

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE**

**PROPOSED LOCAL RULE/FORM CHANGES  
TITLE 3 – CIVIL  
EFFECTIVE JULY 1, 2024**

**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]** 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**

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

**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.]**

~~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.~~

- 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.

## **[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.]**

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.