
CIVIL RULES**RULE 1 DIFFERENTIAL CIVIL CASE MANAGEMENT SYSTEM****A. OVERVIEW****(1) PURPOSE**

The purpose of the Differential Civil Case Management System is to ensure that, from the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and should be eliminated. To enable the just and efficient resolution of cases, the Court, and not the lawyers or litigants, should control the pace of litigation. The Court is strongly committed to reducing delay, and once achieved, maintaining a current docket.

(2) APPLICATION

The Differential Civil Case Management System applies to all general civil cases as defined in California Rules of Court, rule 1.6(4), including limited and unlimited civil cases.

(Effective 1/1/2026)

(3) INCORPORATION OF STATE STATUTES AND RULES

The Trial Court Delay Reduction Act (Gov. Code 68600 et seq.), California Rules of Court, Titles 1, 2 and 3, and the Standards of Judicial Administration, Standards 2.1 and 2.2, are incorporated into these rules.

(Effective 7/1/2007)

(4) PRESUMPTION

When a general civil case is filed, it is presumed to be subject to the disposition goal under case management plan 1, as defined in CRC 3.714(b).

(Effective 7/1/2007)

B. CASE MANAGEMENT JUDGES

Except for non-CEQA petitions for writ of mandate, general civil cases are managed by case management judges designated by the Presiding Judge. When a general civil case is filed (other than a non-CEQA petition for writ of mandate), it is assigned to a case management judge. The case management judge may thereafter assign the case to another judge or judicial officer for any purpose. Non-CEQA petitions for writ of mandate are assigned for all purposes to the mandate judge and are addressed in Rule 10 below.

(Effective 1/1/2026)

C. PROPER COURTHOUSE FOR FILING A GENERAL CIVIL CASE

All limited and unlimited civil cases must be filed in the Downtown Superior Court.

(Effective 7/1/2024)

D. CIVIL LAWSUIT NOTICE

(1) Except in non-CEQA petition for writ of mandate cases, when the complaint or other initial pleading is filed, the filing party must submit a blank Civil Lawsuit Notice (CV-5012) to the clerk of the court for issuance of Judicial Assignment, Initial Court Hearing Date, Time, and Department with the filing of the new complaint. The Civil Lawsuit Notice will be completed and returned by the clerk only if one is provided by the filer. The party who filed the initial pleading must serve a copy of the Civil Lawsuit Notice completed by the clerk on all other parties named in the pleading. A party who later files a pleading that adds a new party must serve a copy of the Civil Lawsuit Notice on all new parties. Service of the Civil Lawsuit Notice must be completed at the same time as service of the pleading. When the Civil Lawsuit Notice is served, it must reflect the most up-to-date information available concerning the date, time and location of the next Case Management Conference (CMC). Therefore, the party serving the Notice must complete the information on the next CMC if the first CMC was continued or has passed.

(Effective 1/1/2026)

(2) CRC RULE 3.740 COLLECTIONS CASES.

The plaintiff may designate a case as a CRC “Rule 3.740 collections” case by filing a Civil Case Cover Sheet with the box “Rule 3.740 collections” checked. The filing party must submit a blank Civil Lawsuit Notice – Rule 3.740 Collections Cases (CV-5052) to the clerk for issuance of Judicial Assignment and Department with the filing of the new complaint. The Civil Lawsuit Notice will only be completed and returned by the clerk if one is provided by the filer. The plaintiff must serve a copy of the Civil Lawsuit Notice – Rule 3.740 Collections Cases completed by the clerk on all defendants. A party who later files a pleading that adds a new party must serve a copy of the Civil Lawsuit Notice – Rule 3.740 Collection Cases on all new parties

(Effective 1/1/2026)

(3) When a case is filed alleging a violation of the California Environmental Quality Act (CEQA), the plaintiff must state in the caption of the complaint, directly below the title of the complaint: ACTION BASED ON CALIFORNIA ENVIRONMENTAL QUALITY ACT.

(Effective 1/1/2026)

E. MANDATORY CASE MANAGEMENT CONFERENCES**(1) DEFINITION**

The term “Case Management Conference” (CMC) includes the first Case Management Conference, subsequent Case Management Conferences, ADR Status Conferences, Trial Setting Conferences, Dismissal Reviews, and any other conference scheduled by the Court.

(Effective 1/1/2026)

(2) DATE OF FIRST CASE MANAGEMENT CONFERENCE

- (a) In all cases, except those designated as “uninsured motorist,” “Rule 3.740 collections,” or non-CEQA petitions for writ of mandate, the clerk of the court will schedule the first CMC approximately 180 days from the date of filing of the complaint.

(Effective 1/1/2026)

- (b) “Uninsured motorist” cases. The plaintiff may designate a case as an “uninsured motorist case” by filing and serving a declaration demonstrating that the designation is appropriate. If the declaration is filed with the complaint, the clerk of the court will schedule the first CMC approximately 180 days from the date of filing of the complaint. If the plaintiff files the declaration at a later time, the Case Management Conference will not be continued unless the plaintiff applies for a continuance.
- (c) For non-CEQA petition for writ of mandate cases, the directly assigned judge will set the first CMC upon notice of the assignment, and the clerk will notify the parties. If the defendant/respondent or real party in interest, as appropriate, has not yet appeared in the mandate proceeding when this notice is given, petitioner is responsible for providing notice of the first CMC, or a later one if these parties have not yet appeared by the time of the first CMC, to all parties.

