

TITLE 3
CIVIL

TABLE OF CONTENTS

DIVISION 1
CIVIL CASE MANAGEMENT

RULE 3110
APPLICATION

RULE 3115
WHERE TO FILE DOCUMENTS

RULE 3116
RESPONSE TO ORDERS TO SHOW CAUSE

RULE 3117
CERTIFICATE OF COUNSEL

RULE 3118
ELECTRONIC FILINGS IN CIVIL CASES

RULE 3120
NEW CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCES

RULE 3125
AMENDMENTS TO SUBSTITUTE THE TRUE NAME OF A FICTITIOUSLY
NAMED DEFENDANT

RULE 3130
DUTIES OF LITIGANTS

RULE 3131
TELEPHONIC CASE MANAGEMENT APPEARANCES (*SUSPENDED*)

RULE 3132
APPEARING REMOTELY AT NON-EVIDENTIARY HEARINGS

RULE 3135
SUPERIOR COURT PROCEDURES ON REMAND
AFTER REMOVAL TO FEDERAL COURT

RULE 3160
COMPLEX LITIGATION

RULE 3170
PETITIONS FOR EXTRAORDINARY WRITS

RULE 3175
NAME CHANGE PETITIONS OF MINORS

RULE 3180
UNINSURED MOTORIST CASES

RULE 3185
CANCELLATION OF INSTRUMENTS

RULE 3190
ATTORNEY FEE SCHEDULE

RULE 3195
INSTALLMENT JUDGMENTS

RULE 3197
JUDGMENT BY DEFAULT – DECLARATION

RULE 3199
CONSOLIDATION OF CASES

DIVISION 2
ALTERNATIVE DISPUTE RESOLUTION

RULE 3200
POLICY

RULES APPLICABLE TO BOTH ARBITRATION AND MEDIATION

RULE 3210
APPLICABLE LAWS AND RULES

RULE 3211
SANCTIONS

RULE 3215
ADR ADMINISTRATION AND ADR COMMITTEE

RULE 3218
DUTY TO MEET AND CONFER RE ADR PRIOR TO
FIRST CASE MANAGEMENT CONFERENCE

RULE 3220
ADR ORDERS AND COMPLETION DATES

RULE 3225
MANDATORY ADR SESSIONS: SETTING AND LOCATION

RULE 3227
CONTINUANCE

RULE 3228
POST-ADR DUTIES; ADR REPORTS

RULE 3230
NON-APPEARANCE AT MANDATORY ADR SESSION; DUTY TO
PROVIDE CANCELTION NOTICE

RULE 3231
COSTS

RULE 3233
ALTERNATIVE DISPUTE RESOLUTION COMPLAINT PROCEDURES

RULES APPLICABLE TO JUDICIAL ARBITRATION

RULE 3240
INITIATION OF ARBITRATION

RULE 3243
WITHDRAWAL FROM ARBITRATION

RULE 3246
PRE-HEARING CONFERENCE

RULE 3250
MANDATORY ARBITRATION STATEMENT

RULE 3253
RIGHTS TO DISCOVERY IN ARBITRATION

RULE 3255
ARBITRATION HEARING APPEARANCES REQUIRED

RULE 3258
INTERPRETERS

RULE 3260
AWARD

RULE 3263
TRIAL AFTER ARBITRATION; ENTRY OF AWARD AS JUDGMENT

RULE 3265
REIMBURSEMENT FOR ARBITRATION FEES TO SUPERIOR
COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

RULE 3270
DISPOSITION OF EXHIBITS

RULES APPLICABLE TO COURT-ORDERED MEDIATION

RULE 3273
COURT-ORDERED MEDIATION: PRE-MEDIATION PROCEDURES

RULE 3275
APPEARANCES REQUIRED AT MEDIATION; ATTENDANCE SHEETS

RULE 3290
MANDATORY SETTLEMENT CONFERENCE STATEMENTS

DIVISION 3
CIVIL LAW AND MOTION

RULE 3310
RESERVING HEARING DATES

RULE 3315
EXHIBITS FOR CIVIL LAW AND MOTION MATTERS

RULE 3316
TENTATIVE RULINGS

RULE 3320
CONDUCT OF HEARINGS

RULE 3321
TELEPHONIC LAW AND MOTION APPEARANCES (*SUSPENDED*)

DIVISION 4
TRIAL RULES AND PROCEDURES

RULE 3401
PRE-TRIAL RULES

RULE 3402
INSTRUCTIONS TO JURY

DIVISION 5
UNLAWFUL DETAINERS

RULE 3510
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS

RULE 3520
CASE DESIGNATION AND NOTATION

RULE 3530
SERVICE OF COMPLAINT

RULE 3536
REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS

RULE 3540
REQUESTS FOR JURY TRIAL IN UNLAWFUL DETAINER ACTIONS

RULE 3560
DECLARATION AND WORKSHEET FOR DEFAULT
JUDGMENT – UNLAWFUL DETAINER

RULE 3570
DECLARATION FOR ISSUANCE OF WRIT OF POSSESSION

DIVISION 6
SMALL CLAIMS

RULE 3640
ACKNOWLEDGEMENT OF SATISFACTION OF JUDGMENT

**TITLE 3
CIVIL**

**DIVISION 1
CIVIL CASE MANAGEMENT**

**RULE 3110
APPLICATION**

Except as otherwise provided herein, these Local Rules in Title 3, Division 1, Civil Case Management shall apply to all general civil cases as set forth in California Rules of Court 3.712(a) that are filed on or after January 1, 2009. In addition, they shall apply to general civil cases filed prior to that, as ordered by the Court.

(Added 11-9-87, effective 1-1-88; Moved to Title 1 (Rule 1.0200) 10-17-98, effective 1-1-99; reinstated and amended 10-18-02, effective 1-1-03; amended 10-24-08, effective 1-1-09; Moved from Title 11 and renumbered from Rule 11.0010, 8-1-11, effective 1-1-12; amended 10-15-13, effective 1-1-14)

**RULE 3115
WHERE TO FILE DOCUMENTS**

- (a) Geographical Regions
- (1) Documents initiating civil actions or special proceedings shall be filed at the courthouse(s) as designated in the Administrative Order – Where to File Civil Documents. The order can be located on the court’s website at <http://www.riverside.courts.ca.gov> by clicking on *Local Rules* under the *General Information* tab. Except for documents pertaining to appeals, all subsequent documents related to that action or special proceeding shall also be filed in the specified courthouse. Documents pertaining to appeals shall be filed as provided for in Title 8.
 - (2) For purposes of determining the proper courthouse for filing, the court applies the venue provisions set forth in Code of Civil Procedure sections 392 through 401.
 - (3) Self-represented litigants may visit a self-help center at any court location in the county for assistance in filing documents at the proper courthouse.
 - (4) Actions and proceedings will usually be heard in the courthouse in which they were filed. To maximize efficient use of court resources, the court may order an action or proceeding transferred for hearing to another courthouse.

(Adopted 11-4-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 5-13-13, effective 7-1-13)

**RULE 3116
RESPONSE TO ORDERS TO SHOW CAUSE**

Unless otherwise specified in the Order to Show Cause, any response in opposition to an Order to Show Cause (a) shall be in the form of a written declaration and (b) shall be filed no less than five court days before the hearing on the Order to Show Cause. The Court may find the failure to file a timely declaration to 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.

(Adopted 5-13-13, effective 7-1-13; amended 4-24-14, effective 7-1-14; amended 10-27-17, effective 1-1-18; amended 5-7-21, effective 7-1-21)

**RULE 3117
CERTIFICATE OF COUNSEL**

When an original pleading or application is submitted for filing, it shall bear or be accompanied by a Certificate of Counsel designating the proper branch of the Court in which the matter should be tried or heard, together with reason(s) therefore. Local Rule 3115 designates all proper branches of the Court.

(Adopted 11-4-11, effective 1-1-12)

**RULE 3118
ELECTRONIC FILINGS IN CIVIL CASES**

Pursuant to Code of Civil Procedure section 1010.6, subdivision (d), in all limited and unlimited civil actions, including unlawful detainers, parties represented by counsel must file documents electronically. Electronic filing is available to but not required for self-represented litigants. In civil cases involving both represented and self-represented parties or other persons, parties or other persons who are represented must file documents electronically, but shall serve self-represented parties or persons by non-electronic means unless the self-represented party or person affirmatively agrees otherwise.

The electronic filing of documents must be submitted using electronic filing service providers. Electronic service provider information is available on the Court's website at <https://www.riverside.courts.ca.gov/FormsFiling/EFiling/civil-efiling.php>.

If a party who has been granted a fee waiver files electronically, that party is exempt from the court fees associated with electronic filing.

Any party or other person required to file documents electronically under this rule may be excused from this requirement by the department to which the case is assigned upon a showing of undue hardship or significant prejudice.

Pursuant to California Rules of Court, rule 2.111(1), all documents filed with the court shall list the email address of counsel, or of the self-represented party on the first page. For purposes of electronic service, this email address will be deemed to be the proper email address for service subject to the provisions set forth in Code of Civil Procedure section 1010.6, subdivision (d).

Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. shall be deemed to have been filed on that court day if accepted for filing. Any document received electronically on a non-court day is deemed to have been filed on the next court day if accepted for filing. (Cal. Rules of Court, rule 2.253(b)(6); Code Civ. Proc. § 1010.6(b)(3).) For purposes of this rule, filing occurs at the time the document is received by the court and a confirmation of receipt is created. (Cal. Rules of Court, rule 2.259(a)(1) & (c).) This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This rule does not affect the timing requirements for any documents that must be filed by a set time on the due date. If a document is exempt from electronic filing, the original documents must be filed in the Clerk's Office by the close of business on a court day.

(Adopted 11-7-12, effective 1-1-13; amended 10-15-13, effective 1-1-14; rule is temporarily suspended 5-12-14, effective 7-1-14; amended 11-5-21, effective 1-1-22)

RULE 3120

NEW CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCES

The plaintiff or cross-complainant shall serve a copy of the Notice of Assignment to Case Management Department, Notice of Case Management Conference on all defendants/cross defendants named or added to the complaint, and shall file proof of service thereof.

