



Superior Court of California County of Sonoma

Gary Nadler
Presiding Judge

ACCESS, SERVICE, JUSTICE

Arlene D. Junior
Court Executive Officer

CLERK'S NOTICE **October 3, 2019**

To Attorneys and All Interested Parties Invitation to Comment on Proposed Amendments to Local Rules

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Sonoma hereby distributes for public comment the proposal to amend its local rules.

Comments are due by November 17, 2019

The proposed local rules and forms take effect January 1, 2020

The proposed rules and forms may be accessed on the Court's website: www.sonomacourt.org. A hard copy of the proposal is available upon request by contacting Court Administration at (707) 521-6501 or by email request to info@sonomacourt.org. Any individual or organization not having internet access may obtain a printed copy of the proposed rules by mailing a written request to:

Court Administration/Proposed Rules Request
Sonoma County Superior Court
600 Administration Drive, Santa Rosa, CA 95403

Comments should be submitted in writing to:

Arlene D. Junior, Court Executive Officer
Sonoma County Superior Court
600 Administration Drive
Santa Rosa, CA 95403



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Summary of Proposed Amendments to the Local Rules, Effective January 1, 2020

~~abede~~ Deleted text
abcde Revised text
*** Unchanged text

RULE 2 RULES APPLICABLE TO SMALL CLAIMS CASES AND TO UNLAWFUL DETAINER CASES

2.1 SMALL CLAIMS CASES

C. Law and Motion

All law and motion matters in small claims actions shall be scheduled as designated by the Civil Division Supervising Judge. Hearing dates may be obtained as indicated in Rule 5.2 1.A herein.

2.2 UNLAWFUL DETAINER CASES

D. Law and Motion

All law and motion matters in unlawful detainer actions shall be scheduled on the Unlawful Detainer Law & Motion Calendar as designated by the Supervising Judge of the Civil Division. Hearing dates may be obtained as indicated in Rule 5.2 1.A herein. No tentative rulings will be made available for matters on this calendar.

RULE 4 RULES APPLICABLE TO ALL CIVIL CASES

4.17 POST-TRIAL MATTERS

~~All post trial motions are to be filed directly with the judicial assistant for the Assigned Judge in the department where the matter was tried, and not in the Civil Clerk's Office. At the time of filing the Clerk's Office judicial assistant will set the hearing date. The party filing the motion(s) will then have to~~



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~~serve the motion(s) on all parties and file the appropriate Proof of Service with the court prior to the hearing. All opposition and/or reply briefs in regard to post trial motions shall also be filed directly with the Civil Clerk's Office the judge's judicial assistant as set forth herein. On the same day that post-trial documents are filed, including, but not limited to, post-trial motions, opposition and relies, parties shall deliver courtesy copies of the filed documents directly to the department's drop box where the matter was tried.~~

(Eff. 7/1/14, renumbered 1/1/2016, Rev. 1/1/2020)

RULE 5 RULES APPLICABLE TO CIVIL LAW AND MOTION PROCEEDINGS

5.1 SCHEDULING

D. ~~Parties shall deliver courtesy copies of all documents filed in connection with a law and motion proceeding directly into the drop box for the department hearing the matter. Courtesy copies do not need to be file endorsed.~~

~~The moving party shall, on the date of filing, hand deliver to the Assigned Judge a courtesy copy, which need not be file endorsed, of any motion filed. The responding party shall, on the date of filing, hand deliver to the Assigned Judge a courtesy copy, which need not be file endorsed, of all opposition papers. Finally, the moving party shall, on the date of filing, hand deliver to the Assigned Judge a courtesy copy, which need not be file endorsed, of all reply papers.~~

E. If any matter scheduled on the law and motion calendar is resolved, dismissed, settled or becomes moot for any reason, the moving party shall immediately notify the judicial assistant for the Assigned Judge if the motion is to be dropped from the law and motion calendar. Said notification may be made by telephone, followed by a letter of confirmation.

F. When a party is required to provide an appendix of authorities other than California cases, statutes, constitutional provisions, or state or local rules pursuant to California Rules of Court, rule 3.1113(i)(1), the appendix shall be lodged in the courtroom of the Assigned Judge, and not in the clerk's office.



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(Eff. 1/1/1997; Rev. 1/1/2006, Rev. 7/1/2007, Rev. 7/1/2008, Rev. 1/1/2013; Rev. 7/1/2014, Rev. 7/1/18; 7/1/19, Rev. 1/1/2020.)

RULE 6 RULES APPLICABLE TO PROBATE PROCEEDINGS

6.2 CALENDAR AND PROCEDURAL MATTERS

D. Submission of Proposed Orders and Other Pleadings Before Hearing Date

1. Orders

~~Proposed orders shall be submitted to the Probate Clerk at the time of filing the petition. If a self-addressed, pre-paid envelope is provided when the order is submitted, the clerk will return a file endorsed copy by mail; or if requested in writing, the clerk will deliver a file endorsed copy to an Attorney Box at the Civil and Family Courthouse, 3055 Cleveland Avenue, Santa Rosa.~~

A. Electronic Filings

Subject to any applicable exemptions, proposed orders submitted with moving papers before a hearing on a regularly-noticed motion or orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in a fully editable word processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website.

B. All Other Filings

Proposed orders shall be submitted to the Probate Clerk's office at the time of filing the petition. If a self-addressed, pre-paid envelope is included at the time the order is submitted, the clerk will return a file endorsed copy by mail. (Rev. 1/1/2020.)



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RULE 18 RULES APPLICABLE TO FILING AND GENERAL PROCEDURE

18.22 MANDATORY ELECTRONIC FILING

A. Subject to the exceptions in Local Rule 18.23, all represented parties, and other represented persons, are required to electronically file documents pursuant to Code of Civil Procedure, section 1010.6 and California Rules of Court, rule 2.250 et seq for the following Case Types/Categories:

1. All Civil Matters
2. All Probate Matters
3. All Family Law Matters (including Department of Child Support Services matters)

B. Self-represented parties, or other self-represented persons, are exempt from mandatory electronic filing requirements pursuant to California Rule of Court, rule 2.253 subdivision (b)(2). (Adopted 1/1/2020.)

18.23 LIMITATIONS ON ELECTRONIC FILINGS

Notwithstanding any other provision of law or these rules, the following items may not be electronically filed:

A. CIVIL:

1. Records and cases under seal;
2. Ex-parte applications/documents;
3. Bench Warrants;
4. Subpoenaed documents;
5. Labor Commissioner deposit of cash or check;
6. Bonds; and
7. Undertakings.

B. PROBATE:

1. Affidavit re: Real Property of Small Value;
2. Bonds;
3. Financial Documents submitted by Private Professional Conservator;
4. Letters (probate, guardianship, conservatorship);
5. Subpoenaed documents;
6. Undertakings; and
7. Will/Codicils – originals for filing or safekeeping.



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C. FAMILY LAW:

1. Judgments

(Adopted 1/1/2020)

18.24 ELECTRONIC FILING SERVICE PROVIDERS

Approved Electronic Filing Service Providers (EFSPs) are listed on the Court's website at www.sonomacourts.ca.gov. (Adopted 1/1/2020)

18.25 ELECTRONIC FILING DATES AND TIMES

Documents may be electronically transmitted to the Court seven days a week, 24 hours a day. Any document that is received electronically by the Court between 12:00 a.m. and 11:59 p.m. on a court day shall be deemed filed on that same court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. (Adopted 1/1/2020.)

18.26 ELECTRONICALLY FILED PROPOSED ORDERS AND ORDERS AFTER HEARING

A. PROPOSED ORDERS IN CIVIL AND FAMILY DIVISION CASES

1. Proposed orders (except in the case of ex parte or discovery motions, which shall include proposed orders with their filing) may not be submitted with moving papers before a hearing on a regularly-noticed motion unless ordered by the Court or if otherwise required by applicable statute or Rule of Court (such as motions to be relieved as counsel, petitions for compromise of minors' claims, orders on objections to evidence in summary judgment motions, pro hac vice applications, applications for writs of attachment, etc.).
2. If required to include a proposed order, or instructed to prepare a proposed order, or order after hearing, orders shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in a fully editable word processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website.

B. PROPOSED ORDERS IN PROBATE DIVISION CASES

1. Subject to any applicable exemptions, proposed orders submitted with moving papers before a hearing on a regularly-noticed motion or orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a



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- version of the proposed order in an fully editable word processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website.
2. If instructed to prepare an order after a hearing, proposed orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in a fully editable word processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website.

(Adopted 1/1/2020)

18.27 ELECTRONIC SERVICE

Unless otherwise ordered by the Court, electronic service of electronically filed documents is optional as provided in California Rules of Court, rules 2.251 and 2.253. (Adopted 1/1/2020.)

End