

**Superior Court of California  
County of Solano**

**Rule 4 – Administration of Civil Litigation**

**4.1 SCOPE AND POLICY**

- (a) **DEFINITION OF SCOPE:** These rules are intended to implement the Trial Court Delay Reduction Act (Government Code Section 68600 et seq) and shall apply to all civil actions filed on or after July 1, 1992, and all civil actions filed before July 1, 1992, in which an at-issue memorandum is filed, or in which the court orders that the action is at issue.

The term civil actions as used hereinabove does not include criminal cases, traffic infraction cases, matters filed under the California Family Code, small claims cases, unlawful detainer cases, probate cases, mental health cases, adoption cases, juvenile cases and extraordinary writs.

- (b) **DEFINITION OF POLICY:** It is the policy of the Superior Court of California, County of Solano that all actions subject to these rules shall be actively managed, supervised and controlled by the court from the time of filing of the first document invoking the court's jurisdiction through final disposition.

**UNLIMITED.** The case disposition time standards for unlimited actions are as follows: 75% of all cases shall be concluded within one year of the filing of the initial pleading, 85% of all cases shall be concluded within eighteen (18) months of the filing of the initial pleading, and 100% within twenty-four (24) months.

**LIMITED.** The case disposition time standards for limited actions are as follows: 90% of all cases shall be concluded within one year of the filing of the initial pleading, 98% of all cases shall be concluded within eighteen (18) months of the filing of the initial pleading, and 100% within twenty-four (24) months.

It is the policy of this court that all civil cases shall be resolved as expeditiously as possible, consistent with the obligation of the courts to give full and careful consideration to the issues presented, and consistent with the right of the parties to adequately prepare and present their cases to the court.

- (c) **APPLICABILITY OF RULE 4 TO OTHER RULES:** Notwithstanding Rule 4.1, subsection (a), any rule within Rule 4 may be made expressly applicable to proceedings governed by Rules 5, 6, 7, 8, 11, or 14 through the enactment of or amendment to a local rule in Rules 5, 6, 7, 8, 11, or 14.  
*(Subd (c) adopted effective January 1, 2009.)*

*(Rule 4.1 amended effective January 1, 2009; adopted effective January 1, 1998; previously amended effective July 1, 2005.)*

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**4.2 CASE DESIGNATION**

All civil cases subject to these rules shall be classified as TRACK A cases unless, on good cause shown, the court designates the case as a TRACK B case or TRACK C (complex) litigation. The designation may be made by the court at any case management conference, trial management conference, mandatory settlement conference, or any hearing noticed by the court or counsel.

TRACK A cases are cases that are to be resolved within twelve (12) months of the date that the complaint was filed.

TRACK B / TRACK C cases are those which generally involve multiple parties, complex issues, difficult legal questions, unusual proof problems, or other circumstances which result in a case not being adequately prepared for trial within twelve (12) months of its filing even with due diligence being exercised by all parties.

The determination as to whether a case is designated as a TRACK B or TRACK C case under these rules shall be at the sole discretion of the court. It is the policy of the court to conclude all TRACK B cases within eighteen (18) months and TRACK C cases within twenty-four (24) months of the filing of the initial pleading.

The designation by the court regarding whether a case is a TRACK A, TRACK B, or TRACK C case may be made by the court at any case management conference, trial management conference, mandatory settlement conference, or any hearing noticed by the court or counsel.

Following the designation by the court of the case as TRACK A, TRACK B, or TRACK C, the court, on its own motion or on the motion of any party, may order the case redesignated.

*(Rule 4.2 amended effective July 1, 2005; adopted effective January 1, 1998.)*

**4.3 TIME REQUIREMENTS FOR COMPLAINT**

- (a) **SERVICE OF COMPLAINT.** Within sixty (60) calendar days of filing, the complaint must be served and a proof of service as to each named defendant filed with the court unless a Request for Extension of Time is filed with the court stating facts establishing good cause as to why service has not or should not be made upon all parties within the time provided in this rule. If the complaint is amended to add a defendant, the added defendant must be served and proof of service must be filed within thirty (30) days after the filing of the amended

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complaint unless a Request for Extension of Time is filed with the court stating facts establishing good cause as to why service has not or should not be made upon all parties within the time provided in this rule. The 60 day service requirement shall not apply to limited jurisdiction collection actions, as set forth in California Rules of Court, rule 3.740. As to those cases, the proof of service must be filed with the court, or order of publication obtained, within 180 days of the filing of the complaint.

