

# Local Rules of the Superior Court of California, County of Alameda

## Title 1. General and Administrative Rules

### Chapter 1. General and Administrative Rules

#### Rule 1.8a. Emergency rule re filings and hearings during COVID-19 crisis

##### (a) Scope of rule

This rule governs the filing of papers and the conduct of hearings in Civil, Family, Probate, and Mental Health matters during the COVID-19 crisis, and is effective notwithstanding any other provisions of these Local Rules. During the COVID-19 crisis, the Court will accept certain papers for filing, even on days that the Presiding Judge has deemed holidays. The Court will also conduct limited hearings as technology and resource constraints allow. The Court may further amend this rule to add or delete filings that will be accepted, as needed to address changing circumstances.

##### (b) Advisement re confirmation of hearing dates

Parties are advised to check the Court's Domain case management system to confirm hearing dates.

##### (c) Papers that may be filed by fax, mail, or drop box filing

The Court will accept all filings, including new case-initiating papers, by mail, drop box, or fax filing pursuant to Local Rule 1.8, with the exception of papers specified in subsection (e) below and with the exception of filings related to appeals or unlawful detainer cases.

The following locations are available for drop box filing by case type:

- Hayward Hall of Justice: Civil and Family filings only
- Rene C. Davidson Courthouse: Civil and Mental Health-related filings only
- Berkeley Courthouse: Probate filings only

##### (d) Fax filing fees and processing times

During the COVID-19 crisis, the Court will not offer premium fax filing service. All papers filed by fax filing will be subject to the non-premium fax filing surcharge.

Parties with a fee waiver will not be charged a fax filing surcharge during the COVID-19 crisis. Court users may request a fee waiver via mail, drop box, or fax filing.

Papers received before 3:00 p.m. will be processed within three business days.

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### **(e) Papers that may be filed by mail or drop box only**

The following papers may only be filed by mail or by drop box filing at the indicated court location:

- Probate letters with associated bonds may only be filed by mail or by drop box at the Berkeley Courthouse.

### **(f) Processing of papers**

As of the effective date of this rule, all papers will be file-stamped with the date on which they were received. However, due to the significant backlog caused by the COVID-19 crisis and limitations on Court resources, the processing of papers may be delayed. Parties and counsel should check the Domain case management system regularly to determine whether filed papers have yet been processed.

Papers received by mail or fax filing between March 17, 2020, and May 11, 2020, that were not processed pursuant to earlier amendments to this rule will be processed and file-stamped with the date of May 11, 2020.

### **(g) Return of file-endorsed copies of papers filed by mail or drop box**

Filers may obtain file-endorsed copies of papers that are filed by mail or drop box in the following ways:

- Processed papers will be returned by mail to all filers who include a postage-paid, self-addressed envelope with their filings.
- Processed papers will be available online through the Court's DomainWeb portal at <https://publicrecords.alameda.courts.ca.gov/prs>.
- Otherwise, filers may return to the courthouse at which the papers were filed to pick up file-endorsed copies in person.

### **(h) Reservation requests**

Until such time as this rule is further amended or repealed, the Court will only accept reservation requests as specified herein.

#### **(1) Reservation requests prior to March 17, 2020**

If a reservation was made for a motion and the reservation date fell within the public closure period and has already passed as of May 4, 2020, the requesting party should email the department clerk and request a new reservation number.

#### **(2) Reservation requests after March 17, 2020**

The Court will accept reservation requests for new motions, **except in unlawful detainer cases related to any case with a trial date between May 4 and August 31, 2020**. Such

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requests must be made by contacting the clerk in the department to which the case is assigned.

### (3) Ex parte requests

Reservation numbers are not required for ex parte requests. No hearing date should be specified on such requests, which will be forwarded to the assigned judge for review and setting.

### (i) Hearings on motions where tentative rules are contested

The Court will conduct as many hearings as possible ~~On May 4, 2020,~~ within the limitations of available technology and Court resources. ~~the Court began scheduling hearings on the following:~~

- ~~○ Motions in cases that have an existing trial date set between May 4, 2020, and August 31, 2020, and where the Court's tentative rule is contested; and~~
- ~~○ Motions for which a reservation date was on calendar as of May 4, 2020, for any date beginning March 17, 2020, and where the Court's tentative ruling was contested.~~

~~The Court will contact parties or counsel to schedule these hearings.~~ All hearings will be conducted remotely only, by video or audio conference. No in-person appearances will be permitted. The Court will contact parties or counsel with details on how to connect to the remote hearing.

### (j) All other filings

The Court will only accept papers for filing during the COVID-19 crisis as indicated above. Papers other than those listed above that are submitted for filing by mail, drop box, or fax filing will not be processed until such time as the Court reopens to the public.

*Rule 1.8a amended May 18, 2020; previously amended May 7, April 29, 24, 22 and 13, 2020; adopted effective April 10, 2020.*