

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposed Amendments to Title 5, Division 1: Chapter 1, rule 5.30 to the Local Rules

Motions and hearings

The proposed amendments to rule 5.30 to the court's Local Rules ("Rules") entitled ***Motions and hearings*** are part of the court's continuing effort to review, correct, and update its Rules as needed.

The proposed amendments to rule 5.30 are summarized below.

SUMMARY

The proposed amendments are to delete a portion of subdivision (c) as it is preempted by a California Rule of Court.

Below is the full text of proposed local rule 5.30 with deletions in **strikeout** and additions noted in underline.

Rule 5.30. Motions and hearings

(a) Duty to meet and confer

- (1) Before court hearing on an order to show cause or motion

Unless the court orders another time period, no later than five days before a hearing on an order to show cause or a motion, the parties must meet and confer, in person or by telephone, discuss all pending issues and, to the extent not previously served and filed, exchange all documents and information relevant to such issues.

- (2) Before settlement conference or trial

Unless the court orders another time period, no later than five days before a settlement conference or trial, the parties must meet and confer, in person or by telephone, to discuss all pending issues and, to the extent not previously served and filed, must exchange all documents and information relevant to such issues.

(b) Attaching order or judgment if modification is requested

In any proceeding to modify or enforce an existing order or judgment, a copy of the order or judgment must be attached to the moving papers. Any order or

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judgment required by this rule that is not attached to the moving papers must be attached to the responsive papers.

(c) Declaration of unresolved issues required

If a motion is continued for more than 60 days, each party must serve and file a declaration setting forth the issues that remain unresolved. ~~In addition, if any financial issues are involved, each party must file and serve a current Income and Expense Declaration unless that party has filed and served an Income and Expense Declaration within the previous 30 days and it remains current. The declaration, and Income and Expense Declaration if required, must be filed and served at least ten days before the date set for the continued hearing.~~ Parties must use the *Summary of Contested and Resolved Issues (Local Form ALA FL-030)* for this purpose.

(d) No appearances on ex parte applications

No personal appearance is permitted or required with an ex parte application, unless otherwise ordered by the court.