- (b) **REQUEST FOR EXTENSION OF TIME.** Upon filing the Request for Extension of Time, the court may:
- 1) grant an extension of time to a specified date;
  - 2) deny the request; or
  - 3) conduct a hearing to determine the setting of the date for compliance with these rules.
- (c) **SANCTIONS.** Upon failure to serve the complaint and file proof of service or dismissal as to each named defendant, or to file a Request for Extension as required by these rules, the court may impose sanctions at Case Management Conference One or Case Management Conference Two without any further notice to the parties, so long as the party or attorney subject to sanctions has an opportunity to explain why service has not been accomplished as provided above.

*(Rule 4.3 amended effective January 1, 2009; previously amended October 1, 2002; adopted effective January 1, 1998.)*

**4.4 TIME REQUIREMENTS FOR RESPONSIVE PLEADINGS**

- (a) **SERVICE OF RESPONSE.** Within the time required by law, each party served shall file and serve a responsive pleading unless a Request for Extension of Time to respond is filed stating facts establishing good cause as to why a responsive pleading has not or cannot, with due diligence, be filed.
- (b) **REQUEST FOR EXTENSION OF TIME TO RESPOND.** Upon filing of the Request for Extension of Time, the court may:
- 1) grant an extension of time for the filing of a response to a specified date;
  - 2) deny the request; or

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- 3) set and conduct a hearing to set a date for compliance with this rule.

A party may not extend the time for filing responsive pleadings, including responses to amended pleadings, by stipulation with any other party except to the extent authorized by Government Code section 68616.

In the event the court denies the Request for Extension of Time the court will set a date for the filing of a response. No default will be entered by the clerk prior to the day following the date set for filing a response.

- (c) **SANCTIONS.** Upon failure to file and serve a responsive pleading by each served defendant or cross-defendant, or to file a Request for Extension of Time as required by these rules, the court may impose sanctions at Case Management Conference One or Case Management Conference Two without any further notice to the parties, so long as the party or attorney subject to sanctions has an opportunity to explain why a responsive pleading has not been filed as provided above.
- (d) **ENTRY OF DEFAULT.** If a served party fails to file a responsive pleading, the serving party shall file a request for entry of default within ten (10) days after the last day for filing the responsive pleading. The serving party shall obtain a default judgment within forty-five (45) days after the entry of default. These requirements shall not apply to limited jurisdiction collection actions, as set forth in California Rules of Court, rule 3.740. As to those cases, default judgment must be obtained within 360 days of the filing of the complaint.
- (e) **DEMURRER OR MOTION AS A RESPONSE.** If the responsive pleading is a demurrer, motion to strike, motion to quash service of process, motion for a change of venue, or a motion to stay or dismiss the case on forum non conveniens grounds, and the demurrer is overruled or the motion denied, the court shall fix the time by which a further responsive pleading shall be filed. This time will normally not be more than ten (10) days following the date of the ruling on the demurrer or motion.

If a demurrer is sustained with leave to amend, the court shall fix the time, normally not more than ten (10) days following the ruling, for filing an amended complaint and shall fix a time for the filing of pleadings responsive to such amended complaint or cross-complaint.

*(Rule 4.4 amended effective January 1, 2009; previously amended effective October 1,*

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*2002; adopted effective January 1, 1998.)*

**4.5 TIME REQUIREMENTS FOR CROSS-COMPLAINTS**

- (a) **FILING OF CROSS-COMPLAINT.** A party shall file a cross-complaint against any of the parties who filed the complaint or cross-complaint against that party at the time the answer to the complaint or cross-complaint is filed and must be accompanied by a proof of service. If the cross-complaint adds new parties, the cross-complaint must be served on all parties and proof of service must be filed within thirty (30) days of filing unless a Request for Extension of Time is filed with the court stating facts establishing good cause as to why service has not or should not be made upon all parties within the time provided in this rule.
- (b) **THIRD PARTY CROSS-COMPLAINTS.** A party shall file a cross-complaint against any third party at the time the answer to the complaint or cross-complaint is filed. A party shall obtain leave of court to file any cross-complaint after the party files an answer to either a complaint or cross-complaint.

