

Superior Court of California
County of San Luis Obispo

Court Administration

Craig van Rooyen
Presiding Judge

Michael Powell
Court Executive Officer



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October 2, 2023

Notice of Local Rules Updates

Pursuant to California Rules of Court 10.613(g) and Rule 3.672(e), San Luis Obispo County Superior Court is distributing proposed local rules and/or amendments for comment. The proposed changes will be effective January 1, 2024.

- RULE 5.00 EXHIBITS
- RULE 7.01 DEMURRER/MOTION TO STRIKE
- RULE 7.02 FILING PAPERS
- RULE 7.03 POINTS AND AUTHORITIES [REPEALED]
- RULE 7.04 HANDLING AND RETURN OF EXHIBITS
- RULE 7.05 INCOMPLETE MOTIONS [REPEALED]
- RULE 7.05.1 HEARING DATES
- RULE 7.06 REQUEST TO CONTINUE MOTION HEARING DATES
- RULE 7.07 WITHDRAWING MOTIONS FROM AND RESTORATION OF MOTIONS TO THE LAW AND MOTION CALENDAR
- RULE 7.08 EVIDENCE
- RULE 7.10 DISCOVERY [REPEALED]
- RULE 7.20 NOTICE OF RULING [REPEALED]
- RULE 7.22 RESERVATIONS [REPEALED]
- RULE 7.23 DISCOVERY MOTIONS
- RULE 32.02 FACE COVERINGS AND PHYSICAL DISTANCING [REPEALED]

The changes are attached to this notice and may also be found online at:
<https://www.slo.courts.ca.gov/forms-filing/local-rules>. A hard copy of the changes is available upon request.

Please submit all comments to LocalRulesComments@slo.courts.ca.gov.

Michael Powell,
Court Executive Officer

RULE 5.00

EXHIBITS

(a) Reproduction

All exhibits attached to any pleading or document filed with the Court must comply with California Rules of Court, Sections 2.100 and 3.1110. Wherever the exhibit represents an original writing that has printing, typing, communication or representation on each side of the original, the exhibit should be either single-sided or if double-sided the back shall be inverted (tumbled).

(b) Foreign Languages

Exhibits written in a foreign language must be accompanied by a verified English translation.

(c) Incorporation by Reference

No pleading shall incorporate pleadings or other documents or portions thereof that are filed in another separate legal action without attaching a copy or setting forth the pertinent portion in the pleading that incorporates it.

(d) Pagination

Exhibits with multiple pages must be paginated unless paginated in the original.

(e) Tabs

The first page of each exhibit must be marked with a tab that protrudes from the page, at the bottom.

(f) Depositions, Interrogatories or Transcripts

Copies and/or portions of depositions, interrogatories or transcripts must not be filed or received except as provided for in Rules ~~7.03 and~~ 7.04.

(g) Court Discretion

The court, in its discretion, may disregard any exhibit that does not comply with the above.

(h) Criminal Case Exhibits

Pursuant to section 1417.3 of the Penal Code, if an exhibit by its nature is severable and upon court order, the clerk must retain a portion of the exhibit not to exceed 3 lbs. by weight or 1 cubic foot by volume and return the balance of the exhibit to the district attorney or counsel offering the same. The clerk must substitute a full and complete photographic record of any exhibit or part of any exhibit which is returned to counsel. The party to whom the exhibit is being returned must provide the photographic record.

Whenever feasible, photographs, technical reports or identical dummy objects must be used in lieu of the original. All controlled substances received in evidence must be clearly labeled as to the type and amount of substance, preferably with the analyst's report on the outside of the envelope.

Exhibits, toxic by their nature, that pose a health hazard to humans must be introduced to the court in the form of a photographic record, if possible. Where the court finds that good cause exists to depart from this procedure, toxic exhibits may be brought into the courtroom and introduced. However, following introduction of the exhibit, the person previously in possession of the exhibit must take the responsibility for it and the court is not required to store the exhibit. (Amended 1/1/04)

Toxic exhibits are defined to include, but are not limited to the following: -(Amended 1/1/04)

(1) Any container containing a flammable liquid such as gasoline, kerosene, lighter fluid, paint thinner, ethyl, ether, etc.

(2) Any type of explosive powder.

(3) Any explosive chemical such as a toluene, ethane, etc.

(4) Any explosive device such as a pipe bomb, hand grenade, etc.

(5) Any flammable device such as a Molotov cocktail.

(6) Any canister containing tear gas, mace, etc.

(7) Any corrosive liquid.

(8) Any rags soaked with any flammable liquid which are still damp or wet.

(9) Dry P.C.P. in other than an airtight plastic bag.

(10) Any liquid P.C.P.

(Subd (a) amended effective January 1, 2022.)

(Subd (f) amended effective January 1, 2024.)

(Rule 5.00~~Previously~~ amended January 1, 2009.)