(Added 11-9-87, effective 1-1-88; amended 10-27-90, effective 2-1-91; amended 10-4-91, effective 1-1-92; amended 10-23-94, effective 1-1-94; amended 4-16-94, effective 7-1-94; amended 10-17-98, effective 1-1-99; amended 10-20-00, effective 1-1-01; amended 10-18-02, effective 1-1-03; amended 10-28-06, effective 1-1-07; amended 10-24-08, effective 1-1-09; Moved from Title 11 and renumbered from Rule 11.0060, 8-1-11, effective 1-1-12; amended 10-15-13, effective 1-1-14)

**RULE 3125
AMENDMENTS TO SUBSTITUTE THE TRUE NAME OF A FICTITIOUSLY NAMED
DEFENDANT**

When a plaintiff or cross-complainant names a defendant or cross-defendant by a fictitious name pursuant to Code of Civil Procedure section 474, and thereafter learns the party's true name, the plaintiff or cross-defendant shall promptly amend the complaint or cross-complaint by filing Riverside Superior Court local form RI-CI035, Amendment to Complaint / Cross Complaint. No motion or ex parte application shall be noticed.

(Adopted 4-29-16, effective 7-1-16)

**RULE 3130
DUTIES OF LITIGANTS**

Any party filing pleadings or motions thereby assumes the duty to insure that such proceedings progress without delay. Any party required to respond is charged with the duty of so doing without delay.

(Added 11-9-87, effective 1-1-88; amended 10-17-98, effective 1-1-99; amended 10-24-08, effective 1-1-09; Moved from Title 11 and renumbered from Rule 11.0070, 8-1-11, effective 1-1-12; amended 10-15-13, effective 1-1-14)

**RULE 3131
TELEPHONIC CASE MANAGEMENT APPEARANCES (*SUSPENDED*)**

Except in cases for unlawful detainer, all case management conferences, trial setting conferences, status hearings, status conferences, orders to show cause, and trial call hearings appearances in unlimited and limited civil cases shall be telephonic unless (1) the Court orders a particular hearing to be conducted in person, or (2) a party timely notifies the Court and all other parties of the party's intent to appear in person. In order to appear in person, at least one party to the litigation must file and serve the court's mandatory local form RI-CI038 - Notice of Intent to Appear in Person (Civil) - no later than 10 days before the hearing. If one party files a Notice of Intent to Appear in Person, then all other parties are permitted to appear in person without further notification.

(Adopted 11-5-21, effective 1-1-22; temporarily suspended 1-10-22, effective 1-12-22)

**RULE 3132
APPEARING REMOTELY AT NON-EVIDENTIARY HEARINGS**

Unless an in-person appearance is expressly ordered by the court or otherwise required by law, attorneys and self-represented parties are encouraged to appear at non-evidentiary hearings via remote technology rather than in person. By doing so, those persons will be deemed to have requested a remote appearance. No written request to appear remotely is necessary.

Persons intending to appear remotely shall notify all opposing parties of their intention before the hearing. That notice may be given informally, including by telephone, email, or text message. No advance notice to the court of the intention to appear remotely is required prior to the date of the hearing.

If for any reason the court denies the request to allow a remote appearance, the hearing shall be continued to a date at which the parties will be ordered to appear in person.

This rule applies to all general civil cases as defined in California Rules of Court, rule 1.6(4), and to all non-evidentiary hearings in those cases. Non-evidentiary hearings are those in which oral testimony will not be received, such as (a) hearings on motions, demurrers, and ex parte applications; (b) case management proceedings such as case management conferences, status conferences, trial setting conferences, and trial readiness conferences; and (c) hearings in response to orders to show cause other than those for contempt.

This rule shall be in effect until January 1, 2027. Local Rules 3131 and 3321 are suspended until that date.

(Adopted 1-10-22, effective 1-12-22; amended 6-30-23, effective 7-5-23; amended 5-2-25, effective 7-1-25)

RULE 3135
SUPERIOR COURT PROCEDURES ON REMAND AFTER REMOVAL TO FEDERAL COURT

After an action is removed to federal court, remand is effected when the federal court clerk sends a certified copy of the order on remand to the clerk of the superior court.

The only document the superior court receives from the federal court is a copy of the order of remand. Accordingly, within 30 days of the filing of the order of remand, each party shall file a declaration describing the material pleadings that party filed in the federal action and the pertinent orders or rulings entered in the federal action. Certified copies of all such pleadings and papers shall be attached as exhibits to the declaration.

A case management conference or trial setting conference will be scheduled within 45 days of the filing of the order of remand or within a time ordered by the court.

(Adopted 10-15-13, effective 1-1-14)

RULE 3160
COMPLEX LITIGATION

- A. This rule covers cases designated complex pursuant to California Rules of Court, rules 3.400, *et seq.*

- B. When an action is designated as a complex case by plaintiff in a *Civil Case Cover Sheet* pursuant to California Rules of Court, rule 3.401, the court shall set an Initial Case Management Conference as provided by California Rules of Court, rule 3.750 within 60 days after the filing of the complaint. Plaintiff must serve the complaint and Notice of Initial Case Management Conference on all defendants no later than 30 days prior to the conference. Discovery shall be stayed pending further order of the court.

The parties shall meet and confer prior to the conference to discuss the items specified in California Rules of Court, rule 3.750(a) and prepare a joint statement of matters agreed upon, matters upon which the court must rule at the conference, and a description of the major legal and factual issues involved in the litigation. The joint statement shall be filed no later than five (5) court days before the conference.

At the conference, the court shall make its determination whether the action is a complex case as required by California Rules of Court, rule 3.403.

- C. If plaintiff does not designate a case as complex but defendant files a counter *Civil Case Cover Sheet* designating the action as a complex case pursuant to California Rules of Court, rule 3.402(b), the court shall set a status hearing no later than 30 days after the filing of the counter designation. At the status hearing, the court shall make its determination whether the action is a complex case as required by California Rules of Court, rule 3.402(b).

If the court determines that the action is a complex case, the court shall set the initial Case Management Conference as provided by California Rules of Court, rule 3.750.

The parties shall meet and confer prior to the Initial Case Management Conference to discuss the items specified in California Rules of Court, rule 3.750(a) and prepare a joint statement of matters agreed upon, matters upon which the court must rule at the conference, and a description of the major legal and factual issues involved in the litigation. The joint statement shall be filed no later than five (5) calendar days before the conference.

(Added 11-9-87, effective 1-1-88; amended 10-27-90, effective 1-1-91; amended 4-4-92, effective 7-1-92; amended 10-23-93, effective 1-1-94; deleted 10-17-98; effective 1-1-99; amended 10-18-02, effective 1-1-03; CRC number corrected 1-1-07; amended 10-24-08, effective 1-1-09; amended 4-21-10, effective 7-1-10; Moved from Title 11 and renumbered from Rule 11.0130, 8-1-11, effective 1-1-12; amended 5-7-21, effective 7-1-21)

RULE 3170
PETITIONS FOR EXTRAORDINARY WRITS

- A. This rule covers petitions for writs of review, mandate and prohibition filed in the civil division of the superior court. It does not apply to petitions for extraordinary relief filed in the appellate division or the criminal division of the superior court.
- B. A petition for extraordinary writ may be filed without a proof of service, but unless otherwise ordered by the court, no action can be taken on the petition until it has been served. The petition should be served on all respondents and real parties in interest within 30 days of filing.
- C. In actions seeking prohibition or mandamus relief, it is not necessary to obtain an alternative writ. The motion procedure, pursuant to *e.g.* Civil Procedure Code section 1094, California Rules of Court, rule 3.1103(a)(2), is preferred but no motion may be set without prior court approval as set forth below.

In cases not arising under the California Environmental Quality Act (Cal. Pub. Res. Code §§21000 et seq.), the court will schedule a status conference within 60 days of the filing of the petition to facilitate the use of the motion procedure and promote the efficient and timely resolution of the case. Petitioner must provide notice of the status conference on all parties at least 15 days before the conference.

At the conference, the parties must be prepared to address the following issues: whether all parties have been served, whether any additional parties may be added or the pleadings amended, the deadline for filing any remaining pleadings and service of additional parties, in connection with a mandamus petition, whether the petition seeks traditional mandamus or administrative mandamus, whether an administrative record will be necessary, the estimated time within which such record will be available, and an appropriate briefing schedule and hearing date. In cases arising in whole or in part under the California Environmental Quality Act, the court will set a case management conference to be held within 30 days of the filing of the petition or complaint. Petitioner must provide notice of the case management conference at least 15 days before the conference.

- D. The opening brief and moving papers should not be filed until the court provides the parties with a briefing schedule and a hearing date. An order providing a briefing schedule and hearing date eliminates the need for a formal motion and notice of motion. All factual assertions in the briefs filed by the parties must be supported by citations to the record, to evidence submitted in support of or opposition to the petition, or to requests for judicial notice. The parties must state the scope of the court's review (*e.g.*, substantial evidence, independent judgment) in the briefs filed in support of and in opposition to the issuance of the writ. All briefs, papers, and exhibits must be filed at least two weeks before the hearing unless otherwise directed by the court.

- E. In actions that require an administrative record, the record must be lodged with the court 30 days before the hearing.
- F. [Hearing] The hearing on the petition is the trial of the case. In cases where evidence before the court is not confined to an administrative record, evidence shall be presented by declarations, exhibits, deposition testimony, etc. and not by oral testimony unless the court, in its discretion permits it.

(Added 4-21-10, effective 7-1-10; moved from Title 11 and renumbered from Rule 11.0135, 8-1-11, effective 1-1-12; amended 10-15-13, effective 1-1-14; amended 5-10-24, effective 7-1-24)

RULE 3175
NAME CHANGE PETITIONS OF MINORS

In any civil petition for a name change of a minor, the petitioner shall use local form RI-CI040 to disclose any existing family law case, guardianship case, or other case concerning custody of the minor. The court may reassign any petition for a name change brought in a civil department to the family law court or another division of this court if appropriate.