(Effective 1/1/2026)

(3) REQUEST TO CHANGE CMC DATE

- (a) Pursuant to written stipulation of all parties, the Court may advance a CMC.
- (b) Upon timely application and a showing of good cause, the Court may continue a CMC. If the Court continues a CMC, the party who applied for the continuance must serve notice of the continuance on all parties who were served with a copy of the Civil Lawsuit Notice.

(Effective 1/1/2026)

(4) MANDATORY ATTENDANCE

Attendance at all CMC’s is mandatory unless otherwise excused by the Court.

(Effective 1/1/2006)

RULE 2 ALTERNATIVE DISPUTE RESOLUTION (ADR)

A. POLICY STATEMENT

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time-consuming, and stressful. It is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and voluntary settlement conferences. Therefore, the Court will refer all general civil cases to an appropriate form of ADR, unless exempted, before trial, unless there is good cause to dispense with the ADR requirement.

DISCLAIMER

The court and the Judicial Council of California may not defend or indemnify any ADR provider or neutral who serves on a court related program, or who is listed on a court ADR provider list. ADR providers are encouraged to seek errors and omissions insurance from a qualified insurance provider.

(Effective 1/1/2026)

B. CIVIL ADR STIPULATION

- (1) In most civil cases, if all parties have appeared, then all parties may stipulate to any form of ADR at any time by filing the court’s - ADR Stipulation and Order Form. (See form CV-5008.)
- (2) Parties who have previously stipulated to any form of ADR may later stipulate to another form of ADR by e-filing a signed ADR Stipulation and Order Form.
- (3) If the parties stipulate to a Civil Early Settlement Conference, the procedure will be governed by Local Civil Rule 4.

(Effective 1/1/2026)

C. MEDIATORS AND NEUTRAL EVALUATORS

- (1) The ADR Administrator maintains a list of court-approved ADR providers and information about their qualifications, the services they provide, and the fees they charge.
- (2) The parties may choose any ADR provider they wish, including a provider who is not on the list of court-approved ADR providers.
- (3) The ADR provider need not be an attorney.
- (4) All participants in the ADR process must participate in good faith.
- (5) In conducting a session, the ADR provider must require the attendance of persons with full authority to resolve the dispute. The provider may not permit a telephone appearance unless good cause was shown in a timely manner before the ADR session.
- (6) Unless the ADR provider’s fees and expenses have been fixed by the Court, the parties and the provider must agree on the fees and expenses. The fees and expenses of the ADR provider must be borne by the parties equally, unless they agree otherwise.
- (7) **DISCLAIMER** The court and the Judicial Council of California may not defend or indemnify any ADR provider or neutral who serves on a court related program, or who is listed on a court ADR provider list. ADR providers are encouraged to seek errors and omissions insurance from a qualified insurance provider.

(Effective 1/1/2026)

D. COURT-APPROVED ADR PROVIDERS

- (1) Court-approved ADR providers must be available to accept at least one *pro bono* or modest means case per year.

- (2) When an ADR provider is added to the list of court-approved ADR providers, the ADR Administrator will send the following documents to the provider:
 - (a) An ADR Attendance Form;
 - (b) A court-approved ADR Provider's Statement – to report whether an agreement was reached;
 - (c) An ADR Evaluation, to be filled out separately by the parties and their counsel.
- (3) At the conclusion of the ADR process, the court-approved ADR Provider must give copies of the ADR Evaluation to the parties and their counsel. Within the next 10 calendar days, the court-approved ADR Provider must complete the ADR Provider's Statement and send it to the ADR Administrator. A court-approved ADR Provider must maintain the Attendance Sheet in Compliance with CRC 3.860(a).

(Effective 1/1/2026)

E. ADR COMPLIANCE

Once a case has been set for an ADR review hearing, it is the Court's expectation that ADR will be completed by the date of the ADR review hearing. Failure to complete ADR by the date of the ADR review hearing may lead to sanctions.

(Effective 1/1/2026)

RULE 3 JUDGES ADR PROGRAM

Parties may apply at the earliest opportunity to participate in an ADR session, including mediation or a settlement conference, with a sitting civil judge.

A. ELIGIBILITY/CRITERIA FOR PARTICIPATION

- (1) The parties and their attorneys represent in good faith that they desire to resolve the case, and that they agree to participate in an ADR session with an agreed-upon judge.
- (2) The parties are prepared to complete an ADR session as soon as the case is accepted into the program.
- (3) The Court has jurisdiction over all necessary parties so that a resolution resulting from an ADR session will be final.
- (4) The Civil Supervising Judge may accept a case for the Judges ADR Program despite the failure to satisfy one or more of the above-stated criteria.

(Effective 1/1/2026)

B. PROCEDURE

- (1) Application must be made on the Judges ADR Program Stipulation and Order Form (see form CV-5017). The application must be signed by all counsel and self-represented parties.
- (2) The application must be e-filed and approved by the Civil Supervising Judge.
- (3) When the application is approved, counsel and/or self-represented parties must promptly contact the department of the judge selected to conduct the ADR session, to schedule the session.
- (4) Good faith participation in the ADR session by all parties will satisfy the requirement of Rule 2 that parties participate in alternative dispute resolution.
- (5) The Civil Supervising Judge may waive the above requirements and permit the parties to participate in the Judges ADR Program.

(Effective 1/1/2026)

C. TIMELINE

The ADR session must begin within 30 days of approval of the application and must be completed no later than 60 days after approval of the application, except as otherwise ordered by the Court.