RULE 7.01

DEMURRER/MOTION TO STRIKE

~~The face sheet must show~~ On the first page, immediately below the case number, and after the information required by California Rules of Court, rule 3.1320(e), the demurrer must state the date of filing of the pleading ~~Complaint or Cross-Complaint~~ to which it is directed, ~~to enable to~~ Court to find it in a multi-volume file. See California rule of Court 3.1320, subd. (a) and (c). ~~(Rule 7.01 amended effective January 1, 2024; Effective: Pprior to January 1, 1992.7/1/92)~~

RULE 7.02

FILING PAPERS

Failure to comply with California Rules of Court, rRule 3.1110, ~~subd.~~(b) may result in the paper reaching Legal Research too late for consideration.

~~(Rule 7.02 amended effective January 1, 2024; previously aAmended January 1, 2008.1/1/08)~~

RULE 7.03

POINTS AND AUTHORITIES [REPEALED]

~~See California Rule of Court 3.1113. (Amended 1/1/08)~~

Rule 7.03 repealed effective July 18, 2023; amended effective January 1, 2008.

RULE 7.04

HANDLING AND RETURN OF EXHIBITS

Depositions and exhibit packages ~~prepared pursuant to Rule 7.03, above,~~ will be received and retained without filing by the clerk of the court. Counsel submitting such documents must indicate in the caption or on the face page if they are to be returned or in the alternative destroyed when the motion has been resolved. Counsel submitting such documents must include a postage prepaid self-addressed envelope with which to return the exhibits.

After resolution of the motion, all exhibits so retained must be returned by the clerk to the party submitting them or destroyed if a postage prepaid self-addressed envelope was not provided. If the motion was resolved after opposition, the clerk must hold the documents for the applicable period within which a party may request review of the court's ruling, not to exceed sixty-one (61) days. If review is sought, the clerk must further retain such documents until the review process has concluded.

Any party to the motion proceeding may orally move the court at time of the hearing to file the exhibits, or any of them, and, upon a showing of good cause, such motion will be granted.

~~*(Rule 7.04 amended effective January 1, 2024; Apreviously amended July 1, 2002.7/1/02)*~~

RULE 7.05

INCOMPLETE MOTIONS [REPEALED]

~~No motion, demurrer or petition will be heard unless accompanied by the papers upon which it is made or unless such papers have previously been filed and are so identified in the moving document. Every such matter filed without any supporting papers and which is based on declarations, affidavits and points and authorities to be filed after the initial notice is filed may be summarily placed off calendar. The moving party may not file any subsequent supporting papers which contain new facts or arguments; however, moving party may file papers which rebut the opposition, in compliance with California Rule of Court 3.1300(1). (Amended 1/1/08)~~

~~*Rule 7.05 repealed effective July 18, 2023; amended effective January 1, 2008.*~~

7.05.1

HEARING DATES

The Clerk's Office will assign all motion hearing dates at the time a motion is filed unless otherwise ordered by the Court. The Clerk's Office will not provide reservation dates for a future hearing on the law and motion calendar for motions not yet filed. This rule does not apply to (1) ex parte applications; (2) motions brought pursuant to Code of Civil Procedure section 128.5; and (3) motions brought pursuant to Code of Civil Procedure section 128.7. A party can reserve a hearing date for these matters.

Rule 7.05.1 adopted effective January 1, 2024.

RULE 7.06

REQUESTS TO CONTINUE MOTION HEARING DATES/CONTINUANCES

(a) Continuance Requests Before Service of the Motion. ~~If a moving party is unable to appear on the assigned hearing date and has not yet served the motion, the moving party may obtain a new hearing date by submitting a Request & Order to Continue Motion (local form CV008). The Court Attorney receives all of the law and motion files for calendared matters approximately seven (7) days preceding the hearing date. The Court must be notified by telephone as soon as possible when a matter is to be continued or placed off calendar in order to avoid unnecessary review.~~

(b) Continuance Requests After Service of the Motion. ~~Any requests to continue law and motion matters after service of a motion, may be made in any manner provided by law, e.g., by stipulation or ex parte application. After a motion has been served, the Clerk's Office is not authorized to continue a matter without a Court order. Any requests to continue matters after service of a motion must be made at the earliest possible opportunity, no later than two (2) court days before the hearing. Requests to continue or place a matter off calendar should be directed to the clerk's office.~~

(c) Required Fee. ~~Requests to continue motions set on the law and motion calendar should be directed to the Clerk's Office with the appropriate fee unless the filing party has a fee waiver on file. All continuance requests must be made by the moving party, and must be with the agreement of the opposing party. A stipulation for a continuance with the appropriate fee must be filed prior to the continued date. A "Notice of Continuance," not signed by both parties, has no effect. A non-stipulated continuance will be granted only on noticed motion, made on an order shortening time.~~

