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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CIVIL DIVISION

Standing Order Regarding the) Standing Order No. 07-0628
Civil Division of the Superior)
Court of California, County of)
Fresno)
)
)
)

This standing order addresses the method by which the court manages the processing, progress and disposition of civil cases. The Superior Court seeks to improve the method by which the court manages the progress and disposition of civil cases. The court finds that the following procedures will further this goal. This rule applies to all general civil cases as defined by California Rules of Court, rule 1.6 filed after January 1, 2006.

Case Management Conferences

With the substitution of Case Management Conferences (CMC) for Status Conferences on the Trial Court Delay Calendar (TCD), litigants will no longer have to file status hearing declarations or at issue memoranda. ~~The CMC B will not require CMC statements~~

Struck as void- inconsistent with statewide rule of court. See CRC, rule 3.725.

1 ~~to be filed and served~~ No tentative rulings will be issued. In
2 addition, while trial dates will generally be assigned at an
3 earlier stage than before--at 4 months after the action is filed,
4 rather than at 6 months (deadline for filing at issue memorandum)-
5 -the parties will now receive more notice of the trial date (at
6 least 7 months' notice instead of historical 3 to 6 months'
7 notice).

8
9 If complaints are timely served and appearances timely made,
10 a brief CMC appearance will typically result in the assignment of
11 a trial date and, in many cases, an order of mediation.
12 Plaintiffs are still required to comply with the California Rules
13 of Court requiring service of the complaint within 60 days of
14 filing. Defendants are still expected to file their appearances
15 within 30 days of service. The court is still obligated to
16 enforce the "fast track" timelines contained in the California
17 Rules of Court.

18
19 If all named parties to the complaint have filed an
20 appearance, the case shall be deemed "at issue," notwithstanding
21 any cross-complaint that is not at issue, and a trial date shall
22 be assigned at the CMC in accordance with Local Rule 2.1.10.

23
24 Those parties who have filed an appearance but do not appear
25 at the CMC will be deemed to have waived their right to a jury
26 trial.

27
28 Those parties who have filed an appearance but do not appear

1 at the CMC will be deemed to have consented to any orders made at
2 the CMC, including but not limited to: order setting the date for
3 trial, order that case be a nonjury trial, order for mediation,
4 assignment of case to Plan 2 or Plan 3, designation of case as
5 Complex, a discovery or motion scheduling order, dismissal of
6 unserved defendants or cross-defendants.

7

8 Those parties who have filed an appearance but do not appear
9 at the CMC will be subject to sanctions at an OSC (Order to Show
10 Cause) hearing set by the court. A personal appearance will be
11 required at the OSC hearing. Court staff is authorized to issue
12 an OSC to those parties who have filed an appearance but do not
13 appear at the CMC.

14

15 If all named parties to the complaint have filed an
16 appearance and no parties appear at the CMC, a one-day, nonjury
17 trial date will be assigned in accordance with Local Rule 2.1.10
18 and those not appearing at the CMC may be subject to sanctions at
19 an OSC hearing set by the court. A personal appearance will be
20 required at the OSC hearing. Court staff is authorized to issue
21 an OSC to those parties who have filed an appearance but do not
22 appear at the CMC.

23

24 If all named parties to the complaint have not been served
25 with the summons, complaint and Notice of CMC by plaintiff in
26 accordance with Local Rules 2.1.4 and 2.1.5, and no extension of
27 time to serve said documents has been ordered by the court
28 pursuant to Local Rule 2.1.6, plaintiff will be subject to

1 sanctions at an OSC hearing set by the court. Court staff is
2 authorized to issue an OSC to plaintiff(s) for failure to serve
3 all defendants as set out above.

4
5 If the time for defendant(s) to respond has elapsed and no
6 extension of time to file responsive pleadings has been ordered by
7 the court pursuant to Local Rule 2.1.6, and no request for entry
8 of default and/or default judgment has been filed, plaintiff will
9 be required to appear at an OSC hearing set by the court. Court
10 staff is authorized to issue an OSC to plaintiff(s) for failure to
11 request entry of default and/or default judgment.

12
13 If a complaint is designated as "uninsured motorist," either
14 prior to or at the CMC, the date for the CMC shall be continued
15 180 days. (CRC, rule 3.712, subd. (b)). A complaint may be
16 designated as "uninsured motorist" by typing the words "uninsured
17 motorist" on the complaint directly below the title of the
18 document, by filing a declaration, or by the clerk at the CMC
19 upon oral declaration by the plaintiff.

20
21 Alternative Dispute Resolution

22 All parties must engage in some form of Alternative Dispute
23 Resolution (ADR), such as mediation. This ADR must be completed
24 prior to the Mandatory Settlement Conference. Failure to do so
25 may result in the court imposing sanctions, unless excused by the
26 court upon a timely showing of good cause by written declaration.

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1 If all named parties to the complaint have filed an
2 appearance, the parties shall confer prior to the CMC and file an
3 Alternative Dispute Resolution Stipulation, on a form designated
4 by the court, at least ten (10) court days prior to the CMC.
5 Parties who fail to file the ADR Stipulation may be subject to
6 sanctions at an OSC hearing set by the court. Court staff is
7 authorized to issue an OSC to any party that fails to timely file
8 an ADR stipulation.