(Effective 1/1/2025)

D. PERSONS ATTENDING/STATEMENTS

- (1) Lead counsel, parties, and persons with full authority to settle the case must personally attend the ADR session, unless excused by the ADR judge for good cause. If any consent to settle is required for any reason, the person or persons with that consensual authority must be personally present at the ADR session, unless excused by the ADR judge for good cause. **Failure to comply with this rule may result in sanctions.**

(Effective 1/1/2026)

- (2) Counsel and self-represented parties must submit written statements of their position regarding settlement to the ADR judge no later than five calendar days before the ADR session. These statements must not be filed. For judicial settlement conferences, the statements must comply with the requirements of CRC 3.1380 and be served on all parties. For mediations, these statements will be treated as confidential and are not required to be served. Failure to comply with this rule may result in sanctions.

(Effective 1/1/2026)

E. MEDIATION

- (1) Mediation conducted under the Judges ADR Program is conducted under Evidence Code § § 1115-1129, which provide for confidentiality of communication.

(Effective 1/1/2026)

- (2) If mediation before the ADR judge results in settlement, the parties may place their agreement on the record, or they may report the case settled and privately execute a written settlement agreement. In either case, the parties may stipulate that the Court will retain jurisdiction over them to enforce the settlement under Code of Civil Procedure § 664.6. If the terms of settlement are placed on the record, or if a party moves to enforce the settlement, the terms of settlement will not be confidential, unless a party seeking confidentiality complies with CRC 2.550, et seq.

(Effective 1/1/2026)

F. SETTLEMENT CONFERENCE

- (1) A settlement conference conducted under the Judges ADR Program is conducted under CRC 3.1380. There is no provision for confidentiality of communication, except as provided in Evidence Code § 1152, subd. (a).
- (2) If a settlement conference before the ADR judge results in settlement, the parties may place their agreement on the record, or they may report the case settled and privately execute a written settlement agreement. In either case, the parties may stipulate that the Court will retain jurisdiction over them to enforce the settlement, pursuant to Code of Civil Procedure § 664.6.

(Effective 1/1/2026)

G. FURTHER COURT PROCEEDINGS

- (1) Except as provided in paragraphs E(2) and F(2) above, the ADR judge will recuse himself or herself from acting in any further court proceedings in the case, unless the parties stipulate in writing otherwise.
- (2) The ADR judge will be subject to the provisions of Evidence Code § 703.5.
- (3) ADR judges are bound by the disqualification and recusal requirements of Code of Civil Procedure § 170.1, et seq., and by the disclosure requirements of the Canons of Judicial Ethics.

(Effective 1/1/2026)

RULE 4 CIVIL EARLY SETTLEMENT CONFERENCE PROGRAM

A. ELIGIBLE CASES

- (1) The Civil Early Settlement Conference is available for cases with simple facts and low dollar amounts in controversy that can be settled in three hours or less with no extensive document review by the neutral.
- (2) This program is not available for cases with more complex facts, multiple parties, higher dollar values at issue, cross actions, or that require extensive discovery or document review before an ADR session.
- (3) To participate in the Civil Early Settlement Conference Program, the parties must stipulate, using the ADR Stipulation and Order Form (see form CV-5008), to have a neutral attorney conduct a settlement conference in their case at the neutral's office or other agreed place.

(Effective 1/1/2026)

B. APPLICABLE RULES

- (1) Selection Of Neutral
 - (a) All parties and counsel must agree upon the neutral and must obtain the neutral's signature on the ADR Stipulation and Order Form, indicating the neutral's agreement to take the case. The signed ADR Stipulation and Order Form must be filed within 10 days of all parties, counsel, and the neutral signing the form. Unless the parties otherwise agree, the plaintiff is responsible for e-filing the stipulation and order.
 - (b) The parties may, but are not required to, select the neutral from the court's list of program neutrals available from the court's ADR web page. The list of neutrals consists of active and inactive members of the California State Bar and retired judicial officers.
 - (c) If the parties agree to use the Civil Early Settlement Conference Program but do not choose a neutral at the time of the original stipulation, plaintiff's counsel must submit an amended ADR Stipulation and Order Form including the neutral's name and signature within 20 court days of the original stipulation. The court will not assign a neutral without the neutral's signature on the stipulation.
 - (d) When a neutral is selected by all parties and signs the stipulation, the neutral will hold the agreed-upon ADR hearing date on their calendar for 30 days. If the neutral does not receive confirmation from the court of the filing of the stipulation within 30 days of reserving the ADR hearing date, the neutral may vacate the ADR hearing date.
 - (e) The court has not screened neutrals for training or experience and makes no warranty regarding their ability or competence as a neutral.

(Effective 1/1/2026)

C. STIPULATION AND CMC

All parties must complete the ADR Stipulation and Order Form, (local form CV-5008), check the box "Early Settlement Conference, pursuant to Local Civil Rule 4," include the signature of the chosen neutral on either the original or amended stipulation, and e-file the ADR Stipulation and Order Form. Unless the parties otherwise agree, the plaintiff is responsible for e-filing the ADR Stipulation and Order Form.

(Effective 1/1/2026)

D. LOCATION OF HEARING

Plaintiff's counsel must contact the office of the selected neutral to arrange a settlement conference location, date, and time agreeable to all parties. Court facilities are not available for the conferences.

(Effective 7/1/2012)

E. NEUTRAL FEES AND CHARGES

The court will pay the neutral a flat fee of \$150.00 for up to three hours of the neutral's time to be used only for direct services to the parties. No additional charges, such as for document review, scheduling time, travel, parking, or space rental, are to be added to the neutral's flat fee.