The time for the filing of responsive pleadings to the cross-complaint shall be in accordance with Rule 4.4 of these rules.

*(Rule 4.5 amended effective October 1, 2002; adopted effective January 1, 1998.)*

**4.6 CASE MANAGEMENT CONFERENCES**

In all cases, except those designated as “uninsured motorist” and those limited jurisdiction cases designated as “collections,” the Clerk of the Court will schedule the first Case Management Conference approximately 120 days from the date of filing of the complaint.

- (a) **“UNINSURED MOTORIST” CASES.** The Plaintiff may designate a case as an “uninsured motorist case” by filing and serving a declaration without demonstrating that the designation is appropriate. If the declaration is filed with the complaint, the Clerk of the Court will schedule the first Case Management Conference approximately 180 days from the date of filing of the complaint. If the plaintiff files the declaration at a later time, the provisions of Rule 4.14(f) apply.
- (b) **LIMITED JURISDICTION “COLLECTION” CASES.** The Plaintiff may designate a limited jurisdiction case as a “collection” case by filing a Civil Case Cover Sheet describing the case as a “collections” matter. No case management

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conference will be scheduled unless and until a responsive pleading has been filed.

- (c) At the time of filing of the complaint, the Clerk of the Court shall provide the Plaintiff with a Notice of Case Management Conference One, which indicates the date, time, and place that counsel, and any party not represented by counsel, shall appear for Case Management Conference One. Plaintiff is responsible for notifying all defendants of the initial or any continued Case Management Conference dates.
- (d) Compliance with California Rules of Court, Rules 3.720-3.730 is required.
- (e) **TELEPHONE APPEARANCES.** Pursuant to California Rules of Court, Rule 3.670, the Court has contracted with CourtCall LLC, a private telephonic appearance provider for specified hearings. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Counsel wishing to avail themselves of this service shall note and follow the rules and schedule of the individual department concerning the use of CourtCall.
- (f) **NOTICE OF CASE MANAGEMENT CONFERENCE.** At the time of filing of the complaint, the Clerk of the Court shall provide the plaintiff with a document entitled Notice of Case Management Conference One which indicates the date, time, and place that counsel, and any party not represented by counsel, shall appear for Case Management Conference One. In addition, said document shall state the obligations of counsel, or any parties not represented by counsel, in regard to Case Management Conference One and Case Management Conference Two.  
Plaintiff shall serve said documents on all defendants with the complaint. Any plaintiff and any defendant serving a cross-complaint shall serve a copy of the Notice of Case Management Conference One provided by the Clerk, which sets the date and place for Case Management One, on each cross-defendant with the cross-complaint.

In the event that any cross-complaint is served after Case Management Conference One has been held, the cross-complainant, at the time of service of the cross-complaint, shall serve each cross-defendant with Notice of Case Management Conference Two, which shall contain the date, time and place of Case Management Conference Two and explain the obligations of the parties in regard to case management conferences under these rules.

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**(g) CASE MANAGEMENT CONFERENCE SETTING.**

- 1) Case Management Conference One shall be set during the calendar week that is 120 calendar days after the filing of the complaint, on the day of week and at the time designated by the judge to whom the case is assigned for all purposes.
- 2) At Case Management Conference One, the court shall refer the matter to arbitration or mediation, if deemed appropriate by the court, continue the matter for further Case Management Conference One or set the matter for a Case Management Conference Two.

**(h) CASE MANAGEMENT STATEMENTS.**

- 1) No later than 15 calendar days before the date set for the Case Management Conference One, each party must file a Case Management Statement. Parties must use the mandatory Case Management Statement (form CM-110). All applicable items on the form must be completed. In lieu of each party filing a separate Case Management Statement, any two or more parties may file a joint statement under this rule.
- 2) No later than 15 calendar days before the date set for the Case Management Conference Two, each party must file a Case Management Statement. Parties must use the mandatory Case Management Statement (form CM-110). All applicable items on the form must be completed. In lieu of each party filing a separate Case Management Statement, any two parties may file a joint statement under this rule.
- 3) A Case Management Statement shall be timely filed with the court and served on all parties by each counsel before each case management conference, original or continued, and before any review hearing.

