Superior Court of California
County of Solano

Rule 3 – Civil Cases

3.1 APPLICATION OF RULES

These rules apply to all civil cases, limited and unlimited, filed in the Superior Court of California, County of Solano, and may apply to other matters as provided elsewhere in the rules. For the purposes of these rules the term "civil cases" 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.

(Rule 3.1 amended effective January 1, 2010; adopted effective January 1, 1998; previously amended effective October 1, 2002, and January 1, 2009.)

3.2 DIRECT CALENDARING OF CIVIL CASES

When a civil case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case to one of the judges in the Civil Division of the court and shall notify the plaintiff. The assignment to a judge shall be deemed to be for all purposes. The method of selection of the judge to be assigned to a case shall be subject to the approval of the Supervising Judge of the Civil Division and shall be designed to equally distribute the workload among the judges of the Civil Division and best serve the court. This rule does not apply to limited jurisdiction collection actions that qualify under California Rules of Court 3.740, except that a judge may be assigned in those cases upon any of the following events: (1) failure to file proof of service or obtain order for publication of summons within 180 days of the filing of the complaint; (2) failure to obtain default judgment within 360 days of the filing of the complaint, if no responsive pleading has been filed; or (3) upon the filing of a responsive pleading by a defendant.

(Rule 3.2 amended effective January 1, 2009; adopted effective January 1, 1998.)

3.3 NOTIFICATION OF PLAINTIFF OF ASSIGNMENT TO ONE JUDGE FOR ALL PURPOSES

Upon the filing of the complaint, the Clerk of the Court shall notify plaintiff, plaintiff's attorney, or an agent of the plaintiff of the assignment to one judge for all purposes; and, if in person, the person receiving notice shall sign an acknowledgement of the notification on a form to be prepared by the Clerk of the Court indicating thereon that the notification is received on behalf of plaintiff. The clerk shall file the acknowledgement of the notification in the court file with an attached proof of personal service. If the notification of the plaintiff, his attorney or agent is not in person and acknowledged in

writing, then the clerk shall mail a notice to plaintiff at his or her address of record by first class mail and file a proof of mailing in the court file.

Plaintiff shall promptly notify all parties in the case at the time the assignment is made and notify all parties who later enter the case and file with the court a proof of service of such notification of the assignment to a judge for all purposes within five (5) days after the notice is served.

(Rule 3.3 amended effective July 1, 2010; adopted effective January 1, 1998.)

3.4 DESIGNATION OF COURT

All pleadings in civil cases shall designate whether the case is an unlimited or limited civil action. If the case is a limited civil action, the pleadings shall designate the proper judicial district.

(Rule 3.4 amended effective July 1, 2010; adopted effective January 1, 1998; amended effective October 1, 2002.)

3.5 [RESERVED]

3.5 PEREMPTORY CHALLENGE OF JUDGE ASSIGNED FOR ALL PURPOSES [REPEALED]

(Rule 3.5 repealed effective July 1, 2010; adopted as Rule 3.7 effective January 1, 1998; renumbered as Rule 3.5 effective January 1, 2010.)

3.5 DESIGNATION OF JUDGE [REPEALED]

(Former Rule 3.5 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.6 DEPOSIT OF JURY FEES

Pursuant to Code of Civil Procedure section 631, advance jury fees in the amount of one hundred and fifty dollars ($150.00) shall be deposited with the Clerk of the Court at least twenty-five (25) calendar days prior to the date initially set for trial. The court may deem that the demanding party has waived jury if there is not compliance with the deposit of jury fees provided for in this paragraph.

(Rule 3.6 amended and renumbered effective January 1, 2010; adopted as Rule 3.10 effective January 1, 1998; previously amended effective October 1, 2002.)

