

**CIVIL AND MISCELLANEOUS RULES  
EFFECTIVE JANUARY 1, 2024**

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**CHAPTER 2. CIVIL RULES**

**RULE 2.1 ADMINISTRATION OF CIVIL CASES**

**2.1.17 Resolution of Discovery Disputes**

A. ~~Except for motions to compel the deposition of a duly noticed party or subpoenaed person(s) who have not timely served an objection pursuant to Code of Civil Procedure section 2025.410 or otherwise obtained the consent of all interested parties agreeing to the non-appearance of the party or person(s) at the deposition as noticed or subpoenaed, and motions to compel initial responses to interrogatories, requests for production and requests for admissions, no~~ **No** motion under sections 2016.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request for a Conference has either been denied and permission to file the motion is expressly granted via court order or the discovery dispute has not been resolved as a consequence of such a conference and permission to file the motion is expressly granted after the conference. **The foregoing shall not apply to motions to compel the deposition of a duly noticed party or subpoenaed person(s) who have not timely served an objection pursuant to Code of Civil Procedure section 2025.410 or otherwise obtained the consent of all interested parties agreeing to the non-appearance of the party or person(s) at the deposition as noticed or subpoenaed, and motions to compel initial responses to interrogatories, requests for production and requests for admissions, and motions to quash or compel compliance regarding a subpoena served on a nonparty.**

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.

B. No Change.

- C. No Change. (Effective January 1, 2023 ~~2024~~; adopted as Rule 2.1.17 effective January 1, 2013)

## **RULE 2.4 ALTERNATIVE DISPUTE RESOLUTION (ADR)**

### **2.4.1 ADR Information**

Attorneys shall provide their clients with a copy of the ADR information package at the earliest available opportunity. Upon request, the ADR information package and related forms may be obtained from the Civil Clerk's Office, ADR Department or the ADR section of the Court's website. Plaintiffs and cross-complainants shall serve a copy of the ADR information package on each defendant or cross-defendant as required by the California Rules of Court and complete ADR requirements in accordance with ~~Local Rule 2.4. Civil Standing Order No. 07-0628 regarding Case Management Conferences.~~ (Effective January 1, ~~2024~~ 2020; Rule 2.4.1 renumbered effective January 1, 2006; adopted as Rule 7.1 effective May 14, 2001)

## **RULE 2.7 EX PARTE APPLICATIONS**

### **2.7.1 Format and Filing**

- A. No change.

B. ~~The court requests that the party seeking an ex parte order~~ must submit the application and all supporting papers and fees to the Clerk for filing not later than 2:00 p.m. on the day preceding the hearing, if the hearing is set in the morning, and not later than 9:00 a.m. on the date of the hearing, if the hearing is set in the afternoon. (Effective ~~January 1, 2024~~ July 1, 2016; Rule 2.7 renumbered effective January 1, 2006; adopted as Rule 10 effective July 1, 2000)

## **RULE 2.8 MISCELLANEOUS CIVIL RULES**

### **2.8.4 Compromise of Claims of Minors or Incompetent Persons**

- A. No change.

B. If the court enters an Order to Deposit Funds in Blocked Account (MC-355), the court will set an order to show cause hearing within ninety (90) days to monitor the deposit of the funds. The order to show cause hearing would come off calendar if an Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account (MC-356) is filed at least ten (10) court days before the order to show cause hearing.

- ~~C~~ B. If a petition to withdraw from deposit is made:

1. The certificate of deposit must have been completed and filed prior to filing of the petition for withdrawal.

2. In the event the petition to withdraw funds is based upon the denial of a public agency providing public assistance to provide funds because of the existence of the account, a copy of the written notice from the agency concerned, so stating, shall be attached to the petition.

**D G.** If an order for withdrawal of funds is made, within fifteen (15) days from the date of the order, a declaration of expenditures made with the funds shall be filed with the Clerk.

**E D.** Attorney's fees, if awarded, shall be awarded in conformity with Rule 7.955 of the California Rules of Court. In computing fees, parents claiming reimbursement for medical and other expenses shall pay their proportionate share of the attorneys' fees, except in cases of hardship. (Effective ~~July 1, 2022~~ **January 1, 2024**; Rule 2.8.4 renumbered effective January 1, 2006; adopted as Rule 11.4 effective July 1, 2002)

## **RULE 2.9 UNLAWFUL DETAINER CASES**

### **2.9.11 Demurrers, Motions to Strike and Other Motions with No Specific Statute Stating Otherwise**

To effect the summary intent of the unlawful detainer statutes, the court finds good cause to set unlawful detainer hearings on all demurrers, motions to strike, and any other motions for which there is no specific statute stating otherwise pursuant to Code of Civil Procedure section 1167.4, and treat said motions for scheduling purposes as motions to quash. (Code Civ. Proc. §1179a; *Greener v. WCAB* (1993) 6 Cal.4th 1028, 1036; *Delta Imports, Inc. v. Municipal Court* (1983) 146 Cal.App.3d 1033.) (Effective **January 1, 2024, New**)

## CHAPTER 4. MISCELLANEOUS RULES

### RULE 4.1 RULES OF GENERAL APPLICATION

#### 4.1.2 Electronic Filing

##### A. Mandatory Electronic Filing

1. No change.

2. Charging Documents in Adult Criminal Cases: A prosecuting agency shall electronically file charging documents (the criminal complaint, information, will prosecute, and/or indictment) in all adult Felony, Misdemeanor, and Domestic Violence cases, including Arrest Warrants. Additional documentation normally filed in conjunction with charging documents must also be filed electronically. Criminal charging documents filed after 4:00 p.m. will be processed on the next business day, and deemed filed as of the day submitted for filing pursuant to Code of Civil Procedure § 1010.6(b)(3).

3. Criminal Failure to Appear/Past Time to File Arrest Warrants: A prosecuting agency shall electronically file Arrest Warrants excluding Criminal Infractions.

4. Dependency Cases: Department of Social Services shall electronically file documents in dependency cases. Additional documentation normally filed in conjunction with dependency petitions must also be filed electronically.

##### B. Permissive Electronic Filing

1. No change.

2. No change.

~~3. Dependency Cases: Department of Social Services may electronically file documents in dependency cases.~~

3 4. Criminal Motions: Parties, including self-represented parties, are encouraged to electronically file all motions, oppositions, briefs, and any other moving papers for Criminal cases unless prohibited under Rule 4.1.2(C). For motions requiring prior department approval pursuant to the procedure for other motions set forth in Rules 3.5.1A and D, an electronic form is available on the Fresno County Superior Court's website to be completed and submitted to the department for prior approval. Motions currently requiring a filing fee (i.e. Bond

Forfeiture Motions) will be assessed as part of the electronic filing process, including secondary filing fees per the current fee schedule.

4. Criminal Failure to Appear/Past Time to File Arrest Warrants: Law Enforcement Agencies may file Arrest Warrants electronically excluding Criminal Infractions.

C. **Prohibited Electronic Filing**

No change.

D. **Rules Applicable to Eligible Case Types**

No change.

E. **Limitations on Filings**

No change.

G. **Labor Commissioner Appeals**

No change. (Effective January 1, ~~2024~~ 2023; adopted as Rule 4.1.13 effective January 1, 2016)