If a case cannot settle within the three hours allotted, the neutral will end the Rule 4 hearing, and counsel and parties will select a different form of ADR and file a new stipulation.

(Effective 1/1/2026)

By requesting a Rule 4 Civil Early Settlement Conference, parties and counsel acknowledge that their early settlement conference hearing time will not exceed three hours.

If a settlement conference is cancelled within five calendar days of the scheduled date of the conference, the neutral may apply *ex parte* or make a motion to the Court to be permitted to charge the canceling party at the neutral's normal hourly rate for the cost of the neutral's time that was set aside for the cancelled settlement conference.

(Effective 7/1/2019)

F. CONFERENCES NOT CONFIDENTIAL

(Effective 7/1/2012)

A settlement conference conducted under the Civil Early Settlement Conference Program is conducted under CRC 3.1380. It is not a mediation, as defined in Evidence Code § 1115. There is no provision for confidentiality of communication, except as provided in Evidence Code § 1152, subd. (a).

(Effective 1/1/2026)

G. ATTENDANCE AND AUTHORITY

(Effective 7/1/2012)

Parties and counsel must comply with CRC 3.1380, unless the neutral excuses compliance.

H. NOTIFICATION OF SETTLEMENT

(Effective 7/1/2012)

Following settlement of the case, plaintiff's counsel must promptly notify the Court, as required by CRC 3.1385.

RULE 5 REMOTE PROCEEDINGS

A. TELEPHONIC APPEARANCES PROHIBITED. Unless otherwise specifically permitted by the Court before a scheduled proceeding, no person appearing in a proceeding in the Civil Division may appear solely by telephone. Parties may seek Court approval for a telephonic appearance by timely filing form CV-5104 15 days prior to the scheduled hearing.

B. VIDEO REQUIRED. All remote appearances in the Civil Division must be conducted using video unless otherwise specifically permitted by the Court. For each video appearance, include your name and, if applicable, the party you are representing, on your video screen.

C. MINIMIZE DISRUPTIONS. Counsel or self-represented parties appearing remotely must turn their video off and mute their microphone before entering a remote proceeding. They must not turn on their video or unmute their microphone until their case is called. Anyone appearing remotely must always remember that they are in a courtroom. Remote proceedings are court proceedings and must be conducted with the same respect and decorum as in-person proceedings.

D. OTHER REQUIREMENTS. Counsel and self-represented parties must carefully review General Local Rule 9(B)(1)(a)-(h) for the minimum requirements and standards applicable to remote proceedings in Santa Clara County. Anyone who does not or cannot comply with each requirement may not appear remotely.

(Effective 1/1/2026)

RULE 6 FORMAT OF DOCUMENTS SUBMITTED FOR FILING

A. REPRESENTED PARTIES

Refer to Rule 6 of the General Court and Administrative Rules.

B. SELF-REPRESENTED LITIGANTS

Self-represented parties are not required to file and serve documents electronically. Self-represented parties may continue to file, serve, and receive paper documents by non-electronic means according to all statutory requirements and the California Rules of Court that apply to paper documents, unless the self-represented party affirmatively agrees to electronic filing and service. Self-represented parties are encouraged to agree to electronic filing and service and may so agree by filing with the clerk of the court and serving on all parties, either electronically, or by non-electronic means, a Consent to Electronic Filing and Service and Notice of Electronic Service Address [EFS-005-CV]. Documents that exceed 10 pages and are submitted in paper form must be held together by binder clips. Exhibit attachments to pleadings must be separated by a standard size sheet of paper with a title identifying the sequence of the exhibit. Do not include tabs with any documents submitted for filing.

(Effective 1/1/2026)

RULE 7 EX PARTE APPLICATIONS

A. UNLAWFUL DETAINER

For *ex parte* applications in unlawful detainer cases, see Rule 13(D)(2) below.

B. CIVIL HARASSMENT, ELDER ABUSE, AND OTHER PHYSICAL RESTRAINING ORDERS

Applications for civil harassment, elder abuse, private post-secondary school violence, transitional housing misconduct, or workplace violence restraining order must include a Declaration in Support of Ex Parte Application for Civil Restraining Orders (form CV-5014) and may be e-filed or filed in the clerk's office at any time during the clerk's office hours.

(Effective 1/1/2026)

C. ALL OTHER CIVIL EX PARTE APPLICATIONS

- (1) **ELECTRONIC FILING REQUIRED.** *Ex parte* applications must be electronically filed by counsel and any parties who have access to the court's e-filing system. Self-represented litigants may file *ex parte* applications in paper form by placing them in the dropbox at DTS.
- (2) **NOTICE.** All *ex parte* applications must comply with CRC 3.1203(a), which requires notice to all parties no later than 10:00 a.m. the court day before the *ex parte* application is filed., absent a showing of exceptional circumstances that justify a shorter time for notice or no notice.
- (3) **PROVISIONAL REMEDIES.** *Ex parte* applications seeking a provisional remedy or interim relief (temporary restraining orders, orders to show cause re: preliminary injunction, writs of attachment, writs of possession, and receiverships) must clearly state the preliminary relief sought on the first page of the application. *Ex parte* applications for certain provisional remedies must also comply with CRC 3.1150 et seq. (TROs/preliminary injunctions) and CRC 3.3.1175 et seq. (receiverships).
- (4) **REQUIREMENTS.** All *ex parte* applications must include the following:
 - (a) When and how notice was provided;
 - (b) Whether the relief sought is opposed or unopposed by the other side(s).
 - (c) Whether any party requests a hearing;
 - (d) The email addresses of all counsel or self-represented litigants, if known; and
 - (e) A separate form of order attached to form EFS-020.
- (5) **OPPOSITIONS.** Any written opposition to the *ex parte* application or request for hearing must be submitted no later than the end of the day that the application was filed. If the opposing party requests a hearing, that request must be made in the opposition. Parties may notify the case management department of an intent to oppose an *ex parte* application by email or telephone call to the department (not to the clerk's office).
- (6) **TIMING FOR DECISION.** All *ex parte* applications will be determined on the papers unless the Court orders otherwise. The Court will attempt to consider and rule on the application, if possible, within 24-48 hours.
- (7) **SERVICE OF EX PARTE ORDER.** The moving party is responsible for serving the *ex parte* order on all parties, once it has been filed.
- (8) **WITHDRAWAL OF EX PARTE APPLICATION.** If the moving party decides to withdraw the *ex parte* application, they must immediately notify the case management department of the withdrawal by email or telephone call to the department (not the clerk's office).