At any case management conference, counsel shall be prepared to respond to any questions the court may pose about the case.

**(i) SANCTIONS.** The court may impose sanctions in the event that:

- 1) A Case Management Statement is not timely filed and/or served;
- 2) A Case Management Statement is not fully completed;

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- 3) The attorney who appears at a case management conference is not completely aware of all procedural, factual, and legal aspects of the case and does not have full authority to discuss and resolve any issues that arise at the conference, including the settlement of the case.

The court may, in its discretion, require additional case management conferences and additional Case Management Statements. An updated Case Management Statement shall be filed by each counsel by the fifteenth (15th) calendar day before each continued Case Management Conference One or continued Case Management Conference Two or any review set by the court.

*(Rule 4.6 amended effective January 1, 2009; adopted effective January 1, 1998; previously amended effective October 1, 2002, and July 1, 2005.)*

**4.7 DIVERSION TO ARBITRATION**

- (a) **ORDER TO ARBITRATION.** All cases will be ordered to nonbinding arbitration where the court determines from the facts as set forth in a Case Management Statement or as stated by counsel at any Case Management Conference, Trial Management Conference, or Mandatory Settlement Conference that:

- 1) The parties stipulate to arbitration;
- 2) The plaintiff requests arbitration;
- 3) The court determines that the amount in controversy does not exceed \$50,000 as to any plaintiff; or
- 4) The court determines that arbitration might reasonably lead to the resolution of the case.

As to those cases ordered to arbitration, judicial arbitration will proceed in accordance with the Judicial Arbitration Rules for civil cases (Rule 3.810 et seq. of the California Rules of Court), except as otherwise stated in these rules.

- (b) **TIME LIMITS AND SELECTION OF ARBITRATOR.** Upon ordering the matter to nonbinding arbitration, the court will direct that the arbitration be concluded within ninety (90) days, unless the court determines in its discretion that a longer timeframe is appropriate. Counsel will be directed to notify the Civil

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Division Court Services Program Manager in writing within ten (10) days of the name, address and telephone number of the arbitrator agreed upon, and if agreement is not possible, then within ten (10) days each counsel shall submit two (2) names each, from the Solano County Court's list of arbitrators, to the court to the attention of the Civil Division Court Services Program Manager, from which the court shall promptly select an arbitrator and the court shall notify the parties of the name, address, and telephone number of the arbitrator selected by the court.

- (c) **REQUEST FOR TRIAL DE NOVO.** The case shall not be recalendared for further hearing unless a request for trial de novo is timely filed, except upon order of the court.

If a request for trial de novo is not timely filed, the clerk shall, upon the expiration of the time for filing, forthwith enter the award as a judgment.

- (d) **FEES FOR ARBITRATION.** The parties to the action shall pay to the arbitrator their proportionate share of the fee set by the arbitrator, within thirty (30) days after the filing of the arbitrator's award. In the event that the parties settle the case after the arbitrator has expended any time on the case, the parties shall notify the arbitrator that the case has settled and shall pay their proportionate share of the arbitrator's fees within thirty (30) days after the notice to the arbitrator of the settlement.

*(Rule 4.7 amended effective October 1, 2002; adopted effective January 1, 1998.)*

**4.8 MEDIATION**

- (a) Within twenty (20) days of the referral to mediation, the parties shall provide the assigned Court with written notification of their mutual choice of mediator, or their individual nominees. If the parties are unable to agree upon a mediator within the 20 days, they shall promptly notify the Court, and a mediator will thereupon be appointed by the Court.
- (b) **APPEARANCE AT MEDIATION SESSIONS.** Each party shall personally appear at the first mediation session and at any subsequent session unless excused by the mediator. When the party is other than a natural person, it shall appear by a representative, other than its attorney, with full 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 legislative body, by a representative with authority to recommend such agreement. Each party is entitled to have counsel present at all mediation sessions that concern it, and such counsel and an insurance

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representative of a covered party also shall be present or available at such sessions, unless excused by the mediator.

