

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposed Amendments to Title 5, Division 1: Chapter 1, rule 5.25 to the Local Rules

Requests to set settlement conferences and trial dates

The proposed amendments to rule 5.25 to the court's Local Rules ("Rules") entitled ***Requests to set settlement conferences and trial dates*** are part of the court's continuing effort to review, correct, and update its Rules as needed.

The proposed amendments to rule 5.25 are summarized below.

SUMMARY

The proposed amendments are to support implementation of what is commonly referred to as the Elkins Task Force recommendations.

Below is the full text of proposed local rule 5.25 with deletions in **strikeout** and additions noted in **underline**.

Rule 5.25. Requests to set settlement conferences and trial dates

(a) Request for trial

Either party may request that a trial date be set by serving and filing a *Request for Status Case Resolution Conference ~~to Set Case for Trial~~* (Local Form ALA FL-050). Upon filing a request for trial, a **status case resolution** conference will be calendared by the clerk.

(b) Motion to set

Either party may serve and file a notice of motion to set a settlement conference and trial date or to set a trial date without a settlement conference. Trial dates will not be set without settlement conference dates unless the court determines that the matter will proceed as an uncontested matter, or unless a settlement conference has already been conducted by the court. At the time of the hearing on the motion to set, a court may make orders concerning proceeding to trial as the court deems appropriate. The only other relief that can be requested as part of a motion to set is:

- (1) Relief that would result in the matter proceeding as a default.
- (2) Relief regarding the other party's failure to serve a preliminary disclosure declaration.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

(c) Request for voluntary settlement conference

The parties may request in writing that the entire matter is ready for settlement conference and trial or that certain issues are ready for bifurcated settlement conference and trial. If the request is granted, the matter will be set and the parties notified of the date, time, and place of the voluntary settlement conference. The parties must use the *Stipulation and Order for Voluntary Settlement Conference (Local Form ALA FL-045)* to make their request.