

# 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 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 by mail, drop box, or fax filing pursuant to Local Rule 1.8, except as provided in subsections (e) and (f)(3), below.

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.

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

### (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 and original wills and codicils may only be filed by mail or by drop box at the Berkeley Courthouse.

### (f) Case processing

#### (1) Processing of papers generally

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.

#### (2) Processing of appeals

Beginning Monday, June 15, 2020, any papers relating to appeals received by mail, fax filing, or e-filing between March 17, 2020, and March 31, 2020, will be processed and file-stamped with the date of June 15, 2020. Papers pertaining to appeals received by mail, fax filing, or e-filing on or after April 1, 2020, will be processed and file-stamped on a rolling basis thereafter as resources permit.

#### (3) Processing of unlawful detainers

##### (A) Complaints

Effective June 15, 2020, the Court will accept new unlawful detainer complaints for filing only where the complaint alleges that the action is necessary to protect public health and safety, including matters where continued occupancy poses an imminent threat to health and safety.

Any such complaint must be accompanied by the following:

- (i) A declaration under oath stating specific facts showing the health and safety related necessity;
- (ii) A proposed order permitting the filing on the basis of such necessity; and
- (iii) All available contact information for all parties and counsel, including valid email addresses.

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

Upon receipt, the Court will review the complaint, declaration, and proposed order on an ex parte basis. The Court may in its discretion hold a hearing or request that defendant respond before issuing a summons on a proposed complaint.

If the Court, in its discretion, finds that the action is necessary to protect public health and safety, the Court will issue a summons, and plaintiff may then serve a copy of the summons and complaint. The action may not be served or otherwise proceed until the Court issues a summons on a proposed complaint. Failure to comply with this rule may be the basis for an order imposing monetary or other sanctions as provided by law.

Effective July 13, 2020, where the unlawful detainer complaint has been accepted for filing, parties may file responsive pleadings, ex parte applications, and motions.

### (B) Requests for entry of default or default judgment

Effective July 13, 2020, the Court will accept for filing requests for entry of default or default judgment in an unlawful detainer action only where (i) the plaintiff demonstrates that the action is necessary to protect public health and safety, or that continued occupancy poses an imminent threat to health and safety, and (ii) the defendant has not appeared in the action within the time provided by law, including by any applicable executive order.

Any such request for entry of default or default judgment must be accompanied by the following:

- (i) A declaration under oath stating specific facts showing the health and safety related necessity;
- (ii) A proposed order permitting the filing on the basis of such necessity; and
- (iii) All available contact information for all parties and counsel, including valid email addresses.

Upon receipt of a request for entry of default or default judgment, the Court may in its discretion hold a hearing upon notice to all parties.

### (C) Requests for temporary stay of eviction

Parties may file requests for temporary stay of eviction for any judgment entered on or after July 13, 2020.

### (D) Motions pending prior to March 17, 2020

Effective July 13, 2020, parties may file pleadings or other documents on any pending motion that was reserved prior to March 17, 2020. The Court

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

will set pending motions for remote hearings or continue the hearing date on a case-by-case basis. The Court will notify the parties whether the motion is set for remote hearing or has been continued.

### (E) Requests for Informal Discovery Conference

Effective July 13, 2020, parties may request an Informal Discovery Conference pursuant to Code of Civil Procedure Section 2016.080 and Local Rule 3.31.

### (F) Stay on writs of possession

Execution of any ~~previously issued~~ writ of possession for real property issued before July 13, 2020, is hereby stayed up to and through August 16 ~~July 15~~, 2020, and no payment of undertaking for this period shall be owed by any defendant, consistent with the Court's exercise of discretion under Code of Civil Procedure 918.

### (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, unless the filing falls within the exception outlined in subsection (f)(3) above. Such requests must be made by contacting the clerk in the department to which the case is assigned.

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

### **(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 rulings are contested**

The Court will conduct as many hearings as possible within the limitations of available technology and Court resources. 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) Email address required**

Each pleading submitted for filing must include, with the required contact information at the top of the first page, a current email address for the attorney or self-represented party on whose behalf the pleading is submitted. Each form submitted for filing must also include a current email address for the attorney or self-represented party on whose behalf the form is submitted, regardless of any "optional" reference that may be printed on the form.

*Rule 1.8a amended July 10, 2020; previously amended June 16, June 12, May 18, May 7, April 29, 24, 22 and 13, 2020; adopted effective April 10, 2020.*