(Effective 1/1/2026)

RULE 8 PRETRIAL MOTIONS**A. SCHEDULING HEARINGS**

- (1) Except for motions in non-CEQA mandate cases and motions made during and after trial (which motions are generally heard in the assigned trial department), all limited and unlimited civil pretrial motions, including discovery motions, are heard in the department of the case management judge.
- (2) To obtain a law and motion hearing date in a case management department, the moving party must (a) meet and confer with the non-moving party or parties to identify mutually agreeable dates, and then (b) follow the procedure set forth on the civil law and motion section of the court's website at <https://santaclara.courts.ca.gov>. Only one date may be reserved for any motion. Unless a rule or statute otherwise requires, any reserved date for which a motion (including the supporting memorandum and evidence) is not filed within five court days of the reservation will be forfeited and returned to the pool of available hearing dates.

(Effective 1/1/2026)

B. PROPOSED ORDERS AFTER HEARING

Proposed orders may not be submitted with moving papers before a hearing on a regularly noticed motion unless ordered by the Court or required by applicable statute or Rule of Court (such as motions to be relieved as counsel, petitions for compromise of minors' claims, orders on objections to evidence in summary judgment motions, *pro hac vice* applications, applications for writs of attachment, etc.). If instructed to prepare an order after a hearing, the proposed order must be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020, and the judge's signature and date lines must not be on a page by themselves; the signature page must contain some text of the order.

(Effective 1/1/2026)

C. CONTINUANCES AND REQUESTS TO TAKE MOTIONS OFF CALENDAR

A scheduled motion may be continued only upon application to the judge who is scheduled to hear the motion, upon a showing of good cause. In case management departments, the moving party may take a scheduled motion off calendar by following the procedure set forth on the civil law and motion section of the court's website at <https://santaclara.courts.ca.gov>. Any request for relief by the party responding to the motion will remain set for hearing unless continued or withdrawn by that party. If any motion is withdrawn or to be taken off calendar for any reason, the parties must immediately notify the case management department of that withdrawal by email or telephone call to the department (in addition to notifying the clerk's office).

(Effective 1/1/2026)

D. TENTATIVE RULINGS

The court follows CRC 3.1308(a)(1) in case management departments. Tentative rulings are generally available by 2:00 p.m., and no later than 3:00 p.m., on the court day preceding the scheduled hearing. If the Court has not directed oral argument, a party contesting a tentative ruling must give notice of its intention to appear to the other side and the Court no later than 4:00 P.M. on the court day preceding the scheduled hearing. The tentative ruling will automatically become the order of the Court on the scheduled hearing date if the Court has not directed oral argument and if the contesting party fails to timely notice an objection to the other side and the Court. Tentative rulings will be posted on the court's website, <https://santaclara.courts.ca.gov> where further information may be found. If a party does not have access to the internet, the tentative ruling may be accessed by calling the department that issued the tentative ruling. Questions about these procedures may also be directed to the specific department where the matter is to be heard.

(Effective 1/1/2026)

RULE 9 TRIAL CALENDAR AND ASSIGNMENT, MANDATORY SETTLEMENT CONFERENCES AND TRIAL IN GENERAL CIVIL CASES (EXCLUDING MANDATE CASES)**A. TRIAL CALENDAR AND ASSIGNMENT**

- (1) The civil trial calendar, which includes general civil cases and long-cause (one day or more) probate, unlawful detainer, and civil harassment/elder abuse cases but excludes trials in non-CEQA mandate cases, is maintained by the Civil Supervising Judge.
- (2) For general civil cases, except non-CEQA mandate cases, the trial date will be set by the case management judge at a Trial Setting Conference or other conference.
- (3) Probate and general civil cases subject to this rule will be given a trial assignment date on the Thursday before the first day trial is set to commence.
- (4) The Civil Supervising Judge (or a designated judge) will conduct a trial assignment hearing before the assigned trial date. At this hearing, the judge will assign the case to an available trial judge, or, if necessary, place the matter on standby.
- (5) For all cases so assigned, trial counsel and parties must be available for trial for the entire week following the trial assignment hearing. If a trial department becomes available at any time during the week following the trial assignment hearing, trial counsel and the parties must be prepared to be sent to that available department for trial at any time during that week.
- (6) Cases on standby that are not assigned to a trial department by the Thursday of the week following the trial assignment hearing will be set for a trial setting conference on the Civil Supervising Judge's calendar on Thursday at 2 p.m. one week after the previously set trial week.