3.6 ADDITIONAL INFORMATION ON THE FACE OF A PLEADING [REPEALED]

(Former Rule 3.6 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.7 FORFEITURE OF JURY FEES

a. **WAIVER OF JURY TRIAL**
If, after jury fees have been deposited, a party waives jury, such waiver must be of record at least seven (7) calendar days prior to the assigned date of trial, otherwise said jury fee deposit shall be forfeited.
(Subd (a) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

b. **CONTINUANCE OF JURY TRIAL DATE**
Whenever a continuance of jury trial is obtained within seven (7) calendar days prior to the assigned date of trial, the jury fee deposit shall be forfeited.
(Subd (b) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

c. **SETTLEMENT OF CASE SET FOR TRIAL**
If a case assigned for trial is settled, but written dismissal or notice of settlement is not filed at least seven (7) calendar days prior to the assigned date of trial, the jury fee deposit shall be forfeited.
(Subd (c) relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

d. **CCP SECTION 631.3**
For purposes of Rule 3.11 and per Code of Civil Procedure section 631.3, it is deemed necessary for the court to have at least seven (7) calendar days notice of waiver of jury, continuance or settlement of the case in order to notify the jurors that the trial will not proceed at the time set.
(Subd (d) amended and relettered effective January 1, 2010; adopted as unlettered portion of Rule 3.11 effective January 1, 1998.)

(Rule 3.7 amended and renumbered effective January 1, 2010; adopted as Rule 3.11 effective January 1, 1998.)

3.7 [RENUMBERED]

(Former Rule 3.7 renumbered as Rule 3.5 effective January 1, 2010.)

3.8 NOTIFICATION TO COURT OF DROPS, CONTINUANCES AND STIPULATIONS

When a matter is to be dropped, continued or stipulated to, counsel for the moving party shall promptly notify the department of the court to which the matter is assigned. No matters will be continued after announcement of a tentative ruling thereon, except by order of the court for good cause.

No matter shall be continued unless the department of the court to which the matter is assigned approves of the continuance date. Any continuance requested within forty-eight (48) hours of the hearing date shall be directed to the department in which the hearing is scheduled for approval.

In the absence of a showing of good cause by counsel, no matter shall be continued on the law and motion calendar pursuant to stipulation of counsel, or otherwise, more than twice.

(Rule 3.8 amended and renumbered effective January 1, 2010; adopted as Rule 3.13 effective January 1, 1998; former Rule 3.8, which concerned the court case number, repealed effective January 1, 2010.)

3.8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO CASE NUMBER [REPEALED]

(Rule 3.8 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.9 TENTATIVE RULINGS

a. **AVAILABILITY OF TENTATIVE RULINGS**
A tentative ruling on a civil matter will be available on the court day immediately preceding the scheduled hearing on that matter by telephoning a tape-recorded message at (707) 207-7331 or by signing onto the court's web site at www.solano.courts.ca.gov and clicking "Tentative Rulings and Probate Exam Notes" after 2:00 p.m. Thus, for example, for a matter on a Monday calendar, one may call the recorded message or check the court's web site after 2:00 p.m. on the preceding Friday afternoon. Tentative rulings will not be posted for unlawful detainer matters.
(Subd (a) amended and relettered effective January 1, 2010; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002.)

b. **NOTIFICATION OF INTENT TO APPEAR AT HEARING**
The tentative ruling shall become the ruling of the court unless a party desiring to be heard so advises the judicial assistant of the department hearing the matter at the telephone number indicated in the tentative ruling no later than 4:30 p.m. on the court day preceding the hearing, and further advises that such party has notified all other parties of its intention to appear and argue.
(Subd (b) amended effective July 1, 2010; adopted as Rule 3.15 effective January 1, 1998; relettered as subd (b) effective January 1, 2010.)

c. **ARGUMENT ON TENTATIVE RULING**
Where an appearance has been requested or invited by the court, limited argument will be entertained, not to exceed 20 minutes per case. Appearances may be made telephonically, in accordance with California Rules of Court, rule 3.670 and Solano County Local Rules, rule 4.14(h), unless the court orders a personal appearance.
(Subd (c) relettered effective January 1, 2010; adopted as Rule 3.16 effective January 1, 1998; previously amended effective January 1, 2009.)

