

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 ~~fax and drop box~~ 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 continue to accept limited documents for filing, even on days that the Presiding Judge has deemed holidays. The Court will also conduct limited hearings as technology and resource limitations 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 the hearing dates of any matters that were filed or pending prior to March 17, 2020, as the Court may have continued those matters.

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

The Court will accept the following documents, and only the following documents, by fax, mail, or drop box filing pursuant to Local Rule 1.8:

- Civil (if by drop box, may be deposited at the Rene C. Davidson Courthouse or Hayward Hall of Justice only):
 - Ex parte requests for emergency relief, responses to those requests, and related legally required pleadings
 - Stipulations and proposed stipulated orders
 - Orders to show cause re preliminary injunctions and requests for temporary restraining orders (including civil harassment, workplace, and school violence matters), requests to renew, modify, withdraw, or terminate restraining orders, and related legally required pleadings
 - Petitions to withdraw funds from blocked accounts
 - In cases in which a motion was filed prior to March 17, 2020, all filings relating to the pending motion, including oppositions, and replies
 - ~~In cases in which a case management conference was set prior to March 17, 2020, all filings relating to the already-scheduled or continued case management conference, including c~~Case management conference statements
 - Notices of settlement
 - Notices of removal
 - Requests for dismissal, dismissals, and motions to vacate dismissals

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

- Substitutions of attorney and proofs of service of same
- Notices of change of address and other contact information, and proofs of service of same
- Notices of change of firm name and proofs of service of same
- Associations of counsel and proofs of service of same
- Notices of posting jury fees and proofs of service of same
- Copies, certified copies, and exemplifications
- Motions in cases that have an existing trial date set between May 4, 2020, and August 31, 2020, and all filings related to those motions, including opposition and reply papers
- Motions for which a reservation date was on calendar as of May 4, 2020, for any date beginning March 17, 2020, and all filings related to those motions, including opposition and reply papers
- Family (if by drop box, may be deposited at the Hayward Hall of Justice only):
 - Requests for temporary restraining orders and requests to renew, modify, withdraw, or terminate restraining orders, responses to those requests, and proofs of service relating to those requests
 - Ex parte requests for emergency relief and responses to those requests
 - Stipulations and proposed stipulated orders, including requests for appt. of private judges, mediators and experts
 - DCSS filings, limited to summons and complaints, stipulations and orders, defaults, notices of motions, answers and other responsive pleadings, proofs of service, orders after hearing, and filings related to notices of motion
 - New petitions for dissolution and parentage, which petitions are accepted only for the purposes of putting into effect automatic temporary restraining orders and preserving retroactivity for all support issues; for all other purposes these petitions are subject to any Implementation Order or other authority deeming days holidays for purposes of Code of Civil Procedure sections 12 and 12a
 - Findings and orders after hearing for hearings currently being conducted during the public closure period and for orders made prior to March 17, 2020
 - Substitutions of attorney and proofs of service of same
 - Judgments and supporting documents submitted to the Court prior to March 17, 2020, and judgments and supporting documents submitted to the Court as a result of informal settlement conferences ~~resulting from a hearing that is conducted during the public closure period~~
 - Copies, certified copies, and exemplifications
- Probate (if by drop box, may be deposited at the Berkeley Courthouse only):
 - Ex parte requests for emergency relief, including requests for temporary guardianships and temporary conservatorships and related legally required pleadings, and responses to those requests
 - Petitions for exclusive authority to consent to medical treatment
 - Stipulations and proposed stipulated orders
 - Proofs of holographic will

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

- Proofs of subscribing witness
 - Waivers of bond
 - Nominations of administrator
 - Declarations in response to examiner's notes
 - Copies, certified copies, and exemplifications
 - Petitions for final distribution for existing probate matters and any opposition papers
 - Small estate affidavits
 - Proofs of publication for previously filed probate estates
 - Notices of hearing
- Mental Health (if by drop box, may be deposited at the Rene C. Davidson Courthouse only):
 - Filings relating to proceedings in Department 410

(d) Fax filing fees

During the COVID-19 crisis, the Court will not offer premium fax filing service. All documents 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 fax filing or drop box.