(Effective 1/1/2026)

B. MANDATORY SETTLEMENT CONFERENCE

- (1) **GENERAL.** If the time estimated for trial is more than one day, a Mandatory Settlement Conference will be scheduled to take place before the trial assignment hearing. Unless otherwise ordered, Mandatory Settlement Conferences are conducted remotely by a judge or settlement attorney. The court will send written notice of the time, date, and department.
- (2) **MANDATORY SETTLEMENT CONFERENCE STATEMENT.** No later than five court days before the date set for the Mandatory Settlement Conference, each party must file with the court and serve on each party a Mandatory Settlement Conference Statement not to exceed five pages, excluding exhibits. The Statement must comply with CRC 3.1380.
- (3) **REQUIRED PARTICIPANTS.**
 - (a) Lead counsel, parties and persons with full authority to settle the case must personally attend unless excused by the Court. Failure to comply with this requirement may result in sanctions.
 - (b) If insurance coverage is available to satisfy plaintiff's settlement demand and a representative of defendant's insurer with full settlement authority attends the Mandatory Settlement Conference with defendant's lead counsel, named defendants need not attend unless their personal consent is necessary to settle the case.
 - (c) Named defendants must also personally attend the Mandatory Settlement Conference when (1) there is an insurance coverage dispute; (2) plaintiff seeks to recover damages not covered by insurance; or (3) plaintiff's demand exceeds insurance policy limits. Failure to comply with this requirement may result in sanctions.
- (4) Unless the parties stipulate in a writing signed by the parties or state orally on the record before a sitting judge, Code of Civil Procedure § 664.6 does not apply to a Mandatory Settlement Conference.

(Effective 1/1/2026)

C. SERVICE AND LODGING OF DOCUMENTS

Unless the case settled at the Mandatory Settlement Conference or dismissed in full prior thereto, or unless otherwise ordered by the Court, the following items must be filed, with courtesy paper copies delivered to the department of the trial judge or with Court Services if no trial judge has yet been assigned, and served on all other parties by noon on the Friday before the date set for trial:

(Effective 1/1/2026)

- (1) all *in limine* motions;
- (2) exhibit lists, except impeachment exhibits;
- (3) witness lists, except impeachment witnesses, and unusual scheduling problems;
- (4) jury instruction requests, except for instructions that cannot reasonably be anticipated prior to trial;
- (5) proposed special verdicts;
- (6) any stipulations on factual or legal issues;

- (7) a copy of the operative pleadings (complaint, cross-complaint(s), answer(s));
- (8) a concise, non-argumentative statement of the case to be read to the jury in jury trials;
- (9) trial briefs (including an explanation of whether any causes of action have been dismissed or limited, as well as whether any parties have been dismissed);
- (10) trial exhibits may not be filed, but must be lodged with the trial department when known;

(Effective 1/1/2026)

D. POST-TRIAL PROCEEDINGS

Motions made after a jury or court trial, and related to that trial (e.g., and without limitation, motions for new trial and/or JNOV, for attorney fees, to tax costs, for reconsideration, to vacate or modify a judgment, and proceedings related to a proposed settled statement on appeal) must presumptively be set for hearing and heard in the department of the trial judge, unless the Civil Supervising Judge or designee orders otherwise. This rule also applies to motions after dispositive ruling in mandate cases. An exception is for proceedings for enforcement of judgment in civil cases; such proceedings will presumptively be set for hearing in the department of the case management judge, unless the Civil Supervising Judge or designee orders otherwise.

(Effective 1/1/2026)

E. EXPEDITED JURY TRIALS

- (1) The provisions of Rule 9A through D do not apply to expedited jury trials conducted pursuant to Code of Civil Procedure (CCP) § 630.01 (voluntary expedited jury trials) or pursuant to CCP § 630.20. (mandatory expedited jury trials), except as specified in the CRC or the consent order or as ordered by the trial judicial officer.
- (2) In cases that are subject to mandatory expedited jury trials, the parties must comply with CRC 3.1546. Parties desiring to participate in a voluntary expedited jury trial may submit to the case management judge at any pretrial Case Management Conference, but no later than the Trial Setting Conference, or as provided in CRC 3.1547, a proposed consent order fully compliant with CCP § 630.03(e). (See form CV-5056). If no Case Management Conference is scheduled, the parties may submit a stipulated proposed consent order *ex parte* or by noticed motion. The case management judge, if adopting the proposed consent order, will set a pretrial conference pursuant to CRC 3.1548(f) in the department of the trial judge.
- (3) The pretrial exchange required by CRC 3.1548(b) must be served no later than 10 days before the pretrial conference. The service of the supplemental exchange required by CRC 3.1548(c), the filing required by CRC 3.1548(d), and the exchange of items required by CRC 3.1551(b), must take place no later than five days before the pretrial conference.

(Effective 1/1/2026)

RULE 10 NON-CEQA PETITIONS FOR WRIT OF MANDATE

Non-CEQA petitions for writ of mandate are directly assigned for all purposes to the designated mandate judge for case management and for a merits hearing (trial). Upon the filing of a petition for writ of mandate, whether or not accompanied by other non-mandate causes of action, the clerk will issue a notice of the assignment and, at the direction of the mandate judge, will set an initial Case Management Conference 60-90 days from the filing or earlier if necessary. Petitioner is responsible for notifying other parties who have not yet appeared in the proceeding of the date and time of the Case Management Conference or continued conference. If the pleading containing a petition for writ of mandate includes other legal causes of action or those with entitlement to an evidentiary or jury trial, the designated mandate judge may bifurcate and adjudicate the mandate claim as appropriate before the remainder of the case is assigned to a civil case manager for judicial management and later trial assignment by the Civil Supervising Judge or designee.

