

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

**LAW & MOTION/CASE MANAGEMENT RULES**

Department PS1

(Effective January 3, 2023)

**\*\*Department Rules subject to changes and/or updates given the fluid nature of the COVID-19 crisis, and the ever-changing availability of resources.**

- 1. Hearing Times.** Unless otherwise indicated, the law and motion/case management (FastTrack) calendar in Department PS1 will begin at 8:30 a.m. Please check in with the courtroom clerk no later than 8:15 a.m. If appearing remotely, please call between 8:00 a.m. and 8:15 a.m. If you do not timely check in the with courtroom clerk you risk being unable to appear.
- 2. Law & Motion Tentative Rulings.** This Department publishes tentative rulings per California Rules of Court, rule 3.1308 (a) (1) and Riverside Superior Court Local rule 3316. Tentative Rulings for each law and motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at <https://www.riverside.courts.ca.gov/OnlineServices/TentativeRulings/tentative-rulings.php>. If you do not have internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

***Hearings will not be held on law and motion matters if oral argument is not timely requested.*** To request oral argument, not later than 4:30 p.m. on the court day before the hearing, you must: (1) notify the judicial secretary for Department PS1 at (760) 904-5722 and; (2) inform all other parties. If no request for oral argument is made by 4:30 p.m., the tentative ruling will become the final ruling on the matter effective the date of the hearing.

- 3. Ex Parte Applications.** Ex-parte applications are heard daily on the law and motion calendar, subject to the Court's availability. The Court may exercise its discretion to deny or grant an ex parte application without a hearing. In addition to complying with the California Rules of Court and applicable Local Rules governing ex parte applications, parties seeking ex parte relief must email a copy of any ex parte application (and all supporting documents) to the opposing party/counsel no later than 4:00 p.m. the day prior to the ex parte hearing. Any opposition to an ex parte application must be served on the moving party/counsel as soon as it is filed with the Court. Absent exceptional circumstances, no hearing will be conducted, and the ex parte application will be denied, if inadequate notice is given or if there is inadequate service.

Note: The court cannot advance a hearing date or shorten time to hear a motion, via ex parte application, or otherwise, unless that motion has already been filed with the court and a hearing date set. A party desiring an order shortening time on a motion should not bring an ex parte application for such an order until that party has first (1) reserved a hearing date for the motion (2) paid the appropriate filing fee or obtained a fee waiver and (3) filed the motion.

4. **Counsel Appearing for Limited Purpose.** Counsel appearing in this Department, including those making so-called “special appearances,” must be familiar with the case and able to represent their client’s interest as would any other attorney. (*Streit v. Covington & Crowe* (2000) 82 Cal.App.4th 441, 445-446.) For purposes of case management hearings, that means counsel must be prepared to discuss in detail issues listed in rules 3.724 and 3.727, Local Rule 3218, and any orders made by this Department, including those pertaining to mandated efforts to “meet and confer.” Absent extenuating circumstances, appearance by counsel unfamiliar with the case may result in an Order to Show Cause re sanctions being set, including as against “specially appearing” counsel.

5. **Court Reporters.**

- A. **Law & Motion.** The Riverside County Superior Court policy is not to provide reporters for case management (FastTrack) and law and motion matters in unlimited civil cases. Per this policy, in unlimited civil cases a party who has received a fee waiver may request an official court reporter by submitting Judicial Council form FW-020 at least 10 calendar days prior to a trial or hearing, subject to availability. Additional information for parties with fee waivers is set out on the Court’s website at <https://www.riverside.courts.ca.gov/GeneralInfo/CourtReporterInfo/court-reporter-info.php>.

For parties without a fee waiver, the Court’s policy governing Privately Retained Court Reporters permits that where no official court reporter is available the parties may arrange, at their own expense, for a reporter. Per this policy, parties must file with the Court at least 5 days prior to any hearing either: (1) local form RI-RE003 (Court-Approved List of Official Reporters Pro Tempore); or (2) Local form RI-RE005 (stipulation to a court reporter that is not on the Court-Approved list). More information about these forms and the requirements governing privately-retained reporters is available on the Court’s website, as noted above.

\*\*\*Other than in the case of an ex parte application or other motion scheduled on fewer than 5 days’ notice, the Court will not consider untimely requests for appointment of a reporter in law and motion matters absent extenuating circumstances.

**B. Continued hearings.** If the Court issues an order approving appointment of a privately-retained reporter for a particular hearing and the hearing is subsequently continued, the approved reporter may appear and report at the continued hearing without the need for a further order. If the approved reporter is not available on the continued hearing date, a new form RI-RE003 or RI-RE005 must be timely filed naming the replacement reporter.

**6. Case Management Rules.**

**A. Case Management Conference.** The Court expects counsel and self-represented parties to comply with all case management rules set out in the California Rules of Court, including but not limited to rule 3.700 et seq. Failure to comply with these rules, or other Rules of Court or applicable Local Rules, including Local Rule 3218, may result in an Order to Show Cause why sanctions should not be imposed, the continuance of the case management conference, or both. Failure to meet and confer *in person, by telephone, or on video* as required may result in an Order to Show Cause re sanctions, continuance of the case management conference, or both.

\*\*\*To demonstrate compliance with these rules, counsel and self-represented parties are advised to provide detailed information in their Case Management Statement (or other declaration, as ordered) about when and how they met and conferred and what, if any, agreements they reached relative to substantive issues, procedural issues, the timeline for discovery, or the type of ADR appropriate for the case and when it will be completed.

**B. Trial Setting Conference.** In advance of any trial setting conference, counsel and self-represented parties are ordered to meet and confer in person, by telephone, or by video, and to prepare and file a declaration at least 10 days in advance of the trial setting conference addressing all of the following:

- Three available dates for trial, beginning on a Friday at 8:30 a.m., within approximately 6 months of the Trial Setting Conference, if the Court has available trial dates within that timeframe. Trial dates are “firm” so parties should take care in selecting mutually agreeable dates. (See Rules of Court, rule 3.1332(a).) All counsel and self-represented parties must be available on the dates selected. Questions about the Court’s availability for “trial call” dates may be directed to the courtroom assistant before these dates are selected. (See PS1 Trial Rules.) Failure to select mutually agreeable dates, or to provide a detailed explanation as to why any dates

selected are well outside the 6-month window, may result in the Court setting a trial date without input from the parties.

- Whether parties are requesting a bench or jury trial, and the length of the anticipated trial in hours, if possible. Counsel and self-represented parties should provide their best estimate as to the anticipated length of the trial. If parties are unsure how to estimate the length of time needed, they should instead provide detailed information about the number of witnesses they anticipate calling, specifying the number of experts, and should note any special circumstances, e.g., the need for one or more foreign-language interpreters, child witnesses, etc.
- If parties have timely paid jury fees they should address whether they wish to stipulate to a panel consisting of fewer than 12 jurors (Cal. Const, art. 1, § 16) or to an “expedited” jury trial under Code of Civil Procedure section 630.01 et seq.
- If the parties are requesting a virtual trial.
- Whether the parties have participated, or will be participating, in some form of alternative dispute resolution. This should include information about the last date the parties engaged in any form of ADR, or any scheduled ADR dates, and should include information about whether the parties believe a Mandatory Settlement Conference may be beneficial. The Court will take this information into account when determining whether and when, if at all, to set a Mandatory Settlement Conference.
- The declaration may address any other issues that that are relevant to setting trial.

\*\*\*The Court *strongly* prefers that this declaration be *jointly* prepared and filed. Failure to file a declaration or to meet and confer as ordered, will result in sanctions without further notice as an Order to Show Cause re filing a trial setting declaration will be automatically set at the time the trial setting conference is calendared; sanctions of up to \$1500 may issue, jointly and severally as against counsel and parties.

**C. Status Conferences.** In advance of any status conference where the Court has not expressly ordered the parties/counsel to provide a written declaration, counsel and self-represented parties are strongly encouraged to file with the Court at least 10 days in advance of the hearing a declaration explaining case status. If the declaration is sufficiently detailed, the Court may act without the need for a hearing, allowing counsel to avoid an unnecessary appearance.

