



Superior Court of the State of California

County of Kings

Nocona Soboleski
Court Executive Officer
and
Clerk of the Court

NOTICE OF PROPOSED ADOPTION OR AMENDMENT OF LOCAL RULES (Pursuant to Cal. R. Ct., rule 10.613)

To:

- The State Bar of California
- The Attorney General, State of California
- Local Bar Associations, Kings and Adjoining Counties
- Office of the District Attorney, Kings and Adjoining Counties
- Office of the County Counsel, Kings and Adjoining Counties
- Contracted Defense Counsel of Kings County
- Office of the Public Defender in Adjoining Counties
- Interested Others

Please be advised that on or before November 17, 2024, the Judges of the Kings County Superior Court will adopt additions and/or amendments to the official Local Rules of Court, to be effective on January 1, 2025.

On or before October 1, 2024, copies of all rules proposed for adoption and/or amendment will be posted on the Court's website (<http://www.kings.courts.ca.gov>) for review in conformity with Rule 10.613 of the California Rules of Court. In addition, paper copies of the Rules will be available for review in the Clerk's Office of each Division of the Kings County Superior Court.

The Court specifically invites any comments you may desire to make regarding the Court's proposed Rule changes. Requests for paper copies of the proposed changes to the Rules, and any comments on the proposed rules must be addressed as follows:

Nocona Soboleski, Executive Officer and Clerk of the Court
Superior Court of California, Kings County
1640 Kings County Drive
Hanford, California 93230

Comments must be received before 9:00 a.m. on October 16, 2024.

Thank you for your continuing assistance to us in maintaining and improving the administration and effectiveness of our local trial court rules.

NOCONA SOBOLESKI
Superior Court Executive Officer and Clerk of the Court
Publisher of Trial Court Rules

PROPOSED ADDITIONS AND AMENDMENTS TO THE LOCAL RULES
(Effective 1/1/2025)

The Kings County Superior Court proposes to add or amend the following Local Rules to become effective on January 1, 2025

CHAPTER 1: GENERAL AND ADMINISTRATIVE RULES

LOCAL RULE 104 – Court Attire, Conduct, Gang-Related Clothing and Personal Property

No person shall appear in court barefoot, shirtless, wearing a tank top, wearing sunglasses or dress in any manner reflecting poorly upon the dignity of the court and its decorum. The bailiffs of the court are to remove any person violating this rule. This rule does not limit any judge from additionally prescribing appropriate attire or conduct rules in the courtroom.

No person shall wear gang-affiliated clothing or possess gang-affiliated personal property while inside the courthouse. This includes gang insignias, monikers, color patterns, bandannas, hats, jewelry, clothing, belts, or any item deemed gang-affiliated by court security personnel or law enforcement. Any person identified by court security personnel or law enforcement as wearing or possessing any item in violation of this rule will not be permitted inside the courthouse. Violation of this rule is punishable as contempt pursuant to Penal Code section 166, as well as additional remedies and/or penalties allowed by law.

Attorneys appearing in court either in person or by remote video should be dressed in accordance with current customs for appropriate business attire.

For reasons of safety and security, all persons appearing before the court are asked to keep their hands in plain sight.

All persons entering the court, Family Court Services Division, or Jury Services area, will be subject to a search. No weapons are allowed within this court facility, except those legally possessed by judicial officers. Peace officers who are engaged in the duties of their employment while at a court facility will be allowed to possess employer approved firearms and other weapons in a manner consistent with their employment duties, requirements, and limitations.

(Eff. 1/1/99; amended 7/1/08; amended 7/1/19; amended 1/1/24; amended 1/1/25)

LOCAL RULE 105 – Appearance and Conduct of Counsel

An attorney is expected to act in a professional manner at all times. Counsel shall comply with standard courtroom protocol and be courteous and respectful to all persons in the courtroom. Counsel should not interrupt opposing counsel except to state an appropriate objection. All objections and comments must be addressed to the court, and not to opposing counsel. Counsel shall refrain from making derogatory remarks about opposing counsel.

An attorney who appears for another attorney is representing the party before the court. As provided by the California Rules of Professional Conduct such attorney is required to do so competently and is expected to be prepared to perform any duties required by the court, to have authority to make appropriate dispositions or calendar settings, and to communicate any orders the court may issue to the attorney of record.

An attorney shall not accept representation of a client if the attorney does not have sufficient time to adequately prepare before the next scheduled court appearance and shall comply with all applicable case disposition standards unless otherwise ordered by the court.

(Eff. 1/1/99; amended 1/1/25)

PROPOSED LOCAL RULE 132 – Government Entities Exempt from Filing Fees

Any party who is exempt from filing fees pursuant to Government Code section 6103 must so indicate on the first page of the document submitted for filing and must specifically indicate which parties are exempt. This information must appear in the upper right-hand corner of the document above the case caption in an area that will not interfere with the clerk affixing a file stamp.

(Eff. 1/1/25)

CHAPTER 2: ADMINISTRATION OF CIVIL CASES

RULE 205 – Case Management Conference

- A. