



**Superior Court of California
COUNTY OF ALAMEDA**

March 19, 2021

Notice to Attorneys and to All Interested Parties:

Invitation to Comment on Proposed Amendments to Local Rules and Forms

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Alameda hereby distributes for public comment the attached proposal to amend Local Rule 3.31.

The proposal also may be viewed [here](#) or [here](#). In addition, a hard copy of the proposal is available upon request by email at pcomments@alameda.courts.ca.gov or by phone at 510-891-6012.

Important dates:

- The last day to comment is **Monday, May 3, 2021 at 5:00 p.m.**
- The proposed amendment takes effect upon approval of the Chair of the Judicial Council or on **July 1, 2021.**

Text of Proposed Amendments: *see attached.*

Comments must be submitted in writing to:

Andrew Taylor
Superior Court of California, County of Alameda
1225 Fallon Street, Room 209
Oakland, CA 94612
E-mail: pcomments@alameda.courts.ca.gov

Title 3. Civil Rules

Chapter 1. Rules Applicable to All Civil Cases

Rule 3.31. Discovery

Unless otherwise authorized by the court, discovery meet and confer obligations require an in-person, ~~or~~ telephonic, ~~or~~ video conference between parties. If a resolution is not reached, an Informal Discovery Conference (“IDC”) with the court pursuant to Code of Civil Procedure Section 2016.080 must be requested and either held or denied before a party may obtain a reservation number for the filing of ~~any discovery~~ a motion ~~against a represented party for further discovery or for a protective order~~. Department-specific instructions regarding use or modification of this rule are located ~~on the Court’s website page for each department~~ at www.alameda.courts.ca.gov/IDC.

1. To schedule an IDC, contact the clerk of the assigned department by email, with a copy to all parties.
2. The requesting party must file and serve an IDC declaration limited to ~~two~~ **three** pages that must include a brief summary of the meet and confer efforts and the disputed discovery. A courtesy copy of the IDC declaration must be emailed or delivered to the assigned department at least three court days before the IDC. The responding party shall file and serve an IDC response limited to ~~three two~~ **three** pages briefly summarizing the basis ~~of its position on which the requested discovery should be denied partially or entirely~~. A courtesy copy of the IDC response must be emailed or delivered to the assigned department at least ~~one court day~~ **one court day** ~~twenty-four hours~~ before the IDC.
3. No additional documents shall be ~~filed or furnished to the assigned judge for purposes of the IDC~~ **attached to any IDC statement or response** except a privilege log. Where privilege is a basis for refusal to produce documents, a privilege log must be provided.
4. The ~~email requesting an IDC will toll the deadline for filing the discovery motion. If no IDC is held, tolling shall continue until the denial of the hearing by the judge or by operation of law. If an IDC is held, the deadline shall be tolled until such time as the Court issues a direction or order setting a new deadline for filing a discovery motion~~ **emailed request for an IDC will toll the deadline for filing the discovery motion for the number of days between the request and issuance by the court of a subsequent order or, denial by operation of law.**

Rule 3.31 amended effective July 1, 2021; adopted effective January 1, 2019.