All petitions for writ of mandate that qualify as a priority election matter (Elections Code § 13314, Government Code § 83121, or Code of Civil Procedure § 460.7) must include the language “PRIORITY ELECTION MATTER” on the right side of the caption on the petition and any amended petitions, and must include a citation to the applicable legal authority qualifying the particular petition as a priority election matter. Beneath the designation of “PRIORITY ELECTION MATTER” the caption of any petition that qualifies as a priority election matter must also contain the deadline imposed by the applicable statute or agency (such as Secretary of State, Santa Clara County Office of the Registrar of Voters, etc.) by which the court must take final action on the merits of the petition, including for disposition by the Court of Appeal. If the designated mandate judge is assigned to a particular department, petitioner must also send an email to the department email account alerting the court to the filing of a priority election matter.

The designated mandate judge will develop further procedures and standing orders applicable to proceedings in their department for matters such as lodging of the administrative record, stays, alternative writs, motions for writs, briefing schedules, page limitations, and merits hearing dates. These procedures are available on the court’s website.

(Effective 1/1/2026)

RULE 11 SANCTIONS

If any counsel, a party represented by counsel, or a party unrepresented by counsel, fails to comply with any of the requirements of these rules, the Court, on motion of a party or on its own motion, may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose penalties of a lesser nature as otherwise provided by law, and may order that party or his or her counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney’s fees. Alternatively, the Court may impose a monetary sanction.

(Effective 1/1/2026)

RULE 12 [RESERVED]*(Effective 1/1/2024)***RULE 13 UNLAWFUL DETAINER CASES****A. PURPOSE**

This rule is promulgated to address the special issues created by the summary nature of unlawful detainer proceedings. The term “unlawful detainer cases” refers to all cases filed pursuant to Chapter 4 of Title 3 of Part 3 of the Code of Civil Procedure and, thus, includes forcible entry and forcible detainer cases.

*(Effective 1/1/2026)***B. DESIGNATION OF UNLAWFUL DETAINER CASES**

The court will designate a case as an “unlawful detainer case” when the complaint is filed if 1) the caption alleges unlawful detainer, forcible entry or forcible detainer, and 2) the prayer seeks restitution of possession of real property.

*(Effective 1/1/2026)***C. PROPER COURTHOUSE FOR FILING AN UNLAWFUL DETAINER CASE**

All unlawful detainer cases must be filed in the Downtown Superior Court.

*(Effective 11/24/2014)***D. UNLAWFUL DETAINER CASES IN DOWNTOWN SUPERIOR COURT**

(1) All unlawful detainer cases are assigned to the Unlawful Detainer Department designated by the Presiding Judge.

(2) *Ex parte* applications for judgment pursuant to stipulation and *ex parte* applications for stay of eviction must be presented in person to the clerk’s office. *Ex parte* applications for judgment pursuant to stipulation must be presented during the clerk’s office’s regular hours. Applications for stay of eviction may also be presented any time during the clerk’s office regular hours. Once presented, the applicant will be directed to the appropriate department. All other *ex parte* applications are to be submitted electronically.

(Effective 1/1/2026)

(3) Noticed motions are heard at 9:15 a.m. on Wednesday, Thursday, and Friday.

(Effective 7/1/2008)

(4) Court trials are heard at 8:45 a.m. on Wednesday, Thursday, and Friday.

(Effective 1/1/2026)

(5) Jury trials are heard in any available department in the Downtown Superior Court.

(6) Post-judgment claims of right to possession are heard at 9:15 a.m. on Wednesday, Thursday, and Friday.

*(Effective 7/1/2008)***E. NOTICED MOTIONS**

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

F. TRIAL

Once the case is at issue, any party who has appeared, and has not been dismissed and is not in default, may file a Request/Counter Request to Set Case for Trial – Unlawful Detainer (Judicial Council form UD-150). The Court will set the date for trial and mail notice to all parties except those who have been dismissed. If a Request/Counter-Request to Set Case for Trial is not filed within 60 days of the filing of the Complaint, the Court may dismiss the action on its own motion without further notice.

*(Effective 7/1/2009)***G. CONVERSION TO ORDINARY CIVIL ACTION**

If possession of the premises is surrendered to the plaintiff before trial, the case will proceed as an unlawful detainer case unless one of the parties files a motion for leave to file a pleading that will convert the case to an ordinary civil action. If trial has already been set, the trial judge will hear the motion for leave to amend before the trial. If the motion is granted, the Court will vacate the trial, redesignate the case as an ordinary civil action, and schedule a CMC. The case will thereafter proceed as an ordinary civil action.

H. POST JUDGMENT CLAIM OF RIGHT TO POSSESSION

Upon receipt of a post-judgment claim of right to possession, the Court will schedule a hearing and mail notice to the plaintiff and the claimant.

*(Effective 7/1/2002)***I. SERVICE OF LANDLORD/TENANT ASSISTANCE PROGRAMS NOTICE**

The plaintiff or cross-complainant in any unlawful detainer action must serve the “Landlord/Tenant Assistance Programs Notice” (Form CV-5102) simultaneously with the service of the summons and complaint on all defendants or cross-defendants. This provision will automatically sunset on March 31, 2022, or upon termination of the programs set forth in the notice, whichever is later.

