

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

## Summary of Proposed Amendments to Title 5, Division 1: Chapter 1, rule 5.35 to the Local Rules

### Stipulated continuance of short-cause hearing

The proposed amendments to rule 5.35 to the court's Local Rules ("Rules") entitled ***Stipulated continuance of short-cause hearing*** are part of the court's continuing effort to review, correct, and update its Rules as needed.

The proposed amendments to rule 5.35 are summarized below.

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#### 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 5.35 with deletions in **strikeout** and additions noted in underline.

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#### Rule 5.35. Stipulated continuance of short-cause hearing **(non-trial)**

The hearing on a motion that is set on the court's short-cause calendar may be continued by submitting a written stipulation between the parties filed with the court and stating all of the following:

- (1) The title of the motion.
- (2) The date the motion was filed.
- (3) The date and time proposed for the continued hearing.
- (4) The reasons for the requested continuance.
- (5) The agreement of the parties that any temporary order previously issued by the court at the time of the filing of such motion will remain in effect until the motion or order is decided.
- (6) The clerk of the department in which the motion is pending has confirmed the date and time proposed for the continued hearing is available for the rescheduling.

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- (7) A copy of the stipulation has been served on all parties.

The signed stipulation must be received by the clerk in the department in which the motion is pending before noon on the court day prior to the date then scheduled for hearing. A stipulation submitted in conformance with this rule will be deemed approved unless the courtroom clerk notifies the parties otherwise. Any required fee must be paid to the clerk of the court before the motion is heard.

The parties must use the *Application and Order for Continuance of Hearing, ~~or~~ Status Conference, or Case Resolution Conference* (Local Form ALA FL-035) form to submit this request.