9
10 At least ten (10) court days prior to the Mandatory
11 Settlement Conference, the parties shall file an Alternative
12 Dispute Resolution Report on a form designated by the court.
13 Parties who fail to file the ADR Report may be subject to
14 sanctions at an OSC hearing held on the same date as the Trial
15 Readiness hearing, or as otherwise set by the court. Court staff
16 is authorized to issue an OSC to any party that fails to timely
17 file an ADR report.

18 Struck pursuant to Standing Order 10-1101

19 ~~Collection Cases~~

20 ~~California Rules of Court, rule 3.740 exempts collection~~
21 ~~cases from the previous time for service requirements and case~~
22 ~~management rules. "Collections case" means an action for recovery~~
23 ~~of money owed in a sum stated to be certain that is not more than~~
24 ~~\$25,000, exclusive of interest and attorney fees, arising from a~~
25 ~~transaction in which property, services, or money was acquired on~~
26 ~~credit. A collections case does not include an action seeking any~~
27 ~~of the following:~~

28 ~~(1) Tort damages;~~

- ~~(2) Punitive damages;~~
- ~~(3) Recovery of real property;~~
- ~~(4) Recovery of personal property; or~~
- ~~(5) A prejudgment writ of attachment.~~

~~If a case meets the definition set out in rule 3.740, subd. (a), a plaintiff must check the case type box on the Civil Case Cover Sheet (form CM-010) to indicate that the case is a collections case under rule 3.740.~~

~~When a collection case is filed, a Collection Case Review (CCR) hearing will be set at least 180 days from the date of filing the complaint. The complaint must be served on all named defendants, and proofs of service on those defendants must be filed, or the plaintiff must obtain an order for publication of the summons, within 180 days after the filing of the complaint. The plaintiff must also file a Collection Case Status Declaration/Request for Case Management form with the court before the CCR hearing. If these requirements are met the court will vacate the CCR hearing, set an OSC hearing no sooner than 360 days after the filing of the complaint and issue an OSC. Court staff is authorized to issue the OSC.~~

~~If the proof(s) of service are not filed or an order for publication has not been obtained within 180 days after the filing of the complaint, the plaintiff(s) must attend the CCR hearing, and an OSC why reasonable monetary sanctions shall not be imposed will issue. Court staff is authorized to issue the~~

1 ~~OSC. The OSC hearing will be set at least 30 days from the CCR~~
2 ~~hearing.~~

3
4 ~~If the plaintiff(s) files the proof(s) of service and/or~~
5 ~~order of publication and a Collection Case Status~~
6 ~~Declaration/Request for Case Management Conference form at least~~
7 ~~10 court days prior to the OSC hearing, the court shall continue~~
8 ~~the OSC hearing to a date no sooner than 360 days after the~~
9 ~~filing of the complaint.~~

10
11 ~~If the plaintiff(s) files the proof(s) of service and/or~~
12 ~~order of publication and a Collection Case Status~~
13 ~~Declaration/Request for Case Management Conference form and~~
14 ~~defendant(s) do not file responsive pleadings, the plaintiff must~~
15 ~~obtain a default judgment within 360 days after the filing of the~~
16 ~~complaint. If the plaintiff(s) has not obtained a default~~
17 ~~judgment by that time, the court shall issue an OSC why~~
18 ~~reasonable monetary sanctions should not be imposed. Court staff~~
19 ~~is authorized to issue the OSC. If plaintiff(s) obtain default~~
20 ~~judgment at least 10 court days prior to the OSC hearing the OSC~~
21 ~~shall be vacated.~~

22
23 ~~If at anytime in this process the case is completely disposed~~
24 ~~of by default judgment, dismissal, settlement or other means, all~~
25 ~~future hearings will be vacated. Court staff is authorized to~~
26 ~~vacate all future hearings.~~

27
28 ~~If at anytime all named parties to the complaint have filed~~

1 ~~an appearance, the case shall be deemed "at issue". Within 10~~
2 ~~court days of the last response, the parties shall file a~~
3 ~~Collection Case Status Declaration/Request for Case Management~~
4 ~~form informing the court that the case is ready for trial. The~~
5 ~~court will, upon verifying the status of the case, vacate any~~
6 ~~review hearing(s) or OSC hearing(s) and set the case for a CMC~~
7 ~~for trial setting.~~

8
9 ~~If all parties agree on a trial date and execute and file a~~
10 ~~Stipulation to Trial Setting in lieu of a CMC, and the date is~~
11 ~~acceptable to the court, then the CMC will be taken off calendar~~
12 ~~and no appearances will be required.~~

13
14 Telephonic Appearance Struck pursuant to Standing Order 10-1101
15 Those wishing to appear at a CMC ~~or CCR~~ by phone may do so
16 provided:

- 17 1. they arrange to do so through CourtCall [888 882-6878]
18 by 4pm the day before, and
19 2. the court does not order otherwise.

20 The option of appearing by phone is a matter of privilege and
21 convenience, not a right. (CRC, rule 3.670, subd. (c).)

22
23 This Standing Order revokes Standing Order 06-01 and shall
24 remain in full force and effect until revoked or modified by
25 further order of the Court.

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27 DATED: June 28, 2007.

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~~Amr Smith~~

For

Hon. Hilary A. Chittick
Presiding Judge
Fresno County Superior Court