(Adopted 10-27-23, effective 1-1-24)

RULE 3180
UNINSURED MOTORIST CASES

- A. Cases shall be designated as “General Civil–U M” if they are actions for damages which are principally being sought under the uninsured motorist coverage of the plaintiff’s auto insurance policy. Any complaint designated General Civil–U M shall be accompanied by a declaration by plaintiff; or if represented by plaintiff’s attorney, a statement for the basis of such designation.
- B. Any case so designated by the plaintiff may be redesignated as General Civil by the Court on its own motion or by ex parte application of any party which shall be accompanied by a declaration stating facts showing the case does not meet the criteria stated in subsection A of this section.
- C. Two hundred-forty (240) days after such a complaint has been filed a Status Conference shall be set unless:
 - 1. A declaration has been filed by plaintiff stating that the case is being settled,
or

2. A declaration has been filed by plaintiff stating that a demand for arbitration has been made pursuant to the terms of the applicable policy of insurance, and recites the status of the arbitration proceeding.
- D. If the Court favorably considers a declaration filed under subdivision(2) of subsection C above, plaintiff shall within one hundred eighty (180) days after the filing of its earlier declaration(s) file additional declaration(s) under subdivisions(1) and (2) of subsection c, above, covering any subsequent one hundred eighty (180) day period.
- E. If coverage is denied in any responsive pleading to a complaint designated General Civil–U M or if any plaintiff seeks to add new parties, the case shall be immediately redesignated by the Clerk as General Civil and a Case Management Conference date will be set forthwith.

(Added, effective 1-1-89; amended 10-27-90, effective. 2-1-99; amended. 10-23-93, effective. 1-1-94; amended 10-17-98, effective. 1-1-99; amended 10-18-02, effective 1-1-03; Moved from Title 11 and renumbered from Rule 11.0145, 8-1-11, effective 1-1-12)

**RULE 3185
CANCELLATION OF INSTRUMENTS**

When a written instrument sued on is received in evidence, the same shall, unless otherwise ordered, be marked as an exhibit, and in case judgment be ordered thereon, the Clerk shall, at the time judgment is ordered, unless otherwise directed, note over their official signature across the face of the instrument, the fact that judgment is ordered thereon, with the date of the order and title of the Court.

(Adopted 1-1-86; Amended 10-17-98, effective 1-1-99; Moved from Title 1 and Renumbered from Rule 1.0030, 8-1-11, effective 1-1-12; amended 5-7-21, effective 7-1-21)

**RULE 3190
ATTORNEY FEE SCHEDULE**

In default cases in which attorney’s fees are awardable, the court may consider the following schedule, but shall not be bound by it:

DEFAULT CASES	
IF THE TOTAL AMOUNT OF THE JUDGMENT IS:	ATTORNEY’S FEES
\$0 - \$1,000	25% of judgment.
\$1,001 - \$7,500	15% of the amount in excess of \$1,000 plus \$250.

\$7,501 - \$15,000	10% of the amount in excess of \$7,500 plus \$1,225.
\$15,001 - \$25,000	4% of the amount in excess of \$15,000 plus \$1,975.
Over \$25,000	2% of the amount in excess of \$25,000 plus \$2,375.

(Adopted 1-1-86; amended 4-1-95, effective 7-1-95; amended 4-20-96, effective 7-1-96; amended 4-19-97, effective 7-1-97; amended 4-25-98, effective 7-1-98; amended 10-30-99, effective 1-1-00; amended 10-28-06, effective 1-1-07; Moved from Title 1 and Renumbered from Rule 1.0065, 8-1-11, effective 1-1-12; amended 4-30-20, effective 7-1-20)

**RULE 3195
INSTALLMENT JUDGMENTS**

- A. Application. Every application for the issuance of execution of an order or judgment payable in installments shall be by affidavit or declaration under penalty of perjury, setting forth:
1. All pertinent provisions of the order or judgment;
 2. An itemization of each payment alleged to be due, and the date when it fell due;
 3. An itemization of each payment made, and the date when it was made;
 4. The total amount of principal alleged to be due;
 5. If interest is claimed, the amount of each installment of interest, and the date when it fell due;
 6. The total amount of interest alleged to be due;
 7. The total amount for which the writ of execution is sought to be issued.
- B. Issuance. The issuance of a writ of execution shall be made only upon order of the Court.

(Adopted 1-1-86; Moved from Title 1 and Renumbered from Rule 1.0080, 8-1-11, effective 1-1-12)

RULE 3197
JUDGMENT BY DEFAULT – DECLARATION

Except where otherwise prohibited or ordered by the court, all judgments by default shall be by declaration.

(Adopted 4-25-98, effective 7-1-98; moved from Title 1 (Rule 1.0082) 1-1-99; amended 4-30-04, effective 7-1-04; Moved from Title 2 and renumbered from Rule 2.0100, 8-1-11, effective 1-1-12)

RULE 3199
CONSOLIDATION OF CASES

A. Types of Consolidation

1. The only types of consolidation recognized by the Court are (a) a consolidation for all purposes and (b) a consolidation for trial only. (Code Civ. Proc., §. 1048, subd. (a); *Hamilton v. Asbestos Corp.* (2000) 22 Cal.4th 1127, 1148.)
2. A consolidation for all purposes results in the separate actions being merged into a single proceeding and prosecuted thereafter under a single case number. Generally, the claims and defenses pled in all the consolidated cases are tried in a single trial, resulting in one verdict or one statement of decision, and one judgment being rendered. However, the Court has the discretion to order separate trials of claims when appropriate (Code Civ. Proc., § 1048, subd. (b)), which may result in separate judgments.
3. In a consolidation for trial, the actions continue to be prosecuted separately until the joint trial. After the trial, separate verdicts, statements of decision and judgments are issued.
4. The Court is not aware of any authority for consolidation only for purposes of discovery. However, the parties to factually related cases may stipulate that all discovery in any of the related cases shall be deemed to have been propounded and answered in all of the cases, so long as the discovery requests and responses are served on all parties in all cases.

B. Requests for Consolidation

1. An order consolidating cases may be requested either by stipulation or by a noticed motion. If the cases to be consolidated are currently assigned to different departments, the stipulation shall be presented to, or the motion shall be noticed to be heard in, the department to which the unlimited civil case with the earliest filing date is assigned.

2. Any request for consolidation shall clearly identify the type of consolidation being sought. Any ambiguity in the scope of the consolidation being sought will be interpreted to be a request for consolidation for all purposes.
3. A stipulation to consolidate must contain signatures on behalf of all parties who have appeared in any of the cases of which consolidation is sought.
4. Any motion for consolidation shall be noticed in all cases of which consolidation is sought in accordance with California Rules of Court, rule 3.350(a).
5. A motion for consolidation for trial should be heard concurrently with the first scheduled trial setting conference in the cases to be consolidated, or as soon as possible thereafter.

C. Contents of a Motion for Consolidation

A motion for consolidation shall:

1. Clearly identify the common issues of fact or law that justify consolidation under Code of Civil Procedure section 1048, subdivision (a);
2. Describe the extent to which the cases either do or do not: (a) involve the same property, contract, or event; (b) name the same plaintiffs, defendants, or other parties; and (c) allege the same causes of action; and
3. Describe the extent to which the parties are or are not represented by the same counsel.

D. Order and Designation of Master File

1. A request for consolidation shall be accompanied by a proposed formal order. The order shall clearly describe the extent of the consolidation. Any ambiguity in the scope of the consolidation will be resolved in favor of a consolidation for all purposes.
2. When signed, the order of consolidation shall be filed in each of the consolidated cases as required by California Rules of Court, rule 3.350(c).
3. If the cases are consolidated for all purposes, the order shall designate the master file, which will generally be the unlimited civil case with the earliest filing date. Thereafter:
 - a. All subsequent pleadings, motions, and other documents shall be filed only in the master file. Each such document shall bear the numbers of all the consolidated actions, with "MF" beside the number designated as the master file. An exemplar appears at the end of this rule.
 - b. The caption on any subsequently filed document shall conclude with the words, "AND ALL CONSOLIDATED CASES." An exemplar appears at the end of this rule.
 - c. Any subsequently filed answer or other responsive pleading shall identify the complaint or cross-complaint to which the party is

responding, both (i) by the name of the plaintiff or cross-complainant and (ii) by the date the complaint or cross-complaint was filed. An exemplar appears at the end of this rule.

- d. Any subsequently filed request to dismiss a complaint or cross-complaint, or particular parties named in or claims alleged in a complaint or cross-complaint, shall identify the complaint or cross-complaint which is the subject of the request, both (i) by the name of the plaintiff or cross-complainant and (ii) by the date the complaint or cross-complaint was filed.
4. If the cases are consolidated for trial only, the order shall identify the case in which:
- a. The documents described in rule 3401, any motion to continue trial, and other trial-related motions, rulings, and documents shall be filed; and
 - b. The minutes of the trial shall be entered.

EXEMPLAR:

JANE JONES, et al., Plaintiffs	CASE NO. RIC1600001 MF RIC1600024
v. RICHARD SMITH, et al., Defendants AND ALL CONSOLIDATED CASES	ANSWER OF LISA LEE TO CROSS-COMPLAINT OF ACME, INC., FILED JUNE 1, 2016

(Adopted 1-1-86; Amended, effective 1-1-88; Moved from Title 2 and renumbered from Rule 2.0045, 8-1-11, effective 1-1-12; amended 10-15-13, effective 1-1-14; amended 10-28-16, effective 1-1-17)

**DIVISION 2
ALTERNATIVE DISPUTE RESOLUTION**

**RULE 3200
POLICY**

The Court finds that it is in the best interest of civil litigants to participate in alternatives to traditional litigation and trial at the earliest appropriate date. Therefore, the Court elects to participate in mandatory court-ordered mediation and judicial arbitration for eligible cases as specified below. For all other long cause general civil actions the Court expects litigants to participate in an Alternative Dispute Resolution (ADR) process before requesting a trial date and to participate in a settlement conference prior to trial.