- (c) **FILING OF STATEMENT BY MEDIATOR.** Within ten (10) days of the conclusion of the mediation, the mediator shall file a statement on Judicial Council Form ADR-100, advising the court whether the mediation ended in full agreement or non-agreement as to the entire case or as to particular parties in the case.
- (d) **FEES FOR MEDIATION.** The parties to the action shall pay to the mediator their proportionate share of the fee set by the mediator, within thirty (30) days after the last mediation session.

In the event that the parties settle the case after the mediation, the parties shall notify the mediator that the case has settled and shall pay their proportionate share of the mediator's fees within thirty (30) days after the notice to the mediator of the settlement.

*(Rule 4.8 amended effective July 1, 2005; adopted effective January 1, 1998.)*

**4.9 OTHER SETTINGS**

If the court sets a case for trial at Case Management Conference Two, then the court will set the case for:

- (a) **MANDATORY SETTLEMENT CONFERENCE** four (4) to six (6) weeks after Case Management Conference Two;
- (b) **TRIAL MANAGEMENT CONFERENCE** eight (8) to ten (10) weeks after Case Management Conference Two; and
- (c) **TRIAL** twelve (12) to fourteen (14) weeks after Case Management Conference Two.

The timeframes set out in Rule 4.9 are deemed to be guidelines and the court in its discretion may set hearings otherwise if deemed to be in the interest of justice.

*(Rule 4.9 amended effective October 1, 2002; adopted effective January 1, 1998.)*

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**4.10 SETTING SHORT CAUSES FOR TRIAL**

Short cause cases will be set for trial at Case Management Conference Two for the date and time that the court shall direct. Short cause cases shall be exempt from the requirement of a trial management or settlement conference unless one or both are found appropriate and ordered by the court at Case Management Conference Two.

*(Rule 4.10 amended effective October 1, 2002; adopted effective January 1, 1998.)*

**4.11 MANDATORY SETTLEMENT CONFERENCES**

The lead trial counsel, parties, and persons with full settlement authority shall personally attend the Mandatory Settlement Conference unless excused by the court for good cause. In the case of an insured principal, the authorized representative of the insured's insurance company must be present in lieu of the client, and must have full settlement authority.

“Full Settlement Authority” means persons physically present in the courthouse who are empowered to make settlement decisions without telephone consultation with others. In no event will an independent adjuster satisfy the above requirement.

In any professional negligence case in which the Defendant retains the right to refuse settlement, participation of that defendant in the settlement conference is mandatory.

**SANCTIONS:** Failure of any attorney, adjustor, and/or party to prepare for, appear at, or meaningfully participate in a settlement conference, unless good cause is shown for any such failure, is an unlawful interference with the proceedings of the Court, and the Court may impose sanctions, including but not limited to, any or all of the following: monetary sanctions to be paid to the Court; monetary sanctions to be paid to other parties which may include, among other things, costs, actual expenses, and counsel fees; and the Court may order an appropriate change in the calendar status of the action.

No later than ten (10) calendar days before the date set for the mandatory settlement conference, trial counsel and all persons with ultimate authority to settle the case shall meet in person or, if all parties agree, by telephone to discuss settlement of the case.

No later than five (5) calendar days before the date set for the settlement conference, each party shall file and serve on each other party a settlement conference statement which shall include:

- (a) a statement of the factual and legal contentions in dispute;

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- (b) a list of all special damages claimed;
- (c) copies of pertinent medical reports;
- (d) other reports by experts;
- (e) pictorial or documentary evidence anticipated to be presented at trial;
- (f) an estimate of the lowest and highest possible award by a trier of fact;
- (g) the highest previous offer and the lowest previous demand;
- (h) the date when the last face to face or telephonic settlement discussion was held between all parties;
- (i) a statement as to any special problems relating to settlement, such as lack of or disputed insurance coverage; and
- (j) a statement regarding the party's position regarding settlement of the case.

