

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

CIVIL RULES

RULE 1 DIFFERENTIAL CIVIL CASE MANAGEMENT SYSTEM

A. OVERVIEW

B. CASE MANAGEMENT JUDGES

C. CASES INVOLVING EMPLOYEES

D. PROPER COURTHOUSE FOR FILING A GENERAL CIVIL CASE

- (1) All unlimited civil cases must be filed in the Downtown Superior Court.
- (2) All limited civil cases must be filed in the Downtown Superior Court, ~~or the South County Courthouse,~~ subject to the following rules:

(Rev. 10/23/14)

- ~~a. A tort case may be filed in the South County Courthouse if at least one defendant resides at a Gilroy, Morgan Hill, or San Martin address, or the injury or damage occurred in Gilroy, Morgan Hill, San Martin or a surrounding unincorporated area within Santa Clara County.~~
- ~~b. A contract case may be filed in the South County Courthouse if at least one defendant resides at a Gilroy, Morgan Hill or San Martin address, or the contract was entered into or to be performed in Gilroy, Morgan Hill, San Martin, or a surrounding unincorporated area within Santa Clara County.~~
- ~~c. Other types of cases may be filed in the South County Courthouse if at least one defendant resides at a Gilroy, Morgan Hill or San Martin address or the case requires a determination of a right in land that has a Gilroy, Morgan Hill or San Martin address.~~
- ~~d. Upon the noticed motion of a party, or the Court's own motion, for good cause shown, a limited civil case may be transferred from the Downtown Superior Court to the South County Courthouse or vice versa.~~

E. CIVIL LAWSUIT NOTICE

F. MANDATORY CASE MANAGEMENT CONFERENCES

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RULE 7 PRETRIAL MOTIONS AND EX-PARTE PROCEEDINGS

A. UNLIMITED CIVIL CASES

(1) Pre-trial motions, ~~that do not pertain to discovery matters are heard on the law and motion calendar~~ **including discovery motions, are heard** in the department of the case management judge. The law and motion calendar is called on Tuesdays and Thursdays at 9:00 a.m. **or such other calendars as may be set by the Court.**

(Rev. 10/23/14)

~~(2) Discovery motions are heard on the discovery calendar in the The discovery calendar is called on Fridays at 9:00 a.m.~~

(Rev. 10/23/14)

B. LIMITED CIVIL CASES

All pretrial motions, including discovery motions, are heard on the law and motion calendar in the department of the case management judge. The law and motion calendar is called on Tuesdays and Thursdays at 9:00 a.m. ~~In South County, the law and motion calendar is called on Mondays at 9:00 a.m.~~

(Rev. 10/23/14)

C. SCHEDULING HEARINGS

A party seeking a hearing date ~~on~~ **for** law and motion **or discovery** ~~calendar or the discovery calendar~~ must contact the calendar clerk to obtain approved alternate dates for the hearing. If possible, the party should obtain agreement to one of the alternate dates from all opposing parties. When a date is chosen, the party must inform the calendar clerk.

(Rev. 10/23/14)

D. CONTINUANCES AND REQUESTS TO TAKE MOTIONS OFF CALENDAR

E. TENTATIVE RULINGS

F. EX PARTE APPLICATIONS

Ex parte applications are heard every court day between 8:15 and 9:00 a.m. ~~If the ex parte application concerns a discovery matter, it must be brought to the Discovery Department. Otherwise,~~ **An ex parte application** must be brought to the department of the case management judge. The moving party or self-represented party applying for a civil harassment, elder abuse, private postsecondary school violence, transitional housing misconduct, or workplace violence restraining order must submit a Declaration in Support of Ex Parte Application for Civil Restraining Orders (attached form CV-5014). ~~In South County, ex parte applications are heard every court day at 1:00 p.m.~~ All ex parte applications are heard only in compliance with CRC 3.1203(a), which requires notice to all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice.

(Rev. 10/23/14)

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RULE 4 CIVIL EARLY SETTLEMENT CONFERENCE PROGRAM

(Eff. 7/1/12)

B. STIPULATION AND CMC

(Eff. 7/1/12)

All parties must complete the ADR Stipulation and Order Form, checking the box “Early Settlement Conference,” and must file the form in the Clerk’s Office.