**D. Orders to Show Cause.** Counsel and self-represented litigants must comply with Local Rule 3116, which provides that a written response to any OSC be filed with the Court at least 5 days in advance of the hearing (although the Court encourages filing any response at least 10 days in advance of the OSC where possible). Local Rule 3116 further provides that “failure to file a timely declaration [may] constitute an admission by the responding party that there are no meritorious grounds on which to oppose the action that is the subject of the Order to Show Cause. In that event, the Court may vacate the hearing and issue any order consistent with that admission.” In other words, *failure to respond in writing to the OSC may result in the Court vacating the hearing on the OSC and making orders in chambers, including orders imposing sanctions on parties and counsel.*

**7. Law and Motion Video Appearance.** For regularly noticed law and motion matters, counsel may submit a stipulation and order requesting to appear and argue via video through the electronic platform used by the Court for telephonic appearances; instructions for accessing the platform are set forth in the Court’s posted tentative rulings. A stipulation requesting a video appearance must be signed by ALL moving and opposing parties to the motion, and must be filed with the Court a minimum of 5 calendar days in advance of any regularly noticed motion. The parties may stipulate orally at the hearing to appear via video for ex parte matters or motions set on fewer than 5 days’ notice. All video appearances will, as with telephonic appearances, be livestreamed on the Court’s website. Counsel/parties requesting to participate via video are responsible for ensuring they have appropriate and functional technology. The Court reserves the right to deny any request, including retroactively, if the parties lack the technical capability of participating via video.

**8. Informal Discovery Conferences.**

**A. Joint Request by Parties.** If all parties believe that one or more discovery issues may be resolved with the Court’s assistance, they may submit a request for a telephonic or video informal discovery conference. The parties may submit a formal stipulation complying with the requirements below or, alternatively, may submit an email to the department with a copy to all counsel in the action.

The request must be jointly submitted by ALL counsel, and must contain ALL of the following information:

- The specific discovery issues to be resolved broken down categorically (by type and nature of information sought), with a brief description of each party’s position on the disputed issue, no more than 1.5 pages per side.

- A detailed explanation of the party's efforts to meet and confer and resolve all disputed issues, no more than 1.5 pages.
- Contact information for all counsel who will be participating in the discovery conference, including email address and telephone number. The telephone numbers will be used by the Court to facilitate the discovery conference so counsel should provide a direct line or mobile number, if working outside the office.
- The joint request should specify whether the parties would like the conference to be conducted via conference call or video. If counsel prefer a conference call, they should state which counsel will be responsible for facilitating a conference call; that person will be responsible for providing the conference bridge to all parties and the Court at least 5 days in advance of the scheduled conference. If the parties would like the conference to be conducted on video, the Court will conduct the conference via Zoom, and will provide the parties/counsel with a meeting number.
- Three proposed dates and times during which all counsel will be available for a telephonic conference with the Court. Counsel must stipulate to proposed times between 1:00 p.m. and 3:00 p.m., on Thursday or Friday and must select dates that are at least one week after the date the joint request is made, and no more than six weeks after it is made.

\*\*\*The Court notes that if the parties are able to resolve any discovery issues at the IDC, their resolution will need to be memorialized in a stipulation or other agreement as the Court does not provide court reporters for IDCs.

**B. Court-ordered IDC.** In appropriate cases, and at the Court's sole discretion, the Court may order the parties to participate in an informal discovery conference regarding a pending discovery motion(s). Typically, these conferences will be conducted on Zoom video, with instructions for participation provided to the parties by the Court. The Court may also order the parties to participate in a mandatory IDC if it finds repeated failures to comply with Court orders relating to discovery; in that case the Court may prohibit parties from filing discovery motions without leave of Court or without having first participated in an IDC. Failure to participate in a mandatory Court-ordered IDC may result in an OSC re sanctions or contempt.

## 9. **Alternative Dispute Resolution.**

**A. Voluntary Settlement Conference.** Upon the joint request of ALL counsel, and subject to availability, the Court will set a telephonic or video Voluntary Settlement Conference. The request must be a joint request by ALL counsel, and may be submitted via a formal stipulation complying with the requirements below, or via an email to the department, with a copy to all counsel in the action.

