CHAPTER 7
LAW AND MOTION

7.01 LAW AND MOTION JUDGES

The law and motion judges shall be designated by the Presiding judge.

(Adopted October 1, 1998; Amended July 1, 2015)

7.02 LAW AND MOTION CALENDAR

Civil Law and Motion matters are heard in Monterey, as reflected on the court's website.

(Adopted October 1, 1998; Amended July 1, 1999; Amended January 1, 2001; Amended July 1, 2003; Amended July 1, 2013; Amended July 1, 2015; Amended July 1, 2017)

7.03 MATTERS INCLUDED

The Civil Law and Motion Departments shall handle, issue, and sign all orders in Civil Law and Motion matters. All ex parte motions and orders for injunction, writs of mandate, non-family law restraining orders, writs of prohibition, and ex parte provisional remedies, such as attachments and appointment of receivers, shall be assigned by the supervising judge or designee.

(Adopted October 1, 1998; Amended July 1, 2015; Amended July 1, 2017)

7.04 CONTINUANCES

A. The parties may, with good cause, stipulate to continue a law and motion matter for a reasonable amount of time. The clerk's office must be notified of such stipulations at least two court days prior to the scheduled hearing.

B. All requests for stipulated continuances of law and motion matters must be made to the judge scheduled to hear the matter. The request must indicate good cause for the continuance, describe the basis for previous stipulated continuances, if any, and state the position of opposing counsel regarding the continuance. Failure to appear at the date and time set for hearing, may result in the matter being dropped from the calendar.

(Amended July 1, 2003; Amended July 1, 2012; Amended July 1, 2015)

7.05 LONG MATTERS

Upon calling a law and motion matter, if it should appear that more than fifteen (15) minutes will be required, the court may specially reset the hearing.

(Adopted October 1, 1998, Amended July 1, 2012)

7.06 UNCONTESTED CIVIL MATTERS

No uncontested civil matter shall be heard unless application is filed with the clerk , using form CI-133, Request to Set Hearing found on the pubic website, at least 15 days prior to the date

requested, unless an emergency exists which requires an earlier hearing. No matter shall be set unless all pleadings, stipulations and other necessary papers are on file with the clerk and default, if required, has been entered.

(Adopted October 1, 1998; Amended July 1, 1999; Amended July 1, 2015)

7.07 TELEPHONE APPEARANCE IN CIVIL LAW AND MOTION HEARINGS

In accordance with the provision of rule 3.670 of the California Rules of Court, counsel and unrepresented litigants shall have the option of appearing by telephone in any conference or non-evidentiary law and motion hearing, excluding settlement conferences. Personal appearance may be required in accordance with the court's obligation to ensure, pursuant to CRC 3.670, that statements are audible. Teleconferencing is provided through Court Call Service, a private vendor. Arrangements to schedule teleconferencing for a conference or hearing shall be made directly with Court Call Service by calling 1-888-882-6878. A fee will be charged for this service and shall be payable directly to Court Call Service.

(Adopted July 1, 1999; Amended July 1, 1999; Amended July 1, 2004; Amended July 1, 2007; Amended July 1, 2017)

7.08 REPEALED

(Adopted January 1, 2004; Obtaining an expedited order after hearing or stipulation - Repealed January 1, 2011)

7.09 REPEALED

(Adopted October 1, 1998; Page limitations for points and authorities - Repealed July 1, 2012)

7.10 REPEALED

(Adopted October 1, 1998; Summary judgment and summary adjudication of issues - Repealed July 1, 2012)

7.11 EX PARTE APPLICATIONS

Except as otherwise specifically provided by these rules, requests for ex parte relief in civil cases shall be presented in conformance with California Rules of Court, rules 3.1200 – 3.1207.

Hearing time and dates for Ex Parte Applications can be found on the court's Civil webpage. In exceptional circumstances, the court may allow appearance as a special setting. If a special setting is allowed by the court, the application will be informed by the court and will be required to renotice all parties.

In addition to compliance with California Rules of Court, rules 3.1200 – 3.1207, the application and all supporting papers shall be filed with the court by 10 a.m. on the court day preceding the

hearing date. Copies of any responding papers should be submitted prior to the hearing, if possible. Late-submitted moving papers will be accepted for filing and presented to the appropriate judicial officer pursuant to California Rules of Court, rule 3.1205. However, parties are advised that the late submittal of ex parte application and supporting documentation may cause the hearing and/or decision thereon to be delayed.

An ex parte application will be considered without a personal appearance in the cases set forth in California Rules of Court, rule 3.1207 and in those cases where the parties have stipulated that the ex parte application and any opposition may be determined without a personal appearance.

(Adopted January 1, 2004; Amended January 1, 2005; Amended July 1, 2010; Amended January 1, 2011; Amended July 1, 2014; Amended July 1, 2016; Amended July 1, 2017; Amended January 1, 2019)

7.12 EXECUTED ORIGINAL OF AMENDED PLEADING

The purpose of this rule is to ensure the court's records include an e-file version of every amended pleading as a separately e-filed document as provided in Rule 1.06 F. As set forth in other rules, amendment of pleadings requiring leave of the court may be made upon the granting of a motion or by stipulation.

A. If the motion to amend is granted, the original executed amended pleading shall be e-filed by the moving party.

B. If upon stipulation: The proponent of the amended pleading must e-file the executed proposed amended pleading along with the stipulation. These documents must not be attached to the stipulation or to any other document.

(Adopted July 1, 2012; Amended July 1, 2013; Amended July 1, 2016)

7.13 DISCOVERY FACILITATOR PROGRAM

The Court has adopted a Discovery Facilitator Program. Parties are encouraged to utilize this program for resolving discovery disputes.

The purpose of the program is to provide a vehicle where parties and counsel resolve discovery disputes in an economical, flexible, and participant-controlled manner while avoiding the risk of delay and the imposition of sanctions inherent in formal discovery motion practice.

The rules of the program are posted on the Court's website on both the civil and mediation pages.

(Adopted effective July 1, 2015; Amended July 1, 2017; Amended January 1, 2019)