(Eff. 7/1/08)

If the form is filed at least 15 calendar days before the initial Case Management Conference (CMC), the conference will be vacated. If the case is a limited jurisdiction case, it will be set for a trial setting conference to be held approximately ~~90~~ **120** calendar days after the vacated initial CMC. If the case is an unlimited jurisdiction case, it will be set for ADR review ~~approximately 90 calendar days after the vacated initial CMC~~ **on a date the Court selects.**

(Rev. 10/23/14)

If the ADR Stipulation and Order form is filed after the initial CMC, upon approval of the Court, any pending CMC will be vacated and the case will be set for ADR review ~~in approximately 60 calendar days~~ **on a date the Court selects.**

(Rev. 10/23/14)

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RULE 12 UNLAWFUL DETAINER CASES

A. PURPOSE

B. DESIGNATION OF UNLAWFUL DETAINER CASES

C. PROPER COURTHOUSE FOR FILING AN UNLAWFUL DETAINER CASE

~~(1) An unlawful detainer case that concerns real property with a Gilroy, Morgan Hill or San Martin mailing address must be filed in the South County Courthouse if the amount in controversy is \$25,000 or less.~~

~~(2) All other unlawful detainer cases must be filed in the Downtown Superior Court.~~

(Rev. 10/23/14)

~~(3) An unlawful detainer case that was properly filed in the South County Courthouse may remain there even if the amount in controversy rises above \$25,000 as a result of delay in the prosecution of the case.~~

~~(4) Upon the motion of a party, or the court's own motion, for good cause shown, an unlawful detainer case may be transferred from the South County Courthouse to the Downtown Superior Court or vice versa.~~

(Rev. 10/23/14)

D. UNLAWFUL DETAINER CASES IN DOWNTOWN SUPERIOR COURT

~~**E. UNLAWFUL DETAINER CASES IN SOUTH COUNTY COURTHOUSE**~~

~~Each unlawful detainer case will be assigned to a department in the South County Courthouse for all purposes.~~

F. E. NOTICED MOTIONS

Any party who wishes to bring a noticed motion must contact the appropriate calendar clerk to obtain an approved date and time for the hearing.

G. F. TRIAL

H. G. CONVERSION TO ORDINARY CIVIL ACTION

I. H. POST JUDGMENT CLAIM OF RIGHT TO POSSESSION

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RULE 18 SMALL CLAIMS ACTIONS

A. PROPER COURTHOUSE FOR FILING A SMALL CLAIMS ACTION

All small claims actions must be filed **and will be heard** in the Downtown Superior Courthouse, ~~Palo Alto Courthouse, or South County Courthouse,~~ subject to the following rules **if the defendant resides in Santa Clara County or the action concerns a contract entered into or to be performed in Santa Clara County or the action concerns an injury or damage that occurred in Santa Clara County.**

(Rev. 10/23/14)

~~(1) MULTIPLE ACTIONS AGAINST SAME DEFENDANT~~

~~If the plaintiff files 3 or more separate actions against the same defendant at the same time, the actions must be filed in the Downtown Superior Courthouse.~~

(Eff. 7/01/11)

~~(2) (1) DOWNTOWN SUPERIOR COURTHOUSE~~

~~A small claims action may be filed in the Downtown Superior Courthouse if the defendant resides at a Campbell, Los Gatos, Milpitas, Monte Sereno, San Jose, Santa Clara, or Saratoga address in; or the action concerns a contract entered into or to be performed in any of those cities; or the action concerns an injury or damage that occurred in any of those cities.~~

(Eff. 1/01/15)

~~(3) SOUTH COUNTY COURTHOUSE~~

~~A small claims action may be filed in the South County Courthouse if the defendant resides at a Gilroy, Morgan Hill, or San Martin address; or the action concerns a contract entered into or to be performed in any of those cities; or the action concerns an injury or damage that occurred in any of those cities.~~

~~(4) PALO ALTO COURTHOUSE~~

~~A small claims action may be filed in the Palo Alto Courthouse if the defendant resides at a Cupertino, Los Altos, Los Altos Hills, Mountain View, Palo Alto, or Sunnyvale address; or the action concerns a contract entered into or to be performed in any of those cities; or the action concerns an injury or damage that occurred in any of those cities.~~

~~(5) DEFENDANT'S CROSS CLAIM~~

~~A defendant's cross claim must be filed in the same courthouse where the small claims action was filed by the plaintiff.~~

B. FAX FILING IN SMALL CLAIMS CASES FILED AT THE DOWNTOWN SUPERIOR COURT

(1) DIRECT FILING

- a. Pursuant to CRC 2.304, the Court accepts for filing all small claims documents submitted by facsimile transmission directly with the Court through the Court's automated facsimile filing

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system. ~~Only cases eligible for filing at the Downtown Superior Courthouse may be fax filed.~~

(Rev. 10/23/14)

C. DATE, TIME, AND PLACE FOR HEARING

When the small claims action is filed, the court clerk will schedule the hearing according to the following rules:

(Eff. 7/01/07)

(1) MULTIPLE ACTIONS AGAINST THE SAME DEFENDANT

If the plaintiff files three or more actions against the same defendant at the same time, the court clerk will schedule the hearing on a Thursday morning ~~at the Downtown Superior Courthouse.~~

(Rev. 10/23/14)

(2) SAME COURTHOUSE

The clerk will schedule all other hearings in the **Downtown Superior Courthouse** ~~same courthouse where the small claims action was filed~~ unless the plaintiff requests a night court session.