*(Rule 4.11 amended effective July 1, 2005; adopted effective January 1, 1998.)*

**4.12 TRIAL MANAGEMENT CONFERENCES**

The lead trial counsel shall, unless excused by the Court, appear at the Trial Management Conference prepared to respond to any questions the court may pose about the case.

On a form to be provided by the court, each counsel shall complete, file and serve on all parties a completed Trial Management Conference Report by the seventh (7th) calendar day before the date set for the Trial Management Conference.

The form provided by the court may be modified as deemed appropriate by the court but shall include at minimum a request for the following:

- (a) What is the nature of the case? Provide an agreed upon statement of the case to be read to the jury panel;
- (b) Is a jury demanded by the party signing the report;
- (c) An estimate of the time needed for trial;

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- (d) The names of any non-expert witnesses to be called at trial, except for impeachment or rebuttal. The time estimate for the testimony of each witness including direct and cross-examination;
- (e) State concisely the anticipated testimony of each non-expert witness in (d) above.
- (f) The names of any witnesses who will testify to expert opinions. The time estimate for the testimony of each witness; including direct and cross-examination;
- (g) What is the area of expertise of each witness listed in (f) above;
- (h) State concisely the anticipated testimony of each expert witness listed in (f) above. In addition, attach any narrative reports provided by the expert witness, except for impeachment or rebuttal;
- (i) Are there any witnesses who are unavailable and whose testimony will be presented by deposition? If so, what facts indicate that the witness is unavailable;
- (j) A list in column form of all documents or other exhibits that the party expects to offer at trial, except for impeachment or rebuttal;
- (k) A list in column form of all portions of depositions, (designated by page and line), answers to interrogatories (designated by the number of the interrogatory), and responses to requests for admissions (designated by the number of the request) that the party expects to offer at trial;
- (l) List with specificity all anticipated evidentiary disputes with citations to authority.
- (m) List with specificity all anticipated non-evidentiary legal disputes with citations to authority.
- (n) Provide all requested jury instructions and verdict forms in compliance with the California Rules of Court. Each instruction shall be typed in full and numbered consecutively, with the submitting attorney having filled in all blanks and having made a decision as to all alternatives in the BAJI instructions. Two copies of the requested jury instructions shall be submitted to the court. One copy shall have citations to authority and boxes for the court's use regarding whether the instruction is given, refused, or withdrawn, and one copy shall be presented without citations to authority and boxes regarding given, refused, or withdrawn.

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- (o) Provide copies of all in limine motions that the party expects to submit at trial. Each in limine motion provided shall be numbered consecutively by the party. (Note that any in limine motions not included will not be considered by the court, unless good cause is presented to the trial court).
- (p) Submit a statement of stipulations requested or proposed for trial purposes.
- (q) State whether there are any witnesses that need an interpreter. State the name of the interpreter and the language that must be interpreted. (If an interpreter is needed, it is the obligation of the party calling the witness to make arrangements for an interpreter.)

The testimony of witnesses who are not listed in the Trial Management Conference Report, or documents, or other exhibits, portions of depositions, answers to interrogatories or responses to requests for admissions, which are not listed in the Trial Management Conference Report, shall not be admitted at the trial. Provided further, that the trial judge, in his or her sole discretion and on good cause shown, may allow the testimony of witnesses who are not listed in the Trial Management Conference Report and may allow the admission of exhibits or portions of discovery which are not listed in the Trial Management Conference Report.

*(Rule 4.12 amended effective July 1, 2005; adopted effective January 1, 1998.)*

**4.13 DISMISSAL OF ACTION OR ENTRY OF JUDGMENT FOLLOWING SETTLEMENT**

Following settlement of the action, the court will, by order, set a date by which the action shall be dismissed or judgment entered. In the event the parties do not comply with the court's order in this regard, the court, on its own motion, may dismiss the action or enter judgment effective as of the date set for dismissal or entry of judgment by the court.

*(Rule 4.13 adopted effective January 1, 1998.)*

**4.14 MISCELLANEOUS**

- (a) **REQUEST FOR EXTENSION OF TIME.** Any request for extension of time under these rules shall be filed with due diligence and, in addition to being signed by counsel shall be endorsed by the party acknowledging that the extension of time being requested by counsel is concurred in by the party. The request shall be made on the form provided by the court.