(Adopted 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0000, 8-1-11, effective 1-1-12)

RULES APPLICABLE TO BOTH ARBITRATION AND MEDIATION

**RULE 3210
APPLICABLE LAWS AND RULES**

- A. This chapter covers ADR rules for general civil cases as defined in Rule 1.6 of the California Rules of Court (CRC) and Court-annexed mandatory ADR programs for court-ordered mediation and judicial arbitration. This chapter does not apply to contractual arbitration pursuant to Code of Civil Procedure section 1280, et seq.
- B. Court-Ordered Mediation: The Court elects to participate in mandatory court-ordered mediation and adopts Title 11.6 of Code of Civil Procedure (CCP) §§ 1775 through 1775.15 (Civil Action Mediation) and CRC Rules 3.890 – 3.898. This chapter applies to court-ordered mediations conducted by Civil Mediation Panel members.
- C. Limited Civil Cases: Except as otherwise provided herein, limited civil cases may be submitted to judicial arbitration or to court-ordered mediation. The Court will determine on a case-by-case basis whether a limited civil case shall be sent to judicial arbitration or court-ordered mediation or whether it should be exempt from mandatory ADR.
- D. The mandatory ADR forms and procedures are set forth on the Court's ADR website: <http://riverside.courts.ca.gov/adr/adr.shtml>

(Adopted 1-1-86; Amended 10-23-93, eff. 1-1-94; amended 4-1-95, eff. 7-1-95; amended 10-17-98, eff. 1-1-99; area code corrected 1-1-05; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule

4.0010, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

RULE 3211
SANCTIONS

- A. Parties are subject to an order to show cause for sanctions for failure to comply with the rules of this chapter, or with the California Rules of Court. Grounds for sanctions may include, but are not limited to:
1. A party's failure, without good cause, to complete mediation by the mediation completion date.
 2. A party's failure, without good cause, to provide written notice of cancelation to their Civil Mediation Panel mediator at least two (2) days prior to the date scheduled for the mediation session, as provided by Local Rule 3230.
 3. A party's failure, without good cause, to appear at a scheduled mediation session with all persons whose authority is required to fully resolve the case as required by Local Rule 3275.
 4. A party's failure, without good cause, to comply with Local Rule 3273H.
- B. Nothing herein shall prevent a party from seeking sanctions against another party for any act or omission arising from failure to comply with local rules or California Rules of Court regarding mediation, including failure, without good cause, to attend all mediation sessions in person with full settlement authority.
- C. "Sanctions" as that term is used herein includes, but is not limited to, all remedies available to the court pursuant to California Code of Civil Procedure sections 128.5, 128.7, 177.5, 575.2, the California Rules of Court, including Rule 2.30, Riverside County Superior Court Local Rules and/or any other statute or case precedent.
- D. Sanctions may include, but are not limited to, monetary fines and penalties, reasonable attorneys' fees, dismissal of the action or proceeding or any part thereof, striking of all or any part of the pleadings, entry of judgment, and/or any other penalties authorized by law.
- E. Parties may pay their Civil Mediation Panel mediator \$150 in lieu of court-ordered sanctions of that amount.

(Adopted 5-4-12, effective 7-1-12)

RULE 3215
ADR ADMINISTRATION AND ADR COMMITTEE

A. ADR COMMITTEE

The Court has established an ADR Committee in accordance with CRC, Rule 10.783 (b). The ADR Committee is responsible for overseeing the Court's ADR programs for general civil cases, including those prescribed for the Court's judicial arbitration program as specified in Rule 3.813 (b) of the California Rules of Court.

B. ADR ADMINISTRATOR

Management of the Court's ADR programs is under the supervision of the ADR Administrator, who is appointed by the Presiding Judge of the Court.

C. ADMINISTRATION OF COURT ADR PANELS

The ADR Administrator maintains policies pertaining to the Civil Mediation Panel and Judicial Arbitration Panel and lists of panel members approved by the Court.

A mediator who is not on the Civil Mediation Panel and who is selected by the parties is not considered "recommended, selected, or appointed" by the Court within the meaning of CRC Rules 3.851 (a) (2) and 3.865, and will not be compensated by the Court for any mediation services performed.

(Adopted 1-1-86; amended 10-21-89, effective 1-1-90; amended 11-17-92, eff. 1-1-93; amended 10-23-93, eff. 1-1-94; amended 4-1-95, eff. 7-1-95; amended 5-10-02, effective 7-1-02; amended 10-18-02, effective 1-1-03; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0015, 8-1-11, effective 1-1-12; amended 4-24-15, effective 7-1-15)

RULE 3218
DUTY TO MEET AND CONFER RE ADR PRIOR TO FIRST CASE MANAGEMENT CONFERENCE

In addition to the requirements of CRC Rules 3.724 and 3.727, at least 30 days before the first Case Management Conference, parties in all general civil actions shall meet and confer to discuss (1) the case's eligibility for mandatory judicial arbitration or court-ordered mediation; (2) possible stipulation to an ADR process and to an arbitrator or mediator; and (3) a proposed ADR completion date, considering reasonable discovery and necessary motions to make the selected ADR process productive. Pursuant to CRC Rules 3.221 and 3.726, parties who reach a stipulation to participate in ADR shall file the ADR Stipulation (form RI-ADR1B – optional) with the Court. Parties are encouraged to file the ADR Stipulation along with their Case Management Statement.

(Adopted 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0018, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12)

RULE 3220
ADR ORDERS AND COMPLETION DATES

The Court shall determine on a case-by-case basis the suitability of a particular case for court-ordered mediation or judicial arbitration or whether the case is exempt from mandatory ADR.

The Court specifically exempts from court-ordered mediation cases valued at \$50,000 or more per case; complex, coordinated or consolidated cases; and short cause cases as defined in Rule 3.735 (a). Exempted non-complex cases valued between \$50,001 and \$75,000 may be ordered to court-ordered mediation upon stipulation of the parties pursuant to California Rule of Court 3.891(a)(2).

Counsel or self-represented parties not filings a timely Case Management Statement waive the right to participate in the selection of judicial arbitration or court-ordered mediation.

Whenever the Court orders judicial arbitration or court-ordered mediation, it will set the date for completion.

(Deleted 4-17-99, eff. 7-1-99; new rule adopted 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0020, 8-1-11, effective 1-1-12; amended 4-24-15, effective 7-1-15; amended 11-5-21, effective 1-1-22)

RULE 3225
MANDATORY ADR SESSIONS: SETTING AND LOCATION

- A. The parties shall cooperate with each other and with their mediator or arbitrator in scheduling the ADR session.
- B. Within five (5) days after the notice of assignment of the arbitrator for judicial arbitration or acceptance of the case by the mediator for court-ordered mediation, the plaintiff shall notify the arbitrator or mediator of at least three (3) dates for the ADR session that are agreeable to all parties.
- C. Within 30 days after the notice of appointment of the arbitrator for judicial arbitration or acceptance of the case by the mediator for court-ordered mediation, the arbitrator or mediator shall notify each party in writing of the time, date, and place set for the ADR session.
- D. Except upon the agreement of all parties and the arbitrator for judicial arbitration or mediator for court-ordered mediation
 - 1. The ADR session must not be set on Saturdays, Sundays or legal holidays.

2. The ADR session must take place in appropriate facilities within the County of Riverside.

- E. Sanctions: If the arbitrator or mediator is unable to schedule the ADR session before the ADR Completion Date due to the lack of cooperation of the parties, the parties may be subject to sanctions pursuant to Local Rule 3230; 3255 and/or 3290.

(Adopted 1-1-86; Amended 10-21-89, eff. 1-1-90; amend. 11-7-92, eff. 1-1-93; deleted 10-23-93, eff. 1-1-94; new rule adopted 10-2-6-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0025, 8-1-11, effective 1-1-12; amended 4-24-15, effective 7-1-15)

RULE 3227 CONTINUANCE

- A. Judicial Arbitration: Requests for continuances of arbitration hearings shall comply with Rule 3.818 of the California Rules of Court. Such requests shall be submitted to the arbitrator at least 5 days prior to the scheduled date of hearing.
- B. Court-Ordered Mediation: Requests for continuances of a scheduled mediation session shall be in accordance with Rule 3273J. Requests for continuances of a mediation completion date shall be in accordance with Rule 3273K.

(Added 10-21-89, eff. 1-1-90; amended 11-7-92, effective 1-1-93; CRC Rule number corrected 1-1-07; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0027, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12)

RULE 3228 POST- ADR DUTIES; ADR REPORTS

- A. Judicial arbitration awards shall be filed in accordance with Rule 3.825 of the California Rules of Court.
- B. In all court-ordered mediations and private mediations, the mediator shall file the Statement of Agreement or Non Agreement (Judicial Council Form 100) in accordance with Rule 3.895 of the California Rules of Court. In all court-ordered mediations, the mediator must timely file this form even if the case has settled before the mediation, has not been scheduled for mediation, or has been canceled for any reason. It is the parties' duty to confirm with their mediator that they have timely filed this form. If the court does not timely receive this form and if there is no Notice of Settlement or Request for Dismissal on file, the parties are subject to an order to show cause and monetary and/or non-monetary sanctions for failure to complete mediation pursuant to Local Rule 3211.

- C. Civil Mediation Panel mediators shall use the Mediator's Fee Statement, form RI-ADR07 (mandatory), to request payment for court-ordered mediations. Judicial Arbitration Panel arbitrators shall use the Arbitrator's Fee Statement, form RI-ADR08 (mandatory), to request payment for judicial arbitrations. If the mediation or arbitration session does not take place because settlement was reached by the parties prior to the scheduled mediation or arbitration session, the mediator or arbitrator is not entitled to payment by the court. The mediator or arbitrator may be entitled to compensation from the parties of up to \$150.00 total if the parties failed to provide timely notice of settlement and cancelation without good cause, pursuant to Local Rules 3211 and 3230.

(Added 10-21-89, effective 1-1-90; amended 11-7-92, effective 1-1-93; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0028, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15; amended 5-7-21, effective 7-1-21)

RULE 3230

NON-APPEARANCE AT MANDATORY ADR SESSION; DUTY TO PROVIDE CANCELATION NOTICE

- A. Notice of Cancelation When Entire Case Settles Before ADR Session

In accordance with Rule 3.1385 of the California Rules of Court, the plaintiff, or other party seeking affirmative relief must give the mediator, arbitrator or other ADR neutral involved in the case at least two (2) days notice that a scheduled judicial arbitration, court-ordered mediation or other mandatory ADR session is canceled because the case has settled.

- B. Notice of Cancelation for Any Reason

Any party, attorney, or person necessary for the mediation, arbitration or other mandatory ADR session to proceed to meaningful conclusion must give the mediator, arbitrator or other ADR neutral involved in the case, and all other persons scheduled to attend a judicial arbitration, court-ordered mediation or other mandatory ADR session at least two (2) days notice that they will not be attending the session.