(Rev. 10/23/14)

(3) NIGHT COURT SESSIONS

Night court sessions are held in the Santa Clara Courthouse at 6:00 p.m. on the second and fourth Tuesday of every month, excluding Court holidays.

(Eff. 1/01/09)

~~**(4) TRANSFER**~~

~~For good cause shown, the defendant may request the Court to transfer the hearing to a different courthouse where small claims hearings are heard. At least 10 days before the hearing date, the defendant must file the request at the courthouse where the small claims action was filed and mail a copy of the request to each party to the action. If the Court finds that the interests of justice would be served by transferring the hearing to the courthouse requested by the defendant, the Court will mail a notice to all parties of the new date, time, and place for hearing.~~

(Rev. 10/23/14)

D. SERVICE OF CLAIMS

E. SETTLEMENT BEFORE HEARING

F. DISMISSAL FOR FAILURE TO APPEAR AT HEARING

G. APPEAL

An appeal of a judgment rendered in a small claims action must be filed in the ~~same~~ **Downtown Superior** ~~courthouse where the action was filed.~~ The appeal will be heard ~~at the Downtown Superior Courthouse~~ by a judicial officer other than the one who issued the judgment. The Court will notify the parties of the date, time, and place for the hearing on the appeal.

(Rev. 10/23/14)

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PROBATE RULES

RULE 1 ADMINISTRATION AND GENERAL POLICIES

- A. SCOPE**
- B. ALL PURPOSE JUDGE**
- C. CASE ASSIGNMENT**

If a case is sent for trial to the Civil Division based upon its expected length or for other reasons, the APJ shall hear all issues up to trial, including any ex parte requests, ~~with the exception of discovery issues. Discovery issues shall be heard in the Civil Discovery Department~~ However, if a court employee or deputy sheriff working in the Probate Department, or a member of his or her family, is a party to a case, the Supervising Judge of the Probate Department shall transfer the case to the Civil Division for assignment for all purposes.

(Rev. 10/23/14)

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CRIMINAL RULES

RULE 1 GENERAL

- A. SUPERVISING JUDGE – CRIMINAL**
- B. CALENDAR CALL**
- C. MASTER TRIAL CALENDAR MOTIONS**
- D. MOTIONS TO CONSOLIDATE**
- E. CALENDAR SCHEDULE**

- (1) HALL OF JUSTICE COURTHOUSE**
- (2) OTHER COURTHOUSES**

Specific calendars for other courthouses will be as specified in the “Santa Clara County Superior Court Protocol” on file in the Clerk’s Office of each courthouse and available in each courtroom in these facilities.

(Eff. 1/01/06)

- (3) DRUG COURT CALENDARS**
- (4) DOMESTIC VIOLENCE CALENDARS**

- F. READINESS CONFERENCE**
- G. MISDEMEANORS – TRIALS AND PRETRIALS**

H. COURTHOUSES

- (1) HALL OF JUSTICE COURTHOUSE**
- (2) TERRAINE COURTHOUSE**
- (3) SOUTH COUNTY COURTHOUSE**

All misdemeanor, felony, and Municipal Code matters **designated in the Criminal Local Bail Schedule** ~~and traffic infractions~~ arising in Gilroy, Morgan Hill, and San Martin and adjacent unincorporated areas are filed and heard in this courthouse.

(Rev. 10/23/14)

- (4) PALO ALTO COURTHOUSE**

All misdemeanor, felony, and Municipal Code matters **designated in the Criminal Local Bail Schedule** ~~and traffic infractions~~ arising within Cupertino, Los Altos, Los Altos Hills, Mountain View, Sunnyvale and Palo Alto and adjacent unincorporated areas are filed in this courthouse.

(Rev. 10/23/14)

- (5) SANTA CLARA COURTHOUSE**

All traffic infractions **and Municipal Code matters designated in the Traffic Local Bail Schedule** arising **in the County of Santa Clara** ~~within Campbell, Los Gatos, Milpitas, Monte Sereno, San José, Santa Clara, and Saratoga~~ are heard in this courthouse.

(Rev. 10/23/14)