



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO**  
**Hall of Justice and Records**  
**400 County Center**  
**Redwood City, California 94063-0965**

JOHN C. FITTON  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

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September 24, 2014

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on the date indicated in the proposal. The court invites you to review and provide your comment on these proposals as afforded pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

[smsccomment@sanmateocourt.org](mailto:smsccomment@sanmateocourt.org)

with a subject line stating "Comments on Proposed Rule changes". Please state the proposal number, the section and paragraph number on which you are commenting and your comment.

Comments must be received in our office no later than 2:30 PM, Friday, November 7, 2014.

Sincerely,  
John C. Fitton, Court Executive Officer

A handwritten signature in black ink that reads "Timothy J. Gee".

By: Timothy Gee, Management Analyst  
Court Rules Committee Staff

**INVITATION FOR PUBLIC REVIEW AND COMMENT**  
**[Proposed Effective Date of January 1, 2015]**

Pursuant to California Government Code § 70631 and California Rules of Court, Rule 10.613 (g) and 10.815(b), the following proposed amendments to the Local Rules are hereby distributed for public comment and notice. The affected items are:

**Proposed Revisions to Local Court Rules**

*(Click on proposal number for link to page)*

**Fall 14-01 to 14-02 Omitted**

**Fall 14-03      DIVISION V – FAMILY LAW RULES**  
**Rule 5.10 – Preparation of Orders After Hearing and Judgments**

**Fall 14-04      DIVISION III – CIVIL LAW AND MOTION RULES**  
**Rule 3.15 – Unlawful Detainers**

**Submitting Comments**

- Comments must be submitted addressed to *Proposed Rules* via email at [smscomment@sanmateocourt.org](mailto:smscomment@sanmateocourt.org).
- Please state the proposal number, the section and paragraph number on which you are commenting and your comment.
- Comments must be received **no later than 2:30 p.m. on Friday, November 7, 2014.**

**PROPOSED AMENDMENTS TO LOCAL COURT RULES – FALL 2014 CYCLE**

<b>Proposal Number 2014 Fall-03</b>	
<b>Title</b>	<b>DIVISION V – FAMILY LAW RULES</b> <b>Rule 5.10 – Preparation of Orders After Hearing and Judgments</b>
<b>Summary</b>	Proposal to add references to certain California Rules of Court regarding preparation and submission of proposed judgments to Local Rule 5.10 regarding preparation of orders after hearing and judgments in Family Law matters.
<b>Discussion</b>	<p>This proposal was submitted to amend Local Rule 5.10 to add additional language and procedures regarding the preparation and timing of proposed orders after hearing in Family Law matters. The proposal also indicated that judgments are often prepared and presented which are not in conformity with the CRC, and suggested that the local rule be amended to require family law judgments to comply with CRC Rule 5.125.</p> <p>It was determined that CRC Rule 5.125 Preparation, Service, and Submission of Order After Hearing and other CRC provisions are sufficiently detailed to give guidance to parties preparing and submitting judgments in Family Law matters. Judgments in Family Law matter are subject to existing CRC rules.</p>
<b>Proposed Changes</b>	<p><u>Rule 5.10 Preparation of Orders After Hearing and Judgments</u></p> <p>A. <b><i>For orders after hearing, R</i></b>reference Rule 5.125 <b><i>of the California Rules of Court and note paragraph B below. For judgments, reference Rules 3.1590(h) – (l), 5.260, and 5.401</i></b> of the California Rules of Court <del>and note paragraph B. below.</del></p> <p>B. The party preparing the order or judgment shall ensure that at least two lines of text appear on the page upon which the judge’s signature is affixed. No text may appear after the judge’s signature.</p> <p align="center">( Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.14) and amended, effective January 1, 2004) (Amended, effective July 1, 2013) <b><i>(Amended, effective January 1, 2015)</i></b></p>

(All new provisions are indicated in ***Bold and Italics***)