(Rule 3.9 amended effective July 1, 2010; adopted as Rule 3.14 effective January 1, 1998; previously amended effective October 1, 2002; amended and renumbered as Rule 3.9 effective January 1, 2010.)

3.9 PROOF OF APPEARANCE AND STATE BAR NUMBER ON PLEADINGS [REPEALED]

(Rule 3.9 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.10 [RESERVED]

3.10 ORDERS AFTER HEARING [REPEALED]

(Rule 3.10 repealed effective July 1, 2010; adopted as Rule 3.17 effective January 1, 1998; amended and renumbered as Rule 3.10 effective January 1, 2010.)

3.10 [RENUMBERED]

(Former Rule 3.10 renumbered as Rule 3.6 effective January 1, 2010.)

3.11 FAILURE TO NOTIFY COURT WHEN ATTORNEY CANNOT BE PRESENT SHALL BE DEEMED SUFFICIENT CAUSE TO ORDER OFF CALENDAR

If an attorney cannot be present on time at the call of the matter on calendar, he or she must, prior to the call, inform the courtroom clerk of that department of the reason for and extent of such delay. Failure to appear or furnish such information shall be deemed sufficient cause for ordering the matter off calendar or for proceeding to hear the matter in the absence of counsel, as the court, in its discretion, may determine.

(Rule 3.11 renumbered effective January 1, 2010; adopted as Rule 3.19 effective January 1, 1998.)

3.11 [RENUMBERED]

(Former Rule 3.11 renumbered as Rule 3.7 effective January 1, 2010.)

3.12 OFF CALENDAR

A law and motion matter that has gone off calendar may be restored thereto only upon notice, excepting in an extraordinary situation, to be determined by the court in its discretion.

(Rule renumbered effective January 1, 2010; adopted as Rule 3.20 effective January 1, 1998; former Rule 3.12, which concerned the California Rules of Court, repealed effective January 1, 2010.)

3.12 CALIFORNIA RULES OF COURT GOVERN [REPEALED]

(Rule 3.12 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.13 EX PARTE MATTERS

Ex parte matters will be heard daily, but only upon appointment scheduled through the judge's assistant. Said application shall comply with California Rules of Court 3.1200-3.1207. All other hearings shall be scheduled through master calendar, telephone (707) 207-7332.

(Rule 3.13 amended effective July 1, 2010; adopted as Rule 3.21 effective January 1, 1998; previously amended effective July 1, 2005; previously amended effective July 1, 2009; renumbered as Rule 3.13 effective January 1, 2010.)

3.13 [RENUMBERED]

(Former Rule 3.13 renumbered as Rule 3.8 effective January 1, 2010.)

3.14 ORDERS REGARDING ORDERS TO SHOW CAUSE, TEMPORARY RESTRAINING ORDERS, AND INJUNCTIONS

All written orders, including orders to show cause, temporary restraining orders and injunctions, signed by a judge shall be filed forthwith. An endorsed filed copy of such order shall be served upon each party to be notified thereof. Except as otherwise directed by the court for good cause shown, the proof of such service of orders to show cause and temporary restraining orders shall be filed before 3:00 p.m. of the third court day prior to the hearing.

(Rule 3.14 renumbered effective January 1, 2010; adopted as Rule 3.25 effective January 1, 1998.)

3.14 [RENUMBERED]

(Former Rule 3.14 renumbered as Rule 3.9 effective January 1, 2010.)

3.15 MOTIONS TO CONSOLIDATE

Motions to consolidate cases shall be heard in the department to which the case with the lowest file number is assigned.

In the event that cases are consolidated and unless otherwise ordered by the judicial officer hearing the consolidation motion, the pleadings filed thereafter shall be filed in the case file with the lowest file number and the consolidated case shall be assigned for all purposes to the judge to which the case with the lowest file number is assigned.

(Rule 3.15 amended effective July 1, 2010; adopted as Rule 3.26 effective January 1, 1998; renumbered as Rule 3.15 effective January 1, 2010.)

3.15 [RENUMBERED]

(Former Rule 3.15 renumbered as subpart of Rule 3.9 effective January 1, 2010.)

