judgment for restitution or possession of the premises under Code of Civil Procedure Section 1169 or 1174 is prepared and submitted by plaintiff, it shall describe with reasonable certainty the real property that is the subject of the judgment, giving its street address (including the zip code), if any, or other common designation, if any. (Eff. 1/1/99 as Rule 406; as amended and renumbered, eff. 1/1/17)

RULE 730 - Judicial Notice in Family Law Proceedings - Department 4

A. When appearing in **Department 4** of the Kings County Superior Court in connection with Family Law matters, all Requests for Judicial Notice must comply with the requirements set forth in subdivision (c) of Rule 3.1306 of the California Rules of Court, and relevant sections of the California Evidence Code.

B. Any party requesting that judicial notice be taken of a fact or document shall:

1. Simultaneously with the filing of the Request for Judicial Notice, provide the Clerk of the Court with a written list of those Kings County Superior Court hardcopy case files which will need to be delivered to the judicial officer ruling on the Request (“List”). The List *may* be formatted as a letter or a pleading, but **must** contain the case number, case name, name of the relevant document to be judicially noticed, and its filing date. If all documents to be judicially noticed are contained within the record of the case in which the Request is pending or in case files which are entirely within the electronic record of the court, a List is not required.

2. Include within the Request for Judicial Notice, a description of any fact to be judicially noticed and the specific document(s) evidencing such fact.

Example(s):

1. Conviction (Count 1 - Penal Code §182) - Abstract of Judgment filed 1/1/15 in Kings County Superior Court Case No. 14CM0000, *People v. John Doe*

2. Judgment entered in favor of John Doe for \$10,000.00 - Notice of Entry of Judgment, filed 1/1/15 in Fresno County Superior Court Case No. 14CIV0000, *John Doe v. Sue Smith*.

3. John Doe’s Purchase of Real Property located at 777 Cottonwood Lane, Hanford CA - Deed of Trust, recorded in Kings County on 2/1/15.

3. Include within the Request for Judicial Notice, the title and date of any document to be judicially noticed. If the document has been filed or recorded, the Request must include its filing/recording date, as well as other information relevant to identifying its location.

Example(s):

1. Abstract of Judgment filed 1/1/15 in Kings County Superior Court Case No. 14CM0000, *People v. John Doe*
 2. Deed of Trust recorded on 3/1/15 in Fresno County
 3. Contract for Sale signed on 5/1/15
 4. Attach to the Request a certified copy of any document to be judicially noticed or referenced which is not already on file with the Kings County Superior Court.
- C. The written list and Request for Judicial Notice must be served on all parties to the litigation. Proof of Service shall be filed with the court in a timely manner. (Eff. 1/1/17)