(Adopted 1-1-86; CRC number corrected 1-1-07; amended 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0030, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12)

**RULE 3231
COSTS**

A. Judicial Arbitration:

There are no costs to parties in cases ordered to judicial arbitration pursuant to Rule 3.811 (a) (1), (3) or (5).

B. Court-Ordered Mediation:

There are no costs to parties in cases ordered to mediation for the first three (3) hours of mediation services with a Civil Mediation Panel member. The three hours of mediation services shall be up to three (3) hours spent with the parties, in a mediation session, and does not include time spent in pre-mediation preparation and/or traveling to or from the mediation location. Parties may stipulate to compensate the mediator for additional time by way of written agreement (optional form RI-ADR04 or equivalent).

(Adopted 10-2607, effective 1-1-08; amended 11-9-09, effective 1-1-10; Moved from Title 4 and renumbered from Rule 4.0031, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

**RULE 3233
ALTERNATIVE DISPUTE RESOLUTION COMPLAINT PROCEDURES**

A. Mediator Complaint Procedures

1. The purpose of this section is to establish a procedure for addressing complaints against mediators who are listed on the court's mediation panel. Such procedure is established pursuant to Rules of Court 3.865- 3.872.
2. The complaint coordinator shall be the Director of ADR Programs for the court, and that person shall proceed in accordance with paragraphs (a), (b), and (c) of Rule 3.869. In addition, if the matter is not resolved or closed through preliminary review the complaint coordinator shall send the notice required by subparagraph (d)(1) of Rule 3.869.
3. The investigation described in subparagraph (d)(2)(A) of Rule 3.869 may be performed by the Presiding Judge, unless the Presiding Judge does not have experience as a mediator, in which case the Presiding Judge shall delegate the investigation to any other judge or judges who do have such experience. In the alternative, if the Presiding Judge does have such experience but finds it necessary or convenient to delegate such investigation to another judge or judges with such experience, the Presiding Judge may do so. Any judge performing such investigation shall become familiar with the rules of conduct referenced in said subparagraph. At the

Presiding Judge's discretion, the judges of the ADR Subcommittee may be notified or consulted regarding any complaint.

B. Complaint Procedures for Arbitrators and any other Court-Connected Neutrals

1. Section A above establishes procedures as required by law for mediators. The court intends to follow the same procedures with regard to complaints against arbitrators and any other court-connected neutrals (excluding court employees).
2. Any such complaints must be submitted in writing to Director of ADR Programs for the court. Said Director shall proceed with a preliminary review, applying the same procedures that would be invoked under subparagraphs (a), (b), and (c) of Rule 3.869 for mediators. If the matter is not resolved or closed through preliminary review said Director shall send a notice in the same format as would be required under subparagraph (d)(1) of said rule.
3. For complaints not resolved by the Director of ADR Programs, the Presiding Judge shall conduct an investigation, or delegate that duty, in the same manner as described in paragraph C above, for mediators.

(Adopted 4-17-09, effective 7-1-09; Moved from Title 4 and renumbered from Rule 4.0033, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

RULES APPLICABLE TO JUDICIAL ARBITRATION

Additional rules applicable to judicial arbitration are set forth in “Rules Applicable to Both Arbitration and Mediation” (Rules 3210 – 3233).

RULE 3240 INITIATION OF ARBITRATION

Arbitration can be initiated by court order at any time after the filing of the complaint and before the first case management conference in any of three ways: (a) Upon timely written election of the plaintiff, where the plaintiff agrees that the award per plaintiff shall not exceed \$50,000; (b) Upon timely stipulation of the parties, the stipulation need not designate the upper limit of the potential award and any amount in controversy may be submitted; (c) Where the judge determines the controversy is amenable to arbitration pursuant to Code of Civil Procedure section 1141.10 *et seq.* Except where the case is in arbitration per (a) above, the arbitrator's award is not limited to \$50,000 but may be for any amount.

(Adopted 1-1-86; amended 11-7-92, effective 1-1-93; amended 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0100, 8-1-11, effective 1-1-12)

**RULE 3243
WITHDRAWAL FROM ARBITRATION**

A case submitted to arbitration may only be withdrawn before hearing by stipulation and court order or court order on noticed motion heard in the department where the case is pending.

(Adopted 1-1-86; amended 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0105, 8-1-11, effective 1-1-12)

**RULE 3246
PRE-HEARING CONFERENCE**

If the arbitrator finds it helpful to confer with the attorneys informally before the hearing, counsel shall be prepared to discuss: (1) the time estimate for hearing, (2) the documentary evidence to be offered, (3) the stipulations, (4) the issues to be determined, and (5) whether any depositions will be offered as a substitute for live testimony. This conference may be conducted by telephone if deemed appropriate by the arbitrator.

(Adopted 1-1-86; Moved to Title 1 (Rule 1.0066) 10-17-98, effective 1-1-99; new rule adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0110, 8-1-11, effective 1-1-12)

**RULE 3250
MANDATORY ARBITRATION STATEMENT**

Counsel shall prepare and serve on all other parties and the arbitrator, no later than ten (10) days prior to the arbitration hearing, a statement setting forth and discussing in detail the facts and law pertinent to the issues of liability, damages or both, involved in the case as to the party or parties represented by that counsel. The statements, where relevant, shall contain an itemization of special damages claimed with dates therefore. The nature, extent and prognosis of any claimed physical injury shall be described fully and copies of medical reports shall be attached to the statement. The statement shall not contain or disclose any offers of settlement. The statement shall contain a declaration that all parties have discussed the case and have attempted in good faith to settle the case.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0115, 8-1-11, effective 1-1-12)

RULE 3253
RIGHTS TO DISCOVERY IN ARBITRATION

The parties' respective rights to discovery and the date set for completion thereof prior to the date set for arbitration are governed by Rule 3.8222 of the California Rules of Court.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0120, 8-1-11, effective 1-1-12)

RULE 3255
ARBITRATION HEARING APPEARANCES REQUIRED

Appearance by all parties, their counsel, claim representatives and all persons with full authority to resolve all disputed issues are required at the arbitration session. Non-appearance of counsel or a party shall subject the counsel or party, after notice and an opportunity to be heard, to monetary sanctions including, but not limited to, suitable compensation to the arbitrator and to the parties who did appear at the arbitration plus attorney's fees to make the request for sanctions.

(Adopted 10-26-07, effective 1-1-08; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0125, 8-1-11, effective 1-1-12)

RULE 3258
INTERPRETERS

Any party wishing an interpreter shall notify the ADR Administrator, all other parties and the arbitrator at least ten days before the hearing date or at the pre-hearing conference whichever is earlier. In addition, unless otherwise ordered by the court the party seeking the use of the interpreter shall make all arrangements directly with the interpreter and shall assume the costs of the service.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0130, 8-1-11, effective 1-1-12)

RULE 3260
AWARD

- A. The award must be in writing and signed by the arbitrator. It must determine all issues properly raised by the pleadings, including a determination of any damages and an award of costs if appropriate. The arbitrator is not required to make findings of fact or conclusions of law.
- B. Within 10 days after the conclusion of the arbitration hearing, the arbitrator must file the award with the clerk, with proof of service on each party to the arbitration. On the arbitrator's application in cases of unusual length or complexity, the court

may allow up to 20 additional days for the filing and service of the award. Within the time for filing the award, the arbitrator may file and serve an amended award.

The award of the arbitrator may be submitted in the following form:

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

)	
)	
Plaintiff(s),)	No.
)	
)	AWARD OF
vs.)	ARBITRATOR
)	
)	
Defendant(s))	
)	
)	
_____)	

The undersigned arbitrator, having been 1) appointed pursuant to Sections 1141.10 and 1141.18 Code of Civil Procedure and Rule 3.815 California Rules of Court, 2) duly sworn pursuant to Rule 3.814, and, having heard the cause on _____, _____, and considered the evidence of the parties, makes the following awards as to all claims submitted to arbitration:

Date: _____

Arbitrator

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0135, 8-1-11, effective 1-1-12)

RULE 3263

TRIAL AFTER ARBITRATION; ENTRY OF AWARD AS JUDGMENT

Rule 3.826 of the California Rules of Court governs requests for trial after the arbitration award is filed with the clerk of the court. When there is no request by any party for trial after the arbitration award is filed with the clerk, entry of the award as judgment is governed by Rule 3.827 of the California Rules of Court.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0140, 8-1-11, effective 1-1-12)

RULE 3265

REIMBURSEMENT FOR ARBITRATION FEES TO SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- A. Presentation of Order. In cases in which reimbursement of the arbitration fee has been ordered by the Court under Code of Civil Procedure section 1141.2, the party directed to prepare the formal order or judgment, after the trial de novo, shall provide for such fee reimbursement therein and shall serve a copy of the Order or Judgment on the Arbitration Administrator of the court.
- B. Reimbursement. Reimbursement of the arbitrator's fee shall be made payable to the Superior Court of California, County of Riverside/Arbitration Program, and shall be delivered to the Arbitration Administrator.
- C. Satisfaction. Upon receipt of said reimbursement, the Arbitration Administrator shall file a Satisfaction of Judgment in accordance with California Code of Civil Procedure section 724.010.
- D. Failure to Reimburse. Should reimbursement of the arbitrator's fee not be received within forty-five days of the date of the court order/judgment under Code of Civil Procedure Section 1141.21, the Arbitration Administrator shall use all available legal remedies to enforce the judgment/order.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0145, 8-1-11, effective 1-1-12)

RULE 3270

DISPOSITION OF EXHIBITS

Documents, statements, and exhibits received in evidence during the hearing should be returned after the award to the parties who offered them. Many arbitrators request that the parties offer copies in evidence so that the arbitrator can discard them after the award has been made. No original exhibits should be destroyed by the arbitrator since they may be required in the event of a trial de novo.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 4 and renumbered from Rule 4.0150, 8-1-11, effective 1-1-12)

RULES APPLICABLE TO COURT-ORDERED MEDIATION

Additional rules applicable to court-ordered mediation are set forth in “Rules Applicable to Both Arbitration and Mediation” (Rules 3210 – 3233).