3.16 MOTIONS PAPERS

Motions papers must be received within three court days of reserving a law and motion date. If papers are not received within three court days, the date reserved will be canceled.

(Rule 3.16 amended effective July 1, 2010; adopted as Rule 3.27 effective October 1, 2002; renumbered as Rule 3.16 effective January 1, 2010.)

3.16 [RENUMBERED]

(Former Rule 3.16 renumbered as subpart of Rule 3.9 effective January 1, 2010.)

3.17 MANDATE ACTIONS ARISING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

a. **WHERE FILED**
Mandamus actions challenging an agency decision under the California Environmental Quality Act (Public Resources Code §21000 et seq.) ("CEQA") shall be filed in the office of the Civil Clerk of the Court. Each action shall be accompanied by an initial filing form designating the action as Environmental Law – CEQA (Public Resources Code § 21167.1), and shall be assigned to the designated CEQA department for all purposes.
(Subd (a) amended effective July 1, 2010; adopted effective July 1, 2005.)

b. **MEDIATION**
In accordance with Government Code section 66031, within five (5) days after the deadline for respondent or defendant to file a response to the action, plaintiff or petitioner shall prepare and lodge with the designated CEQA department a notice form for the court's signature inviting mediation. The court shall then mail the notice of invitation to the parties.
(Subd (b) amended and relettered effective July 1, 2010; adopted as subd (c) effective July 1, 2005; prior subd (b), concerning ordering the administrative record, repealed effective July 1, 2010.)

c. **PREPARING THE ADMINISTRATIVE RECORD**

(1) **Preparation by the Public Agency**

(a) Within twenty (20) calendar days after receipt of a request to prepare the administrative record, the public agency responsible

for such preparation shall personally serve on petitioners a preliminary notification of the estimated cost of preparation, setting forth the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages. This notice shall also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, shall designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and shall provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice shall be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.
(Subd (a) relettered effective January 1, 2010; adopted as Subd (d)(1) effective July 1, 2005.)

(b) Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five (5) calendar days of such receipt. If petitioners so elect, then within forty (40) calendar days of service of the initial notice to prepare the administrative record, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record. The agency shall promptly notify petitioners of any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record.
(Subd (b) relettered effective January 1, 2010; adopted as Subd (d)(2) effective July 1, 2005.)

(c) If petitioners do not so elect, then within forty (40) calendar days after service of the request to prepare the administrative record, the agency shall prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven (7) calendar days of receipt of this notification,

petitioners and/or any other parties shall prepare and serve the agency and all parties with a document notifying the agency of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.
(Subd (c) relettered effective January 1, 2010; adopted as Subd (d)(3) effective July 1, 2005.)

(Subd (1) amended effective January 1, 2010; adopted effective July 1, 2005.)

(2) **Preparation by Petitioners**

(a) Within twenty (20) calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice shall also state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice shall be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.
(Subd (a) adopted effective July 1, 2005.)

(b) Within forty (40) calendar days after service of petitioners' notice of election, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.
(Subd (b) adopted effective July 1, 2005.)

(Subd (2) renumbered effective January 1, 2010; adopted as Subd (d)(4) effective July 1, 2005.)

(Subd (c) relettered effective July 1, 2010; adopted as subd (d) effective July 1, 2005; amended effective January 1, 2010.)

d. **FORMAT OF ADMINISTRATIVE RECORD**
The format of the administrative record shall be governed by California Rules of Court, rules 3.1365 and either 3.1367 or 3.1368, as appropriate.
(Subd (d) amended and relettered effective July 1, 2010; adopted as subd (e) effective July 1, 2005.)

e. **LODGING THE ADMINISTRATIVE RECORD IN ELECTRONIC FORMAT**
Any party lodging the administrative record in an electronic format as permitted by California Rules of Court, rule 3.1365 et seq. shall simultaneously file a declaration with the court affirming under penalty of perjury that the medium in which the record is contained and lodged with the court is free of computer viruses or other malware.
(Subd (e) amended and relettered effective July 1, 2010; adopted as subd (f) effective July 1, 2005.)