The joint request should contain ALL of the following information:

- A brief description of each party's position on the disputed issues in the litigation, which should be no more than 5 pages per side.
- A detailed explanation of the party's past efforts to resolve the case, if any, no more than 2 pages in length.
- A certification by each counsel that parties necessary to the resolution of this matter, including parties, party representatives, insurance adjusters, and the like, will participate in the Settlement Conference telephonically or by video. Failure to produce parties as certified may, absent extenuating circumstances, result in sanctions.
- Contact information for all counsel/self-represented parties, including email address and telephone number. The telephone numbers will be used by the Court to facilitate the Settlement Conference so counsel should provide a direct line or mobile number, if working outside the office.
- The joint request should specify whether the parties would like the conference to be conducted via conference call or video. If counsel prefer a conference call, they should state which counsel will be responsible for facilitating a conference call; that person will be responsible for providing the conference bridge to all parties and the Court at least 5 days in advance of the scheduled conference. If the parties would like the conference to be conducted on video, the Court will conduct the conference via Zoom, and will provide the parties/counsel with a meeting number.
- Three proposed dates and times during which all counsel will be available for a Settlement Conference with the Court. Counsel must stipulate to proposed times between 1:00 p.m. and 3:00 p.m., on a Thursday or Friday, and must select dates that are at least one

week after the date the stipulation will be filed, and no more than six weeks after it will be filed.

- A fully executed copy of Local Form RI-C1028, available on the Court's website at <https://www.riverside.courts.ca.gov/FormsFiling/LocalForms/ri-ci028.pdf> (Stipulation to Allow Trial Judge to Conduct Settlement Conference).

Failure to include any of the above information in the request will result in the request being denied.

\*\*\*The Court notes that if the parties are able to resolve their case, their settlement may need to be memorialized in a formal settlement agreement as the Court cannot guarantee the availability of a court reporter due to staffing shortages.

**B. First Friday Settlement Conference Program.** Upon the joint request or stipulation of ALL counsel, and subject to availability, the Court will refer cases to the First Friday Settlement Conference program, administered by the Desert Bar Association. More information about the program is available at <https://desertbar.com/what-is-first-friday>. Due to the pandemic, this program is no longer an in-person settlement program conducted on the First Friday of each month. Instead, the First Friday program is now being conducted virtually. This program, designed to provide 3 hours of early ADR at no cost to the parties, has limited availability. Cases selected for inclusion in the program will be matched with an available settlement conference officer. Parties will be ordered to contact the settlement conference officer within 10 days to schedule a virtual settlement conference, which conference will be conducted over video or telephonic media, depending on arrangements made directly with the settlement officer. Parties will also be ordered to complete the settlement conference by a date certain. Failure to contact the settlement officer or complete the settlement conference by the specified completion date will result in an Order to Show Cause re sanctions and sanctions of up to \$1500 may issue jointly and severally as against counsel and parties.

Stipulations requesting inclusion in the First Friday program may be submitted at any time during the litigation. Stipulations should include a specified completion date within 90 days of the date the request is made. Requests to participate in the First Friday program filed after a trial date is set will be considered requests to participate in any available court-based ADR program, including a Mandatory Settlement Conference. Assignment to a court-based ADR program is subject to availability.



**C. Mandatory Settlement Conference.** Unless an attorney's appearance is excused in advance in writing by the Court, the principal trial counsel for every party -- including all plaintiffs, cross-complainants, and plaintiffs in intervention -- shall appear at the MSC via WebEx, or Zoom, per the instructions of the hearing officer, unless otherwise ordered by the Court. The Court also orders:

- (1) Unless his or her appearance is excused in advance in writing, the handling insurance claims professional for every insurer insuring any party shall appear in person, and shall come with full authority to settle all claims against the insured. (Cal. Rules of Court, rule 3.1380(b).) "Full authority to settle" means the authority of the person present to bind the insurer (a) to pay an amount equal either to the sum of the claimants' settlement demands against the insured or to the policy limits, whichever is less (b) without consulting anyone not personally present at the settlement conference.
- (2) If the party is not a natural person, the person attending on behalf of a party shall come with full authority to settle all claims being asserted by that party or against that party. (Cal. Rules of Court, rule 3.1380(b).) As to a plaintiff, cross-complainant, or any other party seeking affirmative relief, "full authority to settle" means the authority of the person present to dismiss or compromise that party's claims in exchange for consideration in any sum whatsoever without consulting anyone not personally present at the settlement conference. As to any defendant, cross-defendant, or defendant-in-intervention, "full authority to settle" means the authority of the person present to bind the party (a) to pay an amount equal to the sum of the claimants' settlement demands against that party (b) without consulting anyone not personally present at the settlement conference.
- (3) Not later than 24 days before the MSC, the plaintiffs shall send written settlement demands to each defendant with whom the plaintiffs have not yet reached a settlement, describing both the amount of the demand and the manner in which it was calculated. By the same date, every cross-complainant, and every plaintiff in intervention that is seeking affirmative relief, shall send such written settlement demands to each and every cross-defendant and defendant in intervention with whom they have not yet settled.
- (4) Not later than 7 days before the MSC, every defendant and cross-defendant who received a settlement demand in accordance with the prior paragraph shall send a written response to that demand to

the party that sent that demand. If the response includes a settlement offer, the response shall state both the amount of the offer and the manner in which it was calculated.

- (5) Any request to excuse any attorney, party, or insurance claims professional from personally appearing at the MSC shall be presented to the Court least 10 days before the MSC and supported by a declaration by the person seeking to be excused from appearing that: (a) establishes the facts justifying the excuse; (b) states whether the party, attorney, or insurance claims professional was personally present at any prior mediations or settlement conferences; and (c) describes the extent to which that party, attorney, or insurance claims professional participated in any prior mediation, MSC, or informal settlement efforts. The request MUST be served on all parties. If a basis for the request is that some other person will be attending the MSC with full authority to settle, the declaration shall identify that person by name and shall expressly state that the person has “full authority to settle’ as that term is defined in” this order.
- (6) Immediately upon learning an MSC has been set, trial counsel for each party shall mail a copy of this order to all handling insurance claims professional for that party’s insurance carriers. If trial counsel becomes aware that any insurance claims professional is refusing to attend the MSC, trial counsel shall advise the Court in writing of the name, address, and telephone number both of the person who is refusing to attend and that person’s supervisor.
- (7) No attorney, party, or insurance claims professional shall leave the MSC until he or she is excused by the Court.

\*\*\*Failure to comply with these rules relating to Mandatory Settlement Conferences will result in issuance of an Order to Show Cause re sanctions; sanctions of up to \$1500 may issue, jointly and severally as against counsel and parties.

10. **Reaching the Courtroom Assistant.** Because resources are limited, before contacting staff all counsel/parties/self-represented individuals/court reporters/agents should thoroughly review any applicable California Code, the California Rules of Court, Riverside County Local Rules, PS1 Department Rules, and the Court’s website (<https://www.riverside.courts.ca.gov>). If these resources do not address your particular issue or concern, the courtroom assistant may be reached at (760) 904-5680.

\*\*\*Other than as specified in these Rules or as ordered by the Court, all counsel, parties, and their staff or agents are prohibited from sending communications to the courtroom assistant via email; violations of this rule may be treated as improper ex parte communications and may result in an Order to Show Cause re sanctions or contempt, or in reporting to the State Bar or other appropriate authority.

If you are ordered to provide documentation to the Court via email, you must unless otherwise ordered email the courtroom assistant at [DeptPS1@riverside.courts.ca.gov](mailto:DeptPS1@riverside.courts.ca.gov), with a copy to all counsel/self-represented parties in the action. Messages sent to the courtroom assistant must be limited to information related to the request. The Court will consider the discussion of any other topics or the attachment of any other documents to be an attempt at an improper ex parte communication and a direct violation of this Department's rules such that and an Order to Show Cause re sanctions or contempt will be set.