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MAR 19 2020

FRESNO COUNTY SUPERIOR COURT  
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
CENTRAL DIVISION

AMENDMENT TO GENERAL ORDER RE: ) GENERAL ORDER  
IMPLEMENTATION OF EMERGENCY )  
RELIEF AUTHORIZED PURSUANT TO )  
GOVERNMENT CODE SECTION 68115 )  
BY CHAIR OF JUDICIAL COUNCIL )  
 )  
 )

Because of the COVID-19 pandemic causing numerous health and safety concerns, and the proclamations of a state of emergency by Governor Newsom and President Trump, it has been determined that the conditions described in section 68115 of the Government Code are met with regard to the Superior Court of California, County of Fresno.

Exercising the authority granted under Government Code section 68115 and the March 17, 2020 Order of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, issued in response to the March 17, 2020 request for an emergency order made by the Superior Court of Fresno County ("Court"), through Arlan L. Harrell, the Presiding Judge of the Court,

This Court, in addition to the finding and orders made in the Administrative Order of the Presiding Judge Re COVID-19 Pandemic

1 dated March 18, 2020 HEREBY FINDS AND ORDERS AS FOLLOWS:

2 Effective immediately, and until further notice, the Fresno  
3 Superior Court Local Rule 2.1.17 is amended as follows:

4 2.1.17 Resolution of Discovery Disputes

5 A. Except for motions to compel the deposition of a duly  
6 noticed party or subpoenaed person(s) who have not timely served  
7 an objection pursuant to Code of Civil Procedure section 2025.410  
8 or otherwise obtained the consent of all interested parties  
9 agreeing to the non-appearance of the party or person(s) at the  
10 deposition as noticed or subpoenaed, and motions to compel initial  
11 responses to interrogatories, requests for production and requests  
12 for admissions, no motion under sections 2016.010 through  
13 2036.050, inclusive, of the California Code of Civil Procedure  
14 shall be heard in a civil unlimited case unless the moving party  
15 has first requested an informal Pretrial Discovery Conference with  
16 the Court and such request for a Conference has either been denied  
17 and permission to file the motion is expressly granted via court  
18 order or the discovery dispute has not been resolved as a  
19 consequence of such a conference and permission to file the motion  
20 is expressly granted after the conference.

21 1. Any request for a Pretrial Discovery Conference  
22 must be filed with the Clerk's Office on the approved form  
23 (provided by the clerk), must include a brief summary of the  
24 dispute, and must be served on opposing counsel on or before the  
25 date it is filed with the court. Any opposition to a request for a  
26 Pretrial Discovery Conference must also be filed on an approved  
27 form (provided by the clerk), must include a brief summary of why  
28 the requested discovery should be denied, must be filed within

1 five (5) court days of service of the request for a Pretrial  
2 Discovery Conference, extended five (5) days for service by mail,  
3 and must be served on opposing counsel.

4 2. Excepting a privilege log, if required pursuant to  
5 subsection B, below, no other pleadings, including but not limited  
6 to exhibits, declarations, or attachments, will be accepted.

7 3. If the party opponent has any opposition to the  
8 dispute as stated in the request described in paragraph no. 1  
9 above, a written opposition on the approved form shall be timely  
10 filed or it will be considered by the Court as a refusal to  
11 participate as defined in "C" below.

12 4. The parties will be notified by minute order  
13 whether the request has been granted or denied and, if granted,  
14 the date and time of the Pretrial Discovery Conference. If the  
15 Court has not issued a minute order within thirty (30) court days  
16 after the due date of any opposition, then the request for  
17 pretrial conference shall be deemed denied with permission to file  
18 the motion expressly granted.

19 5. Filing a request for a Pretrial Discovery  
20 Conference tolls the time for filing a motion to compel discovery  
21 on the disputed issues for the number of days between the filing  
22 of the request and issuance by the Court of a subsequent order  
23 pertaining to the discovery dispute. The Court's order will  
24 specify the number of days the time for filing a motion is tolled.  
25 On the condition that the request is filed within the forty-five  
26 (45) day jurisdictional limit of the California Discovery Act, if  
27 the Court has not issued a minute order within thirty (30) court  
28 days after the due date of any opposition, then the number of days

1 the time for filing a motion shall be tolled for a period of  
2 thirty (30) days if the request for Pre-Trial Conference was  
3 served personally and thirty-five (35) days if the request for  
4 Pre-Trial Conference was served by mail.

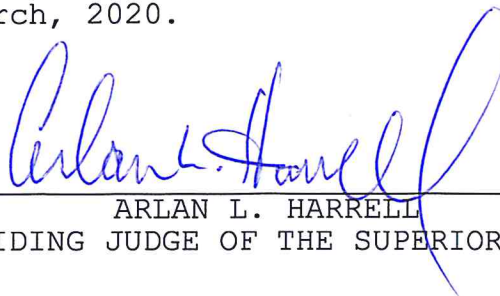
5 B. Where privilege is a basis for refusal to produce  
6 documents, privilege logs must be provided. The privilege log must  
7 include an identification of all sending and receiving entities,  
8 as well as details of the information sufficient to apprise the  
9 opposing party of the basis for the privilege.

10 C. Refusal of any counsel to participate in a Pretrial  
11 Discovery Conference shall be grounds, in the discretion of the  
12 Court, for entry of an order adverse to the party represented by  
13 counsel so refusing, or adverse to counsel. Failure to file a  
14 written opposition to the merits underlying a request for a  
15 Conference is considered a refusal to participate. Where there has  
16 been no written opposition to the merits of the request filed the  
17 Court may, in its discretion, enter an order adverse to the non-  
18 responding party.

19 THIS ORDER IS EFFECTIVE IMMEDIATELY.

20 DATED this 19th day of March, 2020.

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ARLAN L. HARRELL  
PRESIDING JUDGE OF THE SUPERIOR COURT