RULE 3273

COURT-ORDERED MEDIATION: PRE- MEDIATION PROCEDURES

- A. Notice: The Court will mail the Notice of Court-Ordered Mediation with the proposed randomly assigned mediator and the Response to Notice of Court-Ordered Mediation (mandatory form RI-ADR02) to all parties ordered to court-ordered mediation. The Notice of Court-Ordered Mediation shall state the Mediation Completion Date.
- B. Duty to Meet and Confer: Within 15 days of the Notice to Court-Ordered Mediation, the parties must confer with respect to (1) their Response to Notice of Court-Ordered Mediation (mandatory form RI-ADR02); (2) at least three (3) mutually agreeable dates/times for the mediation session; (3) the location for the mediation session; and (4) a reasonable schedule to complete any discovery or motions necessary to make their ADR session productive. The plaintiff must provide this information to the mediator.
- C. Appointment of Mediator- Parties Stipulate to a Mediator: If the parties stipulate to a mediator, the plaintiff must (1) provide the mediator with a copy of the Notice of Court-Ordered Mediation; (2) obtain the mediator’s consent; (3) file the Response to Notice to Court-Ordered Mediation (mandatory form RI-ADR02) after all parties sign within 15 days of the Notice to Court-Ordered Mediation; and (4) serve a copy of the Response on the mediator and include him / her on the proof of service.
- D. Appointment of Mediator – Parties Do Not Stipulate: If the parties do not submit the Response to Notice of Court-Ordered Mediation (mandatory form RI-ADR02) stipulating to a mediator within 15 days of the Notice of Court-Ordered Mediation, the Court will assign the previously proposed mediator from the Court’s Civil Mediation Panel pursuant to CRC Rule 3.893. The parties shall have no right to object to the assigned mediator. If the previously proposed mediator recuses themselves, the Court will promptly assign another mediator from the Court’s Civil Mediation Panel pursuant to CRC Rule 3.893. This process will continue until such time as a mediator accepts the assignment, unless otherwise ordered by the Court.
- E. Mediator’s Response: The assigned mediator shall file and serve the Mediator’s Notice of Acceptance or Recusal (mandatory form RI-ADR03) within 15 days of the Notice of Assignment.

- F. Parties' Duty to Schedule the Mediation: It is the duty of the parties, not the mediator, to schedule and complete the mediation by the completion date stated on the order. Failure to do so will result in a report to the court that the parties failed to schedule or complete the mediation and will subject them to an order to show cause and monetary and/or non-monetary sanctions pursuant to Local Rule 3211.

When discussing the time and place for the mediation session, the parties shall consider the following: (a) the mediator's convenience; (b) the completion of discovery and motions necessary for a meaningful session; (c) the scheduling of all persons required to participate in person at the mediation session and; (d) the parties' ability to comply with the mediator's requirements for mediation briefs or other pre-mediation activities.

- G. Participant Lists: Attendance and participant lists shall comply with California Rules of Court, Rule 3.894 and Local Rule 3275. At least five court days before the first mediation session, each party must serve a list of its mediation participants on the mediator and all other parties. The list must include the names of all parties, attorneys, representatives of a party that is not a natural person, insurance representatives, and other persons who will attend the mediation with or on behalf of that party pursuant to California Rules of Court, Rule 3.894 and Local Rule 3275. A party must promptly serve a supplemental list if the party subsequently determines that listed persons will not attend the mediation and/or that other persons will attend the mediation with or on behalf of the party.

If any party fails to comply with this rule, or fails to otherwise confirm that all persons required to personally attend the mediation will personally attend the mediation, or that all persons allowed to participate by telephone pursuant to Local Rule 3275C will participate by telephone, the mediator may cancel the mediation session and report to the court on Judicial Council form ADR 100 that the mediation was not scheduled or was scheduled but did not take place, subjecting the party to sanctions pursuant to Local Rule 3211.

- H. Mediation Statements: In accordance with CRC, Rule 3.894(b)(2), the mediator may require that each party shall serve on the mediator and/or opposing counsel a short mediation statement describing the issues in dispute and possible resolutions and other information or documents that may be helpful in resolving the dispute.

- I. Discovery: The parties are urged to exercise restraint with respect to conducting discovery during the time after the order to court-ordered mediation and before the mediation session, other than that discovery necessary to engage in a productive mediation session. In an appropriate case, a protective order pursuant to CCP § 2017.020 and related provisions may be issued by the Court.

- J. Continuance of Scheduled Mediation Session: The parties may stipulate to a continuance of a scheduled mediation session if they notify the mediator at least two (2) days before the scheduled session and provide the mediator with at least three (3) proposed dates for the rescheduled session. Sanctions may be ordered pursuant to Local Rule 3211 for failure to appear at a scheduled mediation session without providing at least two (2) days notice to the mediator and to all parties and counsel.

If the mediation cannot be completed by the mediation completion date, the parties must comply with section K. The mediator has no authority to schedule or conduct mediations after the mediation completion date.

- K. Continuance of Mediation Completion Date: Parties may stipulate to one 60 –day continuance of the Mediation Completion Date. Parties requesting a continuance shall present the Stipulation and Order for Continuance of Court Mediation Date (mandatory form RI-ADR05) to their assigned department and shall serve a copy of any order on the mediator. Sanctions may be ordered for failure to complete mediation by the mediation completion date pursuant to Local Rule 3211.

(Adopted 10-26-07, effective 1-1-08; amended 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0200, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15; amended 5-7-21, effective 7-1-21)

RULE 3275

APPEARANCES REQUIRED AT MEDIATION; ATTENDANCE SHEETS

- A. Required Attendees: All parties, principals, trial counsel, attorneys of record, and others whose authority is required to fully resolve the case must attend all mediation sessions in person unless excused or permitted to attend by telephone as provided in section C below. If a party is not a natural person, a representative of that party with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or a legislative body, a representative with authority to recommend such agreement, must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided in section C.
- B. Attendance of Insurance Carriers: If any party is insured under a policy of insurance that provides or may provide coverage for a claim that is a subject of this action, a representative of the insurer with authority to settle or recommend settlement of the claim must attend all mediation sessions in person, unless excused or permitted to attend by telephone as provided in section C below. Parties with potential insurance coverage must notify each insurance carrier of the

date, time and place of the mediation session and of the carrier's duty to attend with full settlement authority.

- C. Telephonic Appearances: The mediator must require the personal attendance of the persons set forth in Sections A and B. the mediator may not permit a telephone appearance unless good cause was shown in a timely manner before the session. If good cause for a telephone appearance is shown to the mediator in a timely manner, the mediator may excuse, in writing, a party, attorney or representative from the requirement to attend a mediation session in person, and instead permit attendance by telephone.
- D. Presence of Counsel: Each party may have counsel present at all mediation sessions that concern the party.
- E. Good Faith Participation: All participants in the ADR process must participate in good faith.
- F. Failure to Comply: Before a mediation session is conducted, if the mediator determines that a party has failed to comply with sections A, B, and/or C, or Rule 3273G or H, the mediator may cancel the mediation session and report to the court on Judicial Council form ADR 100 that mediation was not scheduled or was scheduled but did not take place.
- G. Attendance Sheets: The mediator is required to ask all participants in the mediation to complete the attendance sheet (Judicial Council Form ADR-107) stating their names, addresses and telephone numbers.

(Adopted 11-9-09, effective 1-1-10; amended 4-21-10, effective 7-1-10; Moved from Title 4 and renumbered from Rule 4.0201, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 4-24-15, effective 7-1-15)

RULE 3290 MANDATORY SETTLEMENT CONFERENCE STATEMENTS

- A. In addition to the requirements prescribed in California Rule of Court 3.1380(c), mandatory settlement conference statements shall be no more than 10 pages in length.
- B. The court may permit the filing of a statement that exceeds (10) pages in length upon a showing of good cause.

(Adopted 5-13-13, effective 7-1-13; amended 4-24-15, effective 7-1-15)

**DIVISION 3
CIVIL LAW AND MOTION**

**RULE 3310
RESERVING HEARING DATES**

In all civil departments, represented parties shall use the Court Reservation System (CRS) on the Public Portal in scheduling all law and motion matters except in Unlawful Detainer and Small Claims cases, unless otherwise noted on the CRS Public Portal. Represented parties shall use the CRS to make and manage reservations within the set guidelines found on the court's website. All moving documents shall be filed no later than ten (10) court days after the reserving party reserves the law and motion hearing date. Law and motion reservations will be cancelled without further notice to the reserving party if the moving documents are not filed within ten (10) court days after the reservation is made.

(Adopted 5-10-24, effective 7-1-24)

**RULE 3315
EXHIBITS FOR CIVIL LAW AND MOTION MATTERS**

All exhibits or other evidence offered by a party in support of or in opposition to any civil law and motion matter shall be filed with the clerk of the Court, unless lodging of that material is specifically authorized by statute, the California Rules of Court, or local rule. Any Notice of Lodgment shall include a citation to the statute or rule that authorizes that type of document to be lodged.

(Adopted 4-24-14, effective 7-1-14)

**RULE 3316
TENTATIVE RULINGS**

- A. The Civil Departments may issue tentative rulings on law and motion matters. Tentative rulings will be available on the Internet. To view go to: <http://www.riverside.courts.ca.gov> and click on the tentative ruling link. Parties that do not have Internet access may call 1-760-904-5722.
- B. The tentative ruling shall become the ruling of the Court unless, by 4:30 p.m. on the court day before the scheduled hearing, a party gives notice of intent to appear to all parties and the court. The notice of intent to appear must be given either in person or by telephone. Where notice of intent to appear has been properly given, or upon direction of the Court, oral argument will be permitted.
- C. All noticed motions and demurrers in departments that issue tentative rulings shall include the following information in the notice:

“The Court will make a tentative ruling on the merits of this matter by 3:00 p.m. on the court day prior to the hearing. Tentative rulings will be available on the Internet or by calling 1-760-904-5722. To view go to: <http://www.riverside.courts.ca.gov> and click on the tentative ruling link. The tentative ruling shall become the ruling of the Court unless, by 4:30 p.m. on the court day before the scheduled hearing, a party gives notice of intent to appear to all parties and the court. The notice of intent to appear must be given either in person or by telephone. Where notice of intent to appear has been properly given, or upon direction of the Court, oral argument will be permitted.” Failure to include this information in a notice of motion or demurrer will not relieve a party from the obligation to request oral argument following the issuance of a tentative ruling.

