

# **Local Rules of the Superior Court of California, County of Alameda**

## **Title 1. General and Administrative Rules**

### **Chapter 1. General and Administrative Rules**

#### **Rule 1.8.1. Additional rules for filing and hearings**

##### **(a) Advisement regarding confirmation of hearing dates**

Parties are advised to check the Court's case management systems to confirm hearing dates.

##### **(b) Documents 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. Refer to the Alameda County Superior Court website for the times filings may be made at each courthouse.

The following locations are available for drop box filing:

- 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 regarding, court records

##### **(c) Documents that must be filed in person or by mail or drop box**

The following documents 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 at the Berkeley Courthouse.

##### **(d) Case processing**

###### **(1) Processing of documents generally**

As of the effective date of this rule, all documents will be file-stamped with the date on which they were received. Parties and counsel should check the eCourt and Domain case management systems regularly to determine whether filed documents have been processed.

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### (2) 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 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

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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)).

(D) Law and motion

Effective August 17, 2020, the Court will accept reservation requests for new motions as stated in subdivision (f). Parties may file pleadings or other documents in any pending case. The Court will set pending motions for hearings or continue the hearing date on a case-by-case basis. The Court will notify the parties whether the motion is set for 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 prefers to conduct all Mandatory Settlement Conferences (MSCs) remotely. Parties may request an MSC by stipulation or ex parte application and should indicate whether they agree to conduct the MSC remotely. 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.

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### (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 the end date of the eviction moratorium set forth in Alameda County Ordinance No. O-2020-41, 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.

### (e) Return of file-endorsed copies of documents filed by mail or drop box

Filers may obtain file-endorsed copies of documents that are filed by mail or drop box in the following ways:

- Processed documents 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 documents will be available online through the Court's eCourt Public Portal and DomainWeb portals at <https://eportal.alameda.courts.ca.gov/> and <https://publicrecords.alameda.courts.ca.gov/prs>, respectively.
- Otherwise, filers may return to the courthouse at which the documents were filed to pick up file-endorsed copies in person.

### (f) Reservation requests

Until such time as this rule is further amended or repealed, the Court will only accept reservation requests as specified herein.

Only one reservation may be made for a motion.

The Court will accept reservation requests for new, non-ex parte motions, except in unlawful detainer cases, unless the filing falls within the exception outlined in subsection (f)(3) above. Such requests must be made as follows:

- In Civil Law matters, through the eCourt Court Reservation System portal, located online at <https://eportal.alameda.courts.ca.gov/?q=node/384>;
- In Family Law matters, by contacting the clerk in the department to which the case is assigned; and
- In Probate Law matters, motion reservations are not accepted.

### (g) Email address required

Each pleading submitted for filing must include, with the required contact information at

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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. Failure to provide a current email address and statement of intent to appear remotely or in person may result in the continuance of the hearing.

*Rule 1.8.1 adopted effective April 30, 2022.*