*(Effective 9/17/2021)***RULE 14 SCHEDULE OF REASONABLE ATTORNEY’S FEES**

The court has adopted a schedule of reasonable attorney’s fees. (See form CV-5021.) The schedule applies to all cases in which a default judgment is entered in favor of a party who pleaded and proved the entitlement to reasonable attorney’s fees.

*(Effective 1/1/2026)***RULE 15 [RESERVED]***(Effective 1/1/2024)*

RULE 16 [RESERVED]*(Effective 1/1/2024)***RULE 17 APPLICATION FOR ORDERS FOR PAYMENT OF MONEY****A. PAYMENT OF MONEY**

An application for an order for payment of money must be supported by an affidavit clearly setting forth the claimant's right to the specific amount shown, and a statement that the amount in question is presently on deposit in the Treasurer's Office.

*(Effective 7/1/2002)***B. PAYMENT FOR PREPARATION OF TRANSCRIPT**

An application for an order authorizing payment for preparation of a transcript out of funds deposited by an attorney or a party in propria persona, must be supported by an affidavit demonstrating 1) that the work has been done; 2) a statement of the charges therefore has been supplied to the person who deposited the funds; 3) ten days have elapsed; and 4) there is no dispute concerning the charges.

*(Effective 7/1/2002)***RULE 18 INTERPRETERS**

The court is committed to providing interpreters at no cost to any party present in court who does not proficiently speak or understand English, subject to availability in civil proceedings and the priorities established in Evidence Code § 756, subdivision (b). A party who needs an interpreter must timely give notice to the Court and all other parties of record and may submit a written request on Judicial Council Form INT-300 by e-mail sent via the court's Language Access webpage or to interpreterrequest@scscourt.org. If a party retains an interpreter who is not a court certified or registered interpreter, the interpreter's name and qualifications must be provided to the Court and opposing counsel at least 5 court days before the date of the interpreter's appearance.

*(Effective 1/1/2026)***RULE 19 SMALL CLAIMS ACTIONS****A. PROPER COURTHOUSE FOR FILING A SMALL CLAIMS ACTION**

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

*(Effective 11/24/2014)***B. [RESERVED]***(Effective 1/1/2025)***C. DATE, TIME, AND PLACE FOR HEARING**

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

(Effective 1/1/2026)

- (1) Motions and other filings not permitted in small claims cases will not be set for hearing.

(Effective 1/1/2026)

- (2) SAME COURTHOUSE

The clerk will schedule all hearings in the Downtown Superior Courthouse.

(Effective 1/1/2024)

- (3) NIGHT COURT SESSION

Night court sessions will be scheduled as shown on the court's website.

*(Effective 1/1/2026)***D. SERVICE OF CLAIMS**

- (1) PLAINTIFF'S CLAIM

The plaintiff must serve the Notice to Small Claims Litigants [see form SC-8006] with the Plaintiff's Claim and Order to Go to Small Claims Court.

(Effective 1/1/2026)

- (2) SERVICE BY CERTIFIED MAIL

Either party may pay the court a fee to have the court clerk serve their claim on the other party by certified mail, return receipt requested. Before the date set for hearing, the party requesting service may look in the court file to see whether the receipt for certified mail was signed by the other party and returned. Only the judge or temporary judge makes the legal decision whether service was proper.

(Effective 1/1/2026)

- (3) INABILITY TO SERVE DEFENDANT IN TIME

If the plaintiff is unable to serve the defendant in time, the plaintiff may request a later hearing date by going to the clerk's office at least one court day before the date set for the hearing.

*(Effective 7/1/2007)***E. SETTLEMENT BEFORE HEARING**

A party who settles his or her claim before the date set for the hearing must notify the Court in writing at least one court day before the hearing. A party may do this by filing a Request for Dismissal. (See form SC-8007.)

(Effective 1/1/2026)

F. DISMISSAL FOR FAILURE TO APPEAR AT HEARING

If a party does not appear at the hearing, his or her claim will be dismissed, but if there is a claim against him or her, it will be heard.

G. APPEAL

An appeal of a judgment rendered in a small claims action must be filed in the Downtown Superior courthouse. The appeal will be heard by a judge other than the one who issued the judgment in the small claims division. The Court will notify the parties of the date, time, and place for the hearing on the appeal. Allowable petitions for writ of mandate in cases in the small claims division are filed in the superior court appellate division. Allowable petitions for writ of mandate in small claims appeals are filed in the Court of Appeal.

(Effective 1/1/2026)

H. LOCAL FORM SC-8016

Local form Small Claims Order Form SC-8016 is adopted for optional use by the Court.

(Effective 1/1/2016)

RULE 20 COURT COMMUNICATION REGARDING RESTRAINING ORDERS

A. PROCEDURE IN CIVIL COURT

- (1) Subject to available resources, the Family, Juvenile, Civil and Probate Divisions of the court must examine appropriate available databases for existing restraining or protective orders involving the same restrained and protected parties before issuing permanent CLETS Civil Restraining Orders. If that information is not available to the judicial officer, inquiry must be made of the parties before issuing permanent CLETS Civil Restraining Orders.

Safety of all parties must be the court's paramount concern.

- (2) In cases where the Court allows for property removal as an exception to the restraining order in a Civil Harassment, Family Attachment FM-1102 (Other Order-Property Removal) may be used as an attachment to the Temporary Restraining Order (Judicial Council form CH-110 or WV-110) and Restraining Order After Hearing (Judicial Council form CH-130 or WV-130).

(Effective 1/1/2026)