



Office of the Court Executive
Superior Court of the State of California
County of Kings

Michelle S. Martinez
Court Executive Officer
and
Clerk of the Court

NOTICE OF PROPOSED ADOPTION OR AMENDMENT OF RULES
(Pursuant to Cal. R. Ct., rule 10.613)

- To:
- The State Bar of California
 - The Attorney General, State of California
 - Local Bar Associations, Kings and adjoining Counties
 - Office of the District Attorney, Kings and adjoining Counties
 - Office of the County Counsel, Kings and adjoining Counties
 - Contracted Defense Counsel of Kings County
 - Office of the Public Defender in adjoining Counties
 - Interested Others

Please be advised that on May 7, 2018, the Judges of the Kings County Superior Court will adopt additions and/or amendments to the official Local Rules of Court, to be effective on July 1, 2018.

On or before April 3, 2018, copies of all rules proposed for adoption and/or amendment will be posted on the Court's website (<http://www.kings.courts.ca.gov>) for review in conformity with Rule 10.613 of the California Rules of Court. In addition, paper copies of the Rules will be available for review in the Clerk's Office of each Division of the Kings County Superior Court.

The Court specifically invites any comments you may desire to make regarding The Court's proposed Rule changes. Requests for paper copies of the proposed changes to the Rules, and any comments on the proposed rules must be addressed as follows:

Michelle S. Martinez, Executive Officer and Clerk of the Court
Superior Court of California, Kings County
1640 Kings County Drive
Hanford, California 93230

Comments must be received before 10:00 a.m. on May 7, 2018.

Thank you for your continuing assistance to us in maintaining and improving the administration and effectiveness of our local trial court rules.

MICHELLE S. MARTINEZ
Superior Court Executive Officer and Clerk of the Court
Publisher of Trial Court Rules

PROPOSED LOCAL RULES CHANGES/ADDITIONS

Effective July 1, 2018

The Kings County Superior Court proposes to amend its Local Rules as follows:

RULE 126 - E-Filing Rules

A. General Rules

1. A document that is filed electronically shall have the same legal effect as an original paper document.
2. When a document to be filed requires the signature of any person, not under penalty of perjury, the document shall be deemed to have been signed by the person who filed the document electronically.
3. When a document to be filed requires the signature, under penalty of perjury, of any person, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied: (i) The person has signed a printed form of the document before, or on the same day as, the date of filing. The attorney or other person filing the document represents, by the act of filing, that the declarant has complied with this section. The attorney or other person filing the document shall maintain the printed form of the document bearing the original signature until final disposition of the case, as defined in subdivision (c) of Section 68151 of the Government Code, and make it available for review and copying upon the request of the court or any party to the action or proceeding in which it is filed; or (ii) The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council.
4. Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. The court will issue a confirmation that the document has been received and filed. The confirmation shall serve as proof that the document has been filed.
5. Upon electronic filing of a complaint, petition, or other document that must be served with a summons, a trial court, upon request of the party filing the action, shall issue a summons with the court seal and the case number. The court shall keep the summons in its records. Personal service of a printed form of an electronic summons shall have the same legal effect as personal service of an original summons.
6. The court shall permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. Nothing in this section shall require the court to waive a filing fee that is not otherwise waivable.
7. A party that is otherwise required to file and serve documents electronically may be excused

from the requirements if the party shows undue hardship or significant prejudice. A written request for exemption which sets forth verified facts demonstrating undue hardship or significant prejudice must be filed at the time of initial appearance in the case and served along with the party's initial pleading. Written requests for exemption submitted after the filing of a party's initial pleading must be based upon new or additional facts unknown to the party at the time of first appearance. The requesting party shall lodge a proposed order with the court. The court may summarily grant or deny the request based upon the facts set forth by the requesting party or, where additional information is required, schedule the matter for hearing. However, in the absence of a judicial order granting exemption from these rules, all parties to whom this rule applies must comply with its provisions.

8. Unrepresented persons are exempt from mandatory electronic filing and service.

B. Manner of Filing

1. The electronic filing of documents must be affected using the Court's electronic service providers ("Vendor"). Vendor information is available on the Court's website. The Vendor will assign a confidential username and password to each party representative, which will be used to file, serve, and receive pleadings, orders, and other documents electronically filed in the Case. No attorney or party representative may knowingly or recklessly authorize or permit his/her username or password to be utilized by anyone other than the authorized attorneys or employees of the attorney's law firm.

2. All electronically filed documents, to the extent practicable, must be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other or further format as the Court may require. The document title entered on the e-filing system must be the same as that reflected in the caption of the document.

3. All documents, papers or pleadings directly related to a previously filed document, paper or pleading must include a caption reference to the previously filed document, paper, pleading or motion. *For example:*

JOHN DOE, Plaintiff(s), vs. JANE DOE, Defendant(s).	No. 15C0000 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF OPPOSITION TO MOTION FOR SUMMARY JUDGMENT BY DEFENDANT JANE DOE
---	--

4. The following types of documents may or must be filed conventionally unless otherwise required by the Court:

A. A motion to file documents under seal must be filed electronically. Sealed documents must be filed and lodged conventionally.