(Adopted 10-26-07, effective 1-1-08; phone number corrections 7-7-09; amended 5-4-11, effective 7-1-11; Moved from Title 2 and renumbered from Rule 2.0016, 8-1-11, effective 1-1-12; amended 4-24-14, effective 7-1-14; amended 11-8-14, effective 1-1-15)

RULE 3320 CONDUCT OF HEARINGS

Continuances and Matters Taken Off Calendar.

1. When a hearing date has been set, it shall be utilized unless timely continued or taken off calendar.
2. A party seeking to continue a law and motion hearing, shall submit either a written stipulation signed by all parties, or a declaration from counsel for the moving party, signed under penalty of perjury, informing the court that all parties have been notified and agree to have the motion continued. The declaration or stipulation to continue the hearing on the motion shall be filed with the court as soon as reasonably possible. Additionally, if the declaration or stipulation cannot with reasonable diligence be filed at least five (5) court days before the hearing, the moving party shall orally notify the clerk in the assigned department as soon as reasonably possible that a declaration or stipulation is being submitted.
3. If the moving party determines that a hearing on the motion is no longer necessary, the party shall immediately notify the court in writing that the motion should be taken off calendar. When the hearing is imminent, the moving party shall also immediately give oral notice to the clerk in the assigned department that the motion should be taken off calendar.

(Adopted 1-1-86; Amended 10-23-93, effective 1-1-94; amended 10-17-98, effective 1-1-99; amended 10-18-02, effective 1-1-03; Moved from Title 2 and renumbered from Rule 2.0020, 8-1-11, effective 1-1-12)

RULE 3321
TELEPHONIC LAW AND MOTION APPEARANCES (SUSPENDED)

Except in cases for unlawful detainer, all law and motion appearances in unlimited and limited civil cases shall be telephonic unless (1) the Court orders a particular hearing to be conducted in person, or (2) a party timely notifies the Court and all other parties of the party's intent to appear in person. Moving party must complete and serve the court's mandatory local form RI-CI039 - Notice of Telephonic Appearance Attachment (Civil Law and Motion) and shall note service of the form on the proof of service of the moving papers and any notice of continuance.

In order to appear in person, at least one party must file and serve the court's mandatory local form RI-CI038 - Notice of Intent to Appear in Person (Civil) - no later than 10 days before the hearing. If one party files a Notice to Appear in Person, then all other parties are permitted to appear in person without further notification.

(Adopted 11-5-21, effective 1-1-22; temporarily suspended 1-10-22, effective 1-12-22)

DIVISION 4
TRIAL RULES AND PROCEDURES

RULE 3401
PRE-TRIAL RULES

1) APPLICATION

- a) Unless the judge to whom a case is assigned for all purposes orders otherwise, this rule applies to all civil trials, except for (i) non-jury unlawful detainer trials and (ii) non-jury trials estimated to take no more than five hours.
- b) In non-jury trials estimated to take five hours or less, compliance is encouraged but not mandated.
- c) References to "counsel" also include self-represented parties.

2) EXCHANGE OF DOCUMENTS

Not later than 14 days before the date set for trial, or by such other time agreed upon by counsel, counsel for all parties shall exchange each of the following:

- a) A list of all witnesses the party intends to call to testify at trial, including the witness's name and a single-sentence description of the anticipated subjects on which the witness is expected to testify. In a jury trial, the list shall also identify (i) the community in which each non-expert witness resides and (ii) the occupation and area of the principal office of each expert witness.
- b) A list of all exhibits that the party intends to introduce at trial, except those intended to be used solely to impeach a witness. The list shall include the exhibit number, a title or other brief description, and the number of pages in the exhibit. Except for

exhibits to be used solely for impeachment of a witness, if any exhibit has not previously been exchanged in discovery, a copy of that exhibit shall also be exchanged.

- c) A list of facts or issues of law that the party believes are not controverted and to which the party is willing to agree.
- d) If a plaintiff, a description of each claim in support of which the party intends to offer evidence at trial and of the relief being sought as to each claim, including the nature of each element of damages for which recovery is sought and the amount of each element of economic damages. If a defendant, a description of each affirmative defense in support of which the party intends to offer evidence at trial.
- e) Any motions in limine that the party intends to bring.
- f) In a jury trial, a proposed statement of the case suitable for reading to the jury venire [unless the party intends to request to begin voir dire with a brief opening statement in accordance with Code of Civil Procedure section 222.5, subdivision (d)]. The statement of the case should be neutral and non-argumentative. It should include the basic uncontested facts and, to the extent necessary, the contentions of the parties. It should rarely exceed four or five simple sentences. It should use plain English, without legal or technical jargon.
- g) In a jury trial, a list of form jury instructions and the text of special jury instructions that the party proposes to use.
- h) In a jury trial, a proposed verdict form.

3) ISSUES CONFERENCE

Not less than seven days before the date set for trial, or by such other time agreed upon by counsel, lead trial counsel for all parties shall meet (either in person or by telephone) and conduct an Issues Conference. Counsel for the plaintiff shall be responsible for arranging the conference at a mutually agreeable time and place. During the conference, counsel shall:

- a) Discuss each witness intended to be called by the respective parties, to determine whether that witness's testimony can be rendered unnecessary by an agreement either (i) to the facts or (ii) to how the witness would testify.
- b) Discuss each exhibit intended to be introduced by the respective parties, to determine (i) whether that exhibit's introduction can be rendered unnecessary by an agreement to the facts, and if not, (ii) whether the parties can agree upon either the admissibility or the authenticity of the exhibit.
- c) Discuss each potential uncontroverted fact or issue of law to determine whether the parties can agree that it is true.
- d) Discuss each proposed motion in limine to determine whether the relief sought is opposed, and if so, whether the parties can agree to a resolution.

- e) Discuss whether counsel will exchange electronic copies of any and all briefing and evidentiary exhibits in a standardized format prior to trial.
- f) In a jury trial, discuss whether all parties will provide brief opening statements to the venire panel as permitted by Code of Civil Procedure section 222.5 subdivision (d), and if not, whether the parties can agree upon a joint proposal for the statement of the case.
- g) In a jury trial, discuss the proposed jury instructions to determine whether the parties can agree on how the jury should be instructed.
- h) In a jury trial, discuss the proposed verdict form to determine whether the parties can agree upon a joint proposal.

4) JOINT PRETRIAL STATEMENT AND ACCOMPANYING DOCUMENTS

- a) Following the Issues Conference, counsel shall prepare a Joint Pretrial Statement and the additional documents specified below. Unless the parties agree otherwise, the documents shall be prepared by counsel for the plaintiff. All shall be signed by lead trial counsel for each party.
- b) The Joint Pretrial Statement shall be contained in a single document with a single caption and a single set of signatures. The statement shall include the following:
 - i) A joint statement of parties and counsel, listing the full name of each party still in the action and the name of the attorney, if any, who will represent that party at trial.
 - ii) A stipulation reciting the precise facts or legal issues to which the parties agree. If the parties have resolved any potential motions in limine, the stipulation should recite those resolutions.
 - iii) A joint statement of claims and defenses in the manner described in subdivision 2. Except for good cause, no party will be allowed to introduce evidence to support any claim, any element of damage, or any affirmative defense that is not listed on that statement.
 - iv) In a jury trial, a joint statement of the case in the manner described in subdivision 2, unless all parties will begin voir dire with brief opening statements as permitted by Code of Civil Procedure section 222.5, subdivision (d). If counsel are unable to agree on a joint proposal for the statement of the case, then counsel shall include a joint statement of the case to the limited extent to which all counsel can agree, together with the separate proposals as to those aspects on which counsel cannot agree.
- c) In addition to the Joint Pretrial Statement, counsel shall prepare:
 - i) A joint witness list in the manner described in subdivision 2. Except for good cause, no party will be allowed to call any witness who is not on that list for any purpose other than impeachment of a witness.

- ii) A joint exhibit list in the manner described in subdivision 2. The exhibit list shall indicate whether the parties have stipulated to the admission or the authenticity of the exhibits. Except for good cause, no party will be allowed to introduce any exhibit that is not on that list for any purpose other than impeachment of a witness.
- iii) In a jury trial, the form jury instructions and any special jury instructions on which all parties agree. If the parties do not all agree as to all instructions requested, counsel shall also prepare the form jury instructions and any special jury instructions on which all parties have not agreed. Each of the latter instructions shall identify the party or parties who are proposing or have agreed to that instruction.
- iv) In a jury trial, an agreed-upon verdict form. If counsel are unable to agree on a joint proposal for the verdict form, then counsel shall include a joint proposed verdict form to the limited extent to which all counsel can agree, together with their separate proposals as to those aspects on which counsel cannot agree.
- d) If counsel for any party fails to participate in the Issues Conference, or otherwise fails to cooperate in the preparation of the documents specified above, then counsel for the remaining party or parties shall prepare and sign proposed versions of those documents. In that event, the Proposed Joint Pretrial Statement shall include a declaration describing the attempts made by the remaining party or parties to confer with or obtain the cooperation of the non-complying party.

5) TRIAL BRIEFS

Trial briefs concerning the legal issues presented by the trial are required in non-jury trials and encouraged in jury trials. However, submission of a trial brief does not excuse compliance with any provision of this rule.

6) MOTIONS IN LIMINE

- a) Motions in limine shall be brought only if the parties disagree as to the subject of the motion. If there is no disagreement, then the agreed-upon issue shall be included in the parties' stipulation of facts and legal issues.
- b) Every motion in limine submitted to the Court:
 - i) Shall be in writing.
 - ii) Shall be numbered sequentially according to the party or side bringing it (e.g., Plaintiff's No. 1, Plaintiff's No. 2, Defendant Smith's No. 1, Defendant's #2, etc.).
 - iii) Shall be tailored to the specific issues of the case and to the specific evidence expected to be introduced at trial. They shall not seek declarations of existing law of general application, e.g., that the opposing party may not introduce inadmissible hearsay.
 - iv) Shall be supported by a memorandum of points and authorities.
- c) Any motion or opposition to a motion that depends upon the existence of particular facts shall be supported by competent, admissible evidence establishing those

facts. Any declaration submitted must demonstrate the declarant's personal knowledge. Any documentary evidence must be authenticated.