(e) Documents that may be filed by drop box

The ~~Court will accept the~~ following documents **may only be filed**, ~~and only the following documents~~, via drop box filing at the indicated court locations:

- ~~● Civil (Rene C. Davidson Courthouse or Hayward Hall of Justice)~~
 - ~~○ Ex parte requests for emergency relief, including requests for temporary restraining orders (including civil harassment, workplace, and school violence matters), requests to renew, modify, withdraw, or terminate restraining orders, and related legally required pleadings~~
 - ~~○ Stipulations and proposed stipulated orders~~
 - ~~○ Petitions to withdraw funds from blocked accounts~~
 - ~~○ In cases in which a motion was filed prior to March 17, 2020, all filings relating to the pending motion, including oppositions, and replies~~
 - ~~○ In cases in which a case management conference was set prior to March 17, 2020, all filings relating to the already-scheduled or continued case management conference, including case management conference statements~~
 - ~~○ Notices of settlement~~
 - ~~○ Notices of removal~~
 - ~~○ Requests for dismissal, dismissals, and motions to vacate dismissals~~
 - ~~○ Substitutions of attorney and proofs of service of same~~
 - ~~○ Notices of change of address and other contact information, and proofs of service of same~~
 - ~~○ Notices of change of firm name and proofs of service of same~~

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

- ~~○ Associations of counsel and proofs of service of same~~
- ~~○ Notices of posting jury fees and proofs of service of same~~
- ~~Family (Hayward Hall of Justice):~~
 - ~~○ Requests for temporary restraining orders and requests to renew, modify, withdraw, or terminate restraining orders, responses to those requests, and proofs of service relating to those requests~~
 - ~~○ Ex parte requests for emergency relief and responses to those requests~~
 - ~~○ Stipulations and proposed stipulated orders, including requests for appt. of private judges, mediators and experts~~
 - ~~○ DCSS filings, limited to summons and complaints, stipulations and orders, defaults, notices of motions, answers and other responsive pleadings, proofs of service, orders after hearing, and filings related to notices of motion~~
 - ~~○ New petitions for dissolution and parentage, which petitions are accepted only for the purposes of putting into effect automatic temporary restraining orders and preserving retroactivity for all support issues; for all other purposes these petitions are subject to any Implementation Order or other authority deeming days holidays for purposes of Code of Civil Procedure sections 12 and 12a~~
 - ~~○ Findings and orders after hearing for hearings currently being conducted during the public closure period and for orders made prior to March 17, 2020~~
 - ~~○ Substitutions of attorney and proofs of service of same~~
 - ~~○ Judgments resulting from a hearing that is conducted during the public closure period~~
- Probate (Berkeley Courthouse):
 - ~~○ Ex parte requests for emergency relief, including requests for temporary guardianships and temporary conservatorships and related legally required pleadings, and responses to those requests~~
 - ~~○ Stipulations and proposed stipulated orders~~
 - Probate letters with associated bonds
 - ~~○ Petitions for exclusive authority to consent to medical treatment~~
 - ~~○ Proofs of holographic will~~
 - ~~○ Proofs of subscribing witness~~
 - ~~○ Waivers of bond~~
 - ~~○ Nominations of administrator~~
 - ~~○ Declarations in response to examiner's notes~~

(f) Processing of documents submitted by mail

Beginning Monday, April 27, 2020, any of the above document types enumerated in subdivisions (c) and (e) that were received by mail between March 17, 2020, and April 24, 2020, will be processed and file-stamped with the date of April 27, 2020. Thereafter, any of the document types enumerated in subdivisions (c) and (e) that the Court receives via mail during the COVID-19 public closure period will be file-stamped as of the date they are received.

Notwithstanding the above, filing dates for the following papers will be handled as per section (g) below:

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

- Motions in cases that have an existing trial date set between May 4, 2020, and August 31, 2020, and all filings related to those motions, including opposition and reply papers
- Motions for which a reservation date was on calendar as of May 4, 2020, for any date beginning March 17, 2020, and all filings related to those motions, including opposition and reply papers

(g) Filing dates for motions

Any motions papers of the type enumerated below that the Court received (whether by fax filing, drop box, or mail) between March 17 and May 1, 2020, will, as of May 4, 2020, be filed stamped as of May 4, 2020:

- Motions in cases that have an existing trial date set between May 4, 2020, and August 31, 2020, as well as opposition and reply papers; and
- Motions for which a reservation date was on calendar as of May 4, 2020, for any date beginning March 17, 2020, as well as opposition and reply papers.

Thereafter, any of the aforementioned motions or related filings will be file-stamped as of the date they are received.

(h) ~~Suspension of r~~Reservation requests ~~and hearings on new motions~~

Until such time as this rule is further amended or repealed, the Court will only accept reservation requests as specified herein ~~not accept reservation requests made on or after March 17, 2020, nor will the Court hear motions submitted for filing on or after March 17, 2020.~~

(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 related to any case with a trial date between May 4 and August 31, 2020. Such 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.

(i) Hearings on motions where tentative rules are contested

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

Beginning May 4, 2020, within the limitations of available technology and Court resources, the Court will begin conducting 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 motions. All motions 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 not accept any documents for filing during the COVID-19 crisis other than as indicated above. Documents other than those listed above that are submitted for filing by mail, fax filing or placed in a drop box will not be processed until such time as the Court reopens to the public.

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