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- (b) **KNOWLEDGE OF CASE.** Counsel and parties attending any hearing or conference set pursuant to these rules shall have sufficient knowledge of the case to inform the court as to all matters that are pertinent and relevant to the issues to be heard and have authority to enter into binding stipulations regarding any matters before the court.
- (c) **REFERENCE TO “ATTORNEY” OR “COUNSEL”.** Any reference in these rules to “attorney” or “counsel” shall apply equally to any person representing himself or herself in a case subject to these rules.
- (d) **REMOVAL FROM CIVIL ACTIVE LIST.** A case shall not be removed from the civil active list except by order of the court.
- (e) **EXCUSE FROM RULE REQUIREMENT.** Any requirement of these rules may be excused by the court upon a showing of good cause.
- (f) **UNINSURED MOTORIST CASE.** An action for personal injury or property damage against an uninsured defendant may be designated by “uninsured motorist case” upon application of the plaintiff filed within thirty (30) days of the commencement of the action. Upon the filing of such an application, the court will set a hearing date six (6) months from the date of the designation. At the hearing, the action will be dismissed, without prejudice, unless the court, for good cause, extends the time for resolution of the case.
- (g) **REMOVAL TO FEDERAL COURT.** An action removed to Federal Court will be set for hearing six months from the notice of removal at which time the action will be dismissed, without prejudice, unless the court, for good cause, extends the time.
- (h) **TELEPHONIC APPEARANCES.** Except as otherwise ordered by the court, parties may appear telephonically at the following conferences, hearings and proceedings: Case Management Conferences (if a case management conference statement has been timely filed and served); Mediation Review Conferences; hearings on law and motion (except motions in limine); hearings to review the dismissal of an action; and ex parte appearances by an applicant who seeks permission to file a memorandum in excess of applicable page limits, for extension of time to serve pleadings, to set hearing dates or alternative writs and orders to show cause, or has obtained a stipulation by the other parties to permit telephonic ex parte appearance by the applicant. Unless the court has ordered otherwise, personal rather than telephonic appearances shall be required at trials and hearings where witnesses are expected to testify; hearings on temporary

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restraining orders; settlement conferences; hearings on motions in limine; hearings on petitions to confirm the sale of property under the Probate Code; ex parte appearances by applicants for orders other than those listed earlier; persons ordered to show cause why sanctions should not be imposed for violation of a court order or a rule; and persons ordered to appear in an order or citation issued under the Probate Code. As to the last three types of appearances, parties who are not required to appear in person may appear by telephone.

Any party choosing to appear by telephone must place the phrase "Telephone Appearance" below the title of any moving, opposing or reply papers, or notify the court and all other parties at least 3 court days prior to the appearance. If written notice is given, the party must also file a Notice of Intent to Appear by Telephone" with the court at least 3 court days before the appearance, and serve all parties with that notice in a manner reasonably calculated to ensure delivery no later than the close of the next business day. Any party giving such written notice who thereafter decides to personally appear must notify the court and all other parties by telephone at least 2 court days before the appearance.

All telephonic appearances shall be made through CourtCall LLC or such other provider as is designated by a General Order of the Presiding Judge. The court has contracted with CourtCall LLC, a private telephonic appearance provider. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888.  
*(Subd (h) adopted effective January 1, 2009.)*

*(Rule 4.14 amended effective January 1, 2009; adopted effective January 1, 1998.)*

**4.15 SANCTIONS**

Sanctions will be imposed for non-compliance with these rules. Sanctions include:

- (a) monetary sanctions;
- (b) evidentiary sanctions prohibiting the introduction of designated matters into evidence;
- (c) striking out all or any part of any pleading;
- (d) dismissal of an action;
- (e) entering judgment by default against a party; and or

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(f) contempt sanctions.

The court may further order a party or his or her counsel to pay to a party moving for compliance with these rules the reasonable expenses in making the motion, including reasonable attorney fees.

Monetary sanctions and, in the court's discretion, more severe sanctions, will be imposed upon counsel or his or her party who in bad faith or without good cause request an extension of time for the filing of any pleading or document as required by these rules.

*(Rule 4.15 adopted effective January 1, 1998.)*