f. **DISPUTES REGARDING THE CONTENTS OF THE ADMINISTRATIVE RECORD**
Once the record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners' opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ.
(Subd (f) relettered effective July 1, 2010; adopted as subd (g) effective July 1, 2005.)

g. **BRIEFING SCHEDULE AND LENGTH OF MEMORANDA**
Unless otherwise ordered by the court, the following briefing schedule shall be followed in all cases:

(1) Petitioners shall file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax or electronic service, an opening memorandum of points and authorities in support of the petition within thirty (30) days from the date the administrative record is served.
(Subd (1) amended effective July 1, 2010; adopted effective July 1, 2005.)

(2) Respondent and Real Party in Interest shall file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax or electronic service, opposition points and authorities, if any, within thirty (30) days following service of petitioners' memoranda of points and authorities.
(Subd (2) amended effective July 1, 2010; adopted effective July 1, 2005.)

(3) Petitioners shall have twenty (20) days from service of the opposition's points and authorities to file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax or electronic service, a reply memorandum of points and authorities.
(Subd (3) amended effective July 1, 2010; adopted effective July 1, 2005.)

(4) The parties may agree upon a shorter time frame for briefing by written stipulation filed with the court.
(Subd (4) adopted effective July 1, 2005.)

(Subd (g) amended and relettered effective July 1, 2010; adopted as subd (i) effective July 1, 2005.)

h. **TRIAL NOTEBOOK**
Petitioner shall prepare a trial notebook which shall be filed with the designated CEQA Department fourteen (14) days before the date of the hearing. The trial notebook shall consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, and any other document(s) agreed upon by the parties or ordered by the court.
(Subd (h) amended and relettered effective July 1, 2010; adopted as subd (j) effective July 1, 2005; previous subd (h), concerning notice of hearing, repealed effective July 1, 2010.)

(Rule 3.17 amended effective July 1, 2010; adopted as Rule 3.28 effective July 1, 2005; amended and renumbered as Rule 3.17 effective January 1, 2010.)

3.17 [RENUMBERED]

(Former Rule 3.17 renumbered as Rule 3.10 effective January 1, 2010.)

3.18 FILING OF NOTICES OF UNAVAILABILITY

The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an

attorney's or party's unavailability. *Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.

(Rule 3.18 renumbered effective January 1, 2010; adopted as Rule 3.29 effective January 1, 2009.)

3.18 MEMORANDUM OF POINTS AND AUTHORITIES PAGE LIMITS [REPEALED]

(Former Rule 3.18 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.19 [RENUMBERED]

(Rule 3.19 renumbered as Rule 3.11 effective January 1, 2010.)

3.20 [RENUMBERED]

(Rule 3.20 renumbered as Rule 3.12 effective January 1, 2010.)

3.21 [RENUMBERED]

(Rule 3.20 renumbered as Rule 3.13 effective January 1, 2010.)

3.22 APPROVAL AS TO FORM [REPEALED]

(Rule 3.22 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.23 ACCESS TO FILES AND EXHIBITS [REPEALED]

(Rule 3.23 repealed effective January 1, 2010; adopted effective January 1, 1998.)

3.24 BRIEFS AND MEMORANDA OF POINTS AND AUTHORITIES [REPEALED]

(Rule 3.24 repealed effective January 1, 2010; adopted effective January 1, 1998; previously amended effective January 1, 2007.)

3.25 [RENUMBERED]

(Rule 3.25 renumbered as Rule 3.14 effective January 1, 2010.)

3.26 [RENUMBERED]

(Rule 3.26 renumbered as Rule 3.15 effective January 1, 2010.)

3.27 [RENUMBERED]

(Rule 3.27 renumbered as Rule 3.16 effective January 1, 2010.)

3.28 [RENUMBERED]

(Rule 3.28 renumbered as Rule 3.17 effective January 1, 2010.)

3.29 [RENUMBERED]

(Rule 3.29 renumbered as Rule 3.18 effective January 1, 2010.)