

# 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 for 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 process papers and conduct hearings as provided for in this rule, and as technology and resource constraints allow. The Court will further amend this rule 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 in person, by fax, mail, or drop box filing

The Court will accept all filings in person or by mail, drop box, or fax filing pursuant to Local Rule 1.8, except as provided in subsection (e), below.

The following locations are available for drop box filing from 2:30 p.m. to 4:00 p.m. 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
- George E. McDonald Hall of Justice: Requests for copies of, or research re, court records

##### (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.

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### (e) Papers that must be filed in person or by mail or drop box

The following papers must be filed in person, by mail, or drop box at the indicated court location:

- Probate letters with associated bonds and original wills and codicils may only be filed in person from 8:30 a.m. to 2:30 p.m. or by mail or drop box (from 2:30 p.m. to 4:00 p.m.) 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.

#### (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

The Court will accept new unlawful detainer complaints for filing only where the complaint alleges that the action is not prohibited by a local ordinance.

Any such complaint must be accompanied by the following:

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

All filings will be accepted as stated in subsection (c).

Upon receipt, the Court will review the complaint, declaration, and proposed order on an ex parte basis. The Court may in its discretion hold

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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 not prohibited by a local ordinance, 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 subdivision may be the basis for an order imposing monetary or other sanctions as provided by law.

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

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 not prohibited by a local ordinance, 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 or other exception;
- (ii) A proposed order permitting the filing on the basis of such necessity or other exception; 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. In order to ensure timely consideration, any party seeking a temporary stay of eviction may send a courtesy copy of the request by email to Department 511 ([dept511@alameda.courts.ca.gov](mailto:dept511@alameda.courts.ca.gov)) and notify the clerk's office by telephone at the time of filing.

### (D) Law and motion

Effective August 17, 2020, the Court will accept reservation requests for new motions as stated in subsection (h)(2), and ex parte requests as stated in subsection (h)(3), below. Parties may file pleadings or other documents in any pending case. The Court will set pending motions for

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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. The Court will enter judgment in an unlawful detainer action that will result in eviction only where it is established that the action is subject to any exception to any moratoria in the Alameda County Ordinance Code or applicable local ordinance.

(E) **Mandatory Settlement Conferences and requests to set for trial**

The Court will conduct all Mandatory Settlement Conferences (MSCs) remotely. Parties may request an MSC by stipulation or ex parte application. The Court may continue any MSC, court trial, or jury trial. The Court will accept for filing Requests and Counter-Requests to Set for Trial in all pending cases.

(F) **Stay on writs of possession**

Execution of any writ of possession for real property issued before July 13, 2020, is hereby stayed up to and through September 30, 2021, 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.
- Where permitted under rule 2.503 of the California Rules of Court, 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**

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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.

### **(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. Except as provided in emergency Local Rule 3.29, 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 effective June 24 , 2021; previously amended effective February 8 and January 1, 2021, and November 9, August 14, July 10, June 16, June 12, May 18, May 7, April 29, 24, 22 and 13, 2020; adopted effective April 10, 2020.*