B. Exhibits to declarations or other documents that are non-text articles, physical objects, or other documents not readily susceptible to electronic filing may be filed or lodged conventionally and in accordance with the direction of the Clerk. A notice of such filing must be filed and served electronically.

C. Documents served by hand in open court during trial (including motions, memoranda of points and authorities, and other matters presented to the Court in writing for decision) may be served conventionally. The document and proof of service must be e-filed before the close of business on the court day following service by hand in open court. In addition, the proof of service must reference the date the document was originally served in open court.

D. Requests for exemption from the Court's e-filing requirements and, when filed simultaneously with such Request, a party's initial pleading or initial responsive pleading in a case.

5. All electronically filed documents must be formatted in a manner that allows the court and its judicial officers to conduct word searches of the text.

C. Technical Problems.

1. At certain times, unexpected technical problems may temporarily preclude a User from electronic filing or serving one or more documents. Only those unexpected technical problems occurring at the fault of the Vendor or the Court will provide "good cause" for an automatic one court-day extension of an electronic filing or service deadline. In such circumstances, the document must be served or filed on the next court-day; electronically or, if the system remains inoperable, by conventional means.

2. Maintenance or other system issues requiring a period of inoperability of the electronic system for which notice has been posted by the Vendor or on the Court's website, does not provide "good cause" for an automatic extension of any filing or service deadline. During noticed periods of inoperability, documents may be filed by conventional means.

3. Technical errors on the part of the User do not provide "good cause" for an automatic one court-day extension of relevant electronic filing or service deadlines, nor an excuse from e-filing requirements. Users are encouraged to take appropriate steps to avoid last-minute filings and service. Counsel error in connection with e-filing requirements must be addressed under California Code of Civil Procedure Section 473, subdivision (b).

D. Obligation to Keep Information Current. A party whose electronic notification address changes while the action or proceeding is pending must promptly file a notice of change of address with the court electronically and must serve this notice on all other parties or their attorneys of record. An

electronic notification address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid.

E. Responsible for Redaction. The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The Clerk will not review each pleading or other paper for compliance. The court may impose sanctions for violation of these requirements.

F. Confirmation of Receipt of Lodged and Filed Documents. Vendor is hereby appointed the agent of the Clerk as to the electronic filing, receipt, service and/or retrieval of any document in the e-file system. Vendor must promptly send Users confirmation of the receipt of any document that Users have transmitted to Vendor for filing or lodged with the Clerk. Such confirmation must indicate the date and time of receipt stated in Pacific Time. The Clerk must review the document and transmit to the Vendor confirmation that the document has been reviewed, accepted, or rejected by the Clerk. The Clerk must electronically endorse any document accepted for filing in accordance with CRC 2.259, or must promptly transmit the Clerk's notice of rejection or amendment to the User through Vendor.

G. Payment of Statutory Filing Fees. Vendor is hereby appointed as the agent of the Clerk with respect to collecting statutory filing fees for any electronically filed document. Each User must pay all required filing fees for electronically filed documents to Vendor. Vendor must remit filing fees to the Clerk. At such time, those fees are the sole property of the Clerk of the Superior Court of California, County of Kings. All requests for refunds of filing fees must be addressed to the Clerk and may be submitted electronically in the manner prescribed by the Clerk.

H. Official Record of the Court. The electronic record created by the electronic filing or maintenance of pleadings and other documents, along with any documents and/or exhibits conventionally filed and/or maintained by the court, shall constitute the official record of the court for all purposes.

I. Failure to Comply. Any document which fails to comply with this Rule, California Rules of Court, Rule 2.250, *et. seq.*, California Code of Civil Procedure Section 1010.6, and all other applicable statutes and/or rules, may be refused or rejected filing by the Clerk and/or her designated agent. (Eff. 10/1/14, Amended 7/1/18)

RULE 404 - Procedures in Unlawful Detainer Cases

(D) Request to Set Trial Date

1. 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.

2. Any request to continue a trial date which will cause the date of trial to exceed the 20-day deadline set forth in California Code of Civil Procedure Section 1170.5(a), must be presented via Ex Parte Application consistent with California Rules of Court, rule 3.1200, *et. seq.*

RULE 580 - Petitions for Writ of Habeas Corpus

(E) Any party-initiated motion for additional time to do any act set forth in California Rules of Court, rule 4.552 or as directed by court order, must demonstrate good cause and include proof of service upon all parties or their attorney of record. The motion must be filed and served at least 15 days prior to the deadline to be extended. Any opposition to the extension request must be filed and served at least 5 days prior to the deadline to be extended. A proposed Order setting forth the good cause basis for the requested extension should be included with the motion. Failure to include a proposed Order may delay processing of the party-initiated motion. (Eff. 7/1/11; as amended, 7/1/18.)