**Proposal Number 2014 Fall-04**

<b>Title</b>	<b>DIVISION III – CIVIL LAW AND MOTION RULES Rule 3.15 – Unlawful Detainers</b>
<b>Summary</b>	This proposal was submitted to clarify conflicting and ambiguous provisions on timeframes within which to file unlawful detainer motions, provide notice and to file documents. The proposal further specifies the time periods to set hearings on unlawful detainer motions and provides procedures for resetting a hearing date in specified situations.
<b>Discussion</b>	<p>The recommended changes and additions to this Rule will clarify the filing, setting and scheduling timeframes within which to file unlawful detainer motions, to provide notice of hearings and to set hearing dates. The proposed changes specify more distinctly the timeframes within which these events are to take place. A provision for calculating the necessary time period for performing service other than by personal service is also added.</p> <p>The proposal also clarifies the time periods within which the court will set unlawful detainer hearings for the motions stated herein; specifies the ex parte process to shorten time for a hearing on a motion; and sets forth a procedure to allow resetting a hearing date when the initial hearing date is beyond the statutory timeframe.</p>
<b>Proposed Changes</b>	<p><u>Rule 3.15 Unlawful Detainers</u></p> <p>(a) Reference CCP§§ 418.10, <u>1005, 1013(a)(c)(e), 1167.4(a), 1170.5(b) <del>and (e), 1170.7,</del> and <del>CCP§ 1005 Rules 3.1327(a), 3.1200 to 3.1207 of the California Rules of Court.</del></u></p> <p>(b) Timing.</p> <ol style="list-style-type: none"> <li>1) <b>Motion to Quash Service.</b> A motion to quash service of summons <u>pursuant to C.C.P. § 418.10(a) must be filed within the five (5) day period allotted for responding to the unlawful detain complaint. on the ground of lack of jurisdiction, pursuant to CCP§ 418.10(a), must be made not less than three days nor more than seven days after the filing of the notice.</u> The hearing on the motion shall be <del>automatically</del> set <del>on the first Law and Motion date, which is not less than three, nor more than between three(3) and seven (7) days thereafter the filing of the notice</del> <u>pursuant to C.C.P. § 1167.4(a) and CRC 3.1327(a).</u></li> <li>2) <b>Demurrers.</b> When a demurrer, a motion pursuant to CCP 1170.5(b) <del>and or</del> (c) or any other motion or pleading is filed other than an answer, the hearing thereon shall be <del>automatically</del> set on the Law and Motion Calendar <u>pursuant to C.C.P. § 1005 following the date of the filing, if that calendar is no less than which requires 16 court days' notice, or more than 35 calendar days after filing. C.C.P. § 1005(b), CRC 3.1320(d). If not, the Any party desiring a hearing date on less than 16 court days' notice shall be required to obtain an ex parte order shortening time pursuant to CRC 3.1200 to 3.1207. hearing shall be set for the second Law and Motion Calendar following the date of the filing. (See CCP§ 1005, California Rules of Court, Rule 3.1320(d))</u></li> <li>3) <b>Summary Judgment Motions.</b> Motions for summary judgment or judgment on the pleadings shall be <u>set on five (5) days' notice pursuant to C.C.P. §1170.7. calendared on the first Law and Motion Calendar occurring five or more days after personal service of the notice of motion or ten or more days after service by mail.</u></li> </ol>

(All new provisions are indicated in ***Bold and Italics***)

~~3)4)~~ *Service of Notice. The C.C.P. §1013 time extensions, triggered where service is by mail, express mail, fax or other overnight delivery method apply in unlawful detainer actions. C.C.P. § 1013(a)(c)(e). See CRC 3.1327. Counsel and parties are cautioned to consider the additional time for service when calendaring motions. [Example: Summary judgment motions are set on 5 days' notice but if service is by mail, 5 additional days for service must be added.]*

4)5) *Re-setting of Hearing Dates. Should any party notice aAny demurrer, motion for summary judgment motion or other motion set on a date beyond the time limitations set forth in the Code of Civil Procedure or this Local Rule, ~~any other party~~ may be the subject apply forof an ex parte application by either party requesting order setting an earlier hearing date. See CRC 3.1200 – 3.1207.*

(Adopted, effective January 1, 2000). (Amended, effective January 1, 2013) (Amended, effective January 1, 2015)