- d) Any motion seeking to preclude the introduction of any evidence or to otherwise prevent the mention or display of inadmissible and prejudicial matter in the presence of the jury:
 - i.) Shall clearly describe the specific evidence or matter alleged to be inadmissible and prejudicial.
 - ii.) Shall be supported by a declaration that both:
 - (1) Demonstrates that the subject of the motion has been discussed with opposing counsel, and that opposing counsel has either (A) indicated that such matter will be mentioned or displayed in the presence of the jury or (B) refused to stipulate that such matter will not be mentioned or displayed in the presence of the jury unless and until it is admitted into evidence; and
 - (2) Explains the specific prejudice that will be suffered by the moving party if the motion is not granted.
- e) Except in cases of issue preclusion based on responses to requests for admissions, previously ordered sanctions for abuse of the discovery process, or other extraordinary circumstances, the Court will not entertain a motion seeking to exclude evidence merely because it differs from a party's discovery responses.
- f) Any party submitting any motions in limine shall submit a single proposed order encompassing all motions made by that party. As to each motion, the proposed order shall state the precise relief sought so that the ruling can be understood from the language of the order without the need to refer to the text of the motion. If the motion seeks to exclude certain evidence, the proposed order shall describe the precise evidence being excluded, shall direct counsel not to refer to the excluded evidence during trial, and shall direct counsel to advise their parties and witnesses not to refer to it.

7) EXHIBITS

- a) Exhibits must be numbered in advance. Each exhibit shall bear a separate exhibit number (i.e., avoid marking exhibits "3a, 3b, 3c...").
- b) Unless there are less than 10 exhibits, all documentary exhibits and photographs (8 1/2" x 12" or smaller) should be placed in a loose-leaf notebook with numbered dividers corresponding to the exhibit number.
- c) For ease of reference during testimony, each page of each exhibit shall bear a unique and consecutive page number.
- d) Counsel are encouraged to exchange their exhibits electronically in a standardized format.

8) JURY INSTRUCTIONS

- a) The proposed jury instructions shall be fully edited and shall be in the form required by California Rule of Court, rule 2.1055, including the index prescribed by rule 2.1055(b).

- b) If there are CACI instructions applicable to the legal issues presented, the Court will use those CACI instructions unless the party proposing a different instruction demonstrates that the instruction proposed would more accurately state the law and be more clearly understood by the jurors.
- c) The instructions should be divided into two sets: those to which all parties agree, and those to which some party has an objection.

9) FILING TRIAL DOCUMENTS

- a) No trial document shall be filed prior to the trial date. Instead, all trial documents shall be filed on the first day of trial in the department to which the case has been assigned for trial.
- b) In addition to the copies provided to opposing counsel and any copies to be conformed, counsel shall provide the original and one copy of each of the following trial documents to the Court:
 - i) Joint Pretrial Statement, or Proposed Joint Pretrial Statement.
 - ii) Joint Witness List, or Proposed Joint Witness List.
 - iii) Joint Exhibit List, or Proposed Joint Exhibit List.
 - iv) Exhibits.
 - v) Requests for judicial notice (if any).
 - vi) Motions in limine (if any), and proposed order.
 - vii) Oppositions to motions in limine (if any).
 - viii) Trial brief (if any).
 - ix) Stipulation of facts or issues of law (if any).
 - x) In a jury trial, jury instructions and verdict form.
- c) Any party who intends to introduce deposition testimony during trial shall lodge either the original transcript or a certified copy with the court on the first day of trial.

10) EFFECT OF A CONTINUANCE OF TRIAL

In the event that the trial is continued after the Issues Conference has been conducted and the trial documents have been prepared, counsel need not conduct a further Issues Conference or revise any of the trial documents unless there has been a material change. In the event that counsel for any party believes that any trial document needs to be changed or supplemented, that counsel shall meet and confer with all other counsel.

11) ENFORCING COMPLIANCE

Parties or their counsel who fail to comply with any portion of this rule without good cause are subject to sanctions, including but not limited to orders striking all or part of that party's pleading, dismissing all or part of that party's action, entering a judgment by default against that party, postponing the trial, or imposing monetary, evidentiary, or issue sanctions. Code Civ. Proc., section 575.2.

(Adopted 5-13-13, effective 7-1-13; amended 11-8-14, effective 1-1-15; amended administratively to correct typographical error 3-25-15, effective 3-25-15; amended 4-29-16, effective 7-1-16; amended 10-26-18, effective 1-1-19; amended administratively to correct typographical error 6-5-20, effective 6-5-20)

**RULE 3402
INSTRUCTIONS TO JURY**

When special verdicts are to be submitted to a jury, the jury questions and verdict forms shall be presented in writing to the Court, and copies thereof furnished to other parties before any evidence is offered, unless the Court shall order otherwise.

(Adopted 1-1-86; Amended and moved from Title 1 (Rule 1.0055), 10-17-98, effective 1-1-99; Moved from Title 2 and renumbered from Rule 2.0070, 8-1-11, effective 1-1-12; amended and renumbered from Rule 3370, 10-15-13, effective 1-1-14)

**DIVISION 5
UNLAWFUL DETAINERS**

**RULE 3510
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS**

Pursuant to Section 2.3 of the Standards of Judicial Administration and Rule 1.0200 above, this Court adopts the following standards for timely disposition

- A. Unlawful Detainer cases shall be:
1. 90 percent disposed of within 30 days after filing.
 2. 100 percent disposed of within 45 days after filing.
- B. Small Claims cases shall be:
1. 100 percent disposed of within 45 days after filing, if all defendants reside within Riverside County.
 2. 100 percent disposed of within 90 days after filing, if any defendant resides outside of Riverside County.
- C. To achieve the delay reduction goals in this rule, at the time of filing the complaint, the Court shall set an order to show cause as to why the plaintiff or counsel shall not be sanctioned by dismissal of the action or otherwise for failure to comply with the time standards of this rule.

(Adopted 7-1-94; amended 4-19-97, effective 7-1-97; amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0010, 8-1-11, effective 1-1-12)

**RULE 3520
CASE DESIGNATION AND NOTATION**

All cases shall be designated on the face of the complaint into one of the following categories:

1. Unlawful detainer; or
2. Small claims.

(Adopted 7-1-94; Renumbered from Rule 3.0020, 8-1-11, effective 1-1-12)

**RULE 3530
SERVICE OF COMPLAINT**

- A. In all unlawful detainer cases, the complaint shall be served on all defendants, and a proof of serve filed with the Court, within 30 days of filing the original complaint.
- B. In all small claims cases, proof of service of the claim and order on all defendants shall be filed at least five (5) court days prior to the date set of a hearing on the claim.

(Adopted 7-1-94; amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0030, 8-1-11, effective 1-1-12)

**RULE 3536
REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS**

- A. An Unlawful Detainer action may be set for trial when the court deems the case to be at-issue or if the court so requires, when a party has served and filed a Request for Setting (Unlawful Detainer). The Request for Setting shall be on a form approved by Judicial Council.
- B. A party not in agreement with the information or estimates given in the Request for Setting shall within five (5) days after service, serve and file a Counter Request for Setting on the party's behalf.

(Adopted 10-18-02, effective 1-1-03; Renumbered from Rule 3.0036, 8-1-11, effective 1-1-12)

RULE 3540
REQUESTS FOR JURY TRIAL IN UNLAWFUL DETAINER ACTIONS

It is the policy of this Court that all Jury Trials in Unlawful Detainer Actions proceed as follows:

1. All requested and relevant Jury Instructions shall be submitted to the Court on the first assigned trial date.
2. Any and all motions, including motions in limine, shall be submitted to the assigned trial department on the first assigned trial date.
3. On the first assigned trial date, all parties must be ready to discuss, with the appropriate written authorities, any and all anticipated evidentiary issues which will arise during trial.

An application for Waiver of Court Fees shall be presented at the time the request for Jury Trial is submitted, for review and order by the designated judicial officer.

(Adopted 7-1-94; Amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0040, 8-1-11, effective 1-1-12; amended 10-15-13, effective 1-1-14)

RULE 3560
**DECLARATION AND WORKSHEET FOR DEFAULT JUDGMENT-UNLAWFUL
DETAINER**

- A. The "Declaration and Worksheet for Default Judgment-Unlawful Detainer" shall be completed and filed in every unlawful detainer action which proceeds by default or summary judgment. Except for "possession only requests", this declaration shall be the sole and exclusive Code of Civil Procedure Section 585 Declaration submitted, unless there are unusual circumstances which require additional elaboration.
- B. Each plaintiff shall be provided a copy of this form at the time the action is filed. This form must be completed and filed in each such case, regardless of any declarations submitted by plaintiff in support of such judgment. No paperwork will be submitted to a judicial officer for approval unless this form is completed and filed.

(Added 4-16-94, effective 7-1-94; Amended 10-17-98, effective 1-1-99; Renumbered from Rule 3.0060, 8-1-11, effective 1-1-12)

**RULE 3570
DECLARATION FOR ISSUANCE OF WRIT OF POSSESSION**

A party requesting the issuance of a writ of possession of real property must make such request by submitting a Declaration for Issuance of Writ of Possession form, Riverside Superior Court Form, approved for mandatory use and available from the clerk of court. Failure to use the mandatory Riverside Superior Court Form may result in the rejection of the application.

(Adopted 11-7-12, effective 1-1-13)

**DIVISION 6
SMALL CLAIMS**

**RULE 3640
ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT**

The judgment creditor or person to whom the judgment has been assigned shall file with the clerk of court an acknowledgment of satisfaction of judgment upon payment by the judgment debtor. The judgment creditor or assignee shall fill out and file Judicial Council of California Form SC-90 to acknowledge full payment. To acknowledge only partial payment of the judgment, the judgment creditor or assignee may fill out and file Judicial Council of California Form EJ-100.

A judgment debtor who requests that the clerk of court enter a full or partial satisfaction of judgment must make such request by completing and filing a Small Claims Declaration of Satisfaction of Judgment form, Riverside Superior Court Form, approved for mandatory use and available from the clerk of court. Failure to use the mandatory Riverside Superior Court Form may result in the rejection of the request.

(Adopted 11-7-12, effective 1-1-13)