~~(d) Any stipulation for a continuance of a Law and Motion matter must be filed more than two (2) court days prior to the scheduled hearing. After that time, leave of the assigned judge must be obtained in order for any continuance to occur. Absent such leave, the matter will be heard and decided or ordered off calendar at the time scheduled for the hearing. (Amended 1/1/12)~~

~~(Subd (a) amended effective January 1, 2024.)~~

~~(Subd (b) amended effective January 1, 2024.)~~

~~(Subd (c) amended effective January 1, 2024.)~~

~~(Subd (d) repealed effective January 1, 2024.)~~

~~Rule 7.06 amended effective January 1, 2024.~~

RULE 7.07

WITHDRAWING MOTIONS FROM AND RESTORATION OF MOTIONS TO THE LAW AND MOTION CALENDAR RESTORATION TO CALENDAR

A law and motion matter that has gone off calendar may be restored thereto only upon noticed motion except in an extraordinary situation to be determined by the court in its discretion.
(Eff. Prior to 7/1/92)

(a) Withdrawing Motions From The Law And Motion Calendar. To withdraw a motion from the Court's law and motion calendar, the moving party shall file a Request to Withdraw Motion (local form CV009). Only the moving party may request to withdraw a motion. Requests to withdraw a motion from the law and motion calendar should be directed to the Clerk's Office.

(b) Timing of Request to Withdraw a Motion. Requests to withdraw motions from the calendar must be made at the earliest possible opportunity, no later than two (2) court days before the hearing. Requests to withdraw motions from the law and motion calendar cannot be made after a tentative ruling has been issued.

(c) Restoring a Motion to The Law And Motion Calendar. A law and motion matter which was withdrawn by the moving party, or taken off calendar by the Court, may be restored to the law and motion calendar only by written notice served in compliance with Code of Civil Procedure section 1005 or as determined by the Court in its discretion.

(Subd (a) adopted effective January 1, 2024.)

(Subd (b) adopted effective January 1, 2024.)

(Subd (c) adopted effective January 1, 2024.)

Rule 7.07 amended effective January 1, 2024; effective prior to July 1, 1992.

RULE 7.08**EVIDENCE**

All evidence in a law and motion matter must be presented by verified pleadings, affidavits and declarations unless the court, on notice and for good cause shown, shall order the taking of oral evidence; in which case, the matter may be specially set for hearing by the clerk. ~~CCP (See Code of Civ. Proc., §Section 2002;— California Rules of Court, rule 3.1306.)~~
~~(Rule 7.08 Amended effective January 1, 2024; previously amended January 1, 2008.1/1/08)~~

RULE 7.10

DISCOVERY [REPEALED]

~~Discovery motions must be governed by Part 2 of Chapter 4 of Division II, California Rules of Court, commencing with Rule 3.1000. (Amended 7/1/02)~~

Rule 7.10 repealed effective July 18, 2023; amended effective July 1, 2002.

RULE 7.20

NOTICE OF RULING [REPEALED]

~~A conformed copy of the order must not be attached as an exhibit to any notice of ruling filed with the court. (Amended 7/1/02)~~

Rule 7.20 repealed effective July 18, 2023; amended effective July 1, 2002.

RULE 7.22

RESERVATIONS [REPEALED]

~~Law and Motion settings are limited. Counsel must call and reserve a hearing date prior to filing their moving documents. For cases venued in Paso Robles, the reservation number is (805) 706-3600 Option 2; for cases venued in San Luis Obispo the reservation number is (805)706-3600. (Amended effective July 1, 2023, adopted effective January 1, 2011.)~~

~~Rule 7.22 repealed effective July 18, 2023; amended effective July 1, 2023; adopted effective January 1, 2011.~~

RULE 7.23**DISCOVERY MOTIONS**

Any discovery motion filed pursuant to Code of Civil Procedure sections 2030.290, 2031.300, or 2033.280, must be labeled “Discovery – No Initial Responses.” All other discovery motions must be labeled “Discovery – Other.” The appropriate label must be included on the first page, below the information required by California Rules of Court, rule 3.1110(b).

Rule 7.23 adopted effective January 1, 2024.

RULE 32.02

FACE COVERINGS AND PHYSICAL DISTANCING [REPEALED]

~~(a) Any person allowed or required to enter any San Luis Obispo County courtroom, or jury assembly room, must wear a face covering at all times.~~

~~(1) "Face covering" means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. A Face covering has no visible holes or openings and must cover the nose and mouth.~~

~~(2) "Respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.~~

~~(b) The Court and individual judicial officers reserve the authority to rescind or modify any part of this rule, as appropriate, to address changing circumstances or courtroom needs.~~

Rule 32.02 repealed effective January 1, 2024; amended effective February 16, 2022; adopted effective May 28, 2020; previously amended effective June 28, 2021, & August 20, 2021, and February 16, 2022.