

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposal to Amend rule 1.9 to Title 1, Chapter 1 of the Local Rules

Presentation of papers for filing

The proposal to amend rule 1.9, entitled *Presentation of papers for filing*, to the court's Local Rules ("Rules") is part of the court's continuing effort to review, correct, and update its Rules as needed.

SUMMARY

This amended rule reflects the elimination of the requirement that papers subsequent to the first filing in general civil and family law cases be filed in the same courthouse as the assigned department.

Proposed Amended Local Rule 1.9. Presentation of papers for filing in civil, family law, and probate

(a) Definition of a Civil Case.

For purposes of this rule, a "Civil Case" is an action or proceeding prosecuted by one party against another for the declaration, enforcement, or protection of a right or the redress or prevention of a wrong. Civil Cases include all cases except criminal cases, traffic cases, petitions for habeas corpus, "Family Law Cases" as defined in subparagraph (b) below, and proceedings in the Juvenile Court.

(b) Definition of a Family Law Case.

For purposes of this rule, a "Family Law Case" is any action or proceeding under the Family Code.

(c) When this rule does not apply.

This rule does not apply to pleadings, papers, forms, documents, and writings filed by facsimile transmission in compliance with section 1010.5 of the Code of Civil Procedure, rules 2.300-2.305 of the California Rules of Court, and Local Rule 1.8.

(d) Presentation of papers for filing in a Civil Case.

Except as provided in subparagraphs (f) – ~~(i)~~, all pleadings, papers, forms, documents, and writings to be filed in a Civil Case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612 or the office of the civil clerk located at the Hayward Hall of Justice, Room 108, 24405 Amador Street, Hayward, California 94544.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

(e) Presentation of papers for filing in a Family Law Case.

~~Except as provided in subparagraphs (f) — (k), a~~ All pleadings, papers, forms, documents, and writings to be filed in a Family Law Case must be presented for filing at the George E. McDonald Courthouse, First Floor, 2233 Shoreline Drive, Alameda, California 94501, or at the office of the family law clerk located at the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544. All pleadings, papers, forms, documents, and writings to be filed in a case requesting issuance of a protective order under Family Code Section 6200 et seq. (Domestic Violence Prevention Act) may also be filed at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

(f) Presentation of papers for filing in Probate Code proceedings.

All pleadings, papers, forms, documents, and writings to be filed in a proceeding under the Probate Code must be presented for filing at the Berkeley Courthouse, 2120 Martin Luther King, Jr. Way, Berkeley, California 94704. Notwithstanding the foregoing, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Civil Cases, then paragraph (j) of this rule applies; and, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Family Law Cases, then paragraph (e) ~~(k)~~ of this rule applies.

(g) Presentation of papers for filing in proceedings under the False Claims Act or the Lanterman-Petris-Short Act.

All pleadings, papers, forms, documents, and writings to be filed in a case brought under Government Code sections 12650-12656 (False Claims Act) or in a case brought under Welfare and Institutions Code sections 5000 et seq. (Lanterman-Petris-Short Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

(h) Presentation of papers for filing in proceedings requesting issuance of certain protective orders.

All pleadings, papers, forms, documents, and writings to be filed in a case requesting issuance of a protective order under ~~Family Code sections 6200 et seq. (Domestic Violence Prevention Act)~~, Welfare and Institutions Code section 15657.03 (Elder Abuse and Dependent Adult Civil Protection Act), Code of Civil Procedure section 527.6 (Civil Harassment Prevention), Code of Civil Procedure section 527.85 (Private Postsecondary School Violence Prevention), or Code of Civil Procedure section 527.8 (Workplace Violence Safety Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612; ~~the George E. McDonald Hall of Justice, First Floor, 2233 Shoreline Drive, Alameda, California 94501; or the office of the family law~~

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

~~clerk located at~~ or the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544.

(i) Presentation of papers in an adoption case for filing

All pleadings, papers, forms, documents, and writings to be filed in an adoption case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612; or the office of the civil clerk located at Hayward Hall of Justice, Room 108, 24405 Amador Street, Hayward, California 94544.

~~**(j) Presentation of papers for filing upon issuance of an order assigning or reassigning a Civil Case**~~

~~Upon issuance of an order assigning or reassigning a Civil Case to an individual judge sitting in a department of this court, all pleadings, papers, forms, documents, and writings to be filed in such case shall be presented for filing at the filing location for such department. For purposes of this subparagraph, the filing location for all departments situated in the Alameda County Administration Building, 1221 Oak Street, Oakland, California 94612, all departments situated in the United States Post Office Building, 201 13th Street, Oakland, California, 94612, and all departments located in the Wiley W. Manuel Courthouse, 661 Washington Street, Oakland, California 94607 is the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.~~

~~**(k) Presentation of papers for filing upon assigning or reassigning a Family Law Case**~~

~~Upon the assignment or reassignment of a Family Law Case to an individual judge or commissioner sitting in a department of this court, all pleadings, papers, forms, documents, and writings to be filed in such case shall be presented for filing at the office of the clerk situated where the department is located. With regard to Family Law Cases assigned or reassigned to a judge or commissioner sitting in the Gale/Schenone Hall of Justice, 5672 Stoneridge Drive, Pleasanton, California 94588, the filing location is the office of the family law clerk located at the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544.~~

Rule 1.9 amended effective ~~January~~ July 1, ~~2015~~ 2013; adopted as rule 1.13 effective January 1, 2004 and renumbered effective July 1, 2007; previously amended effective January 1, 2008, July 1, 2008, ~~and~~ January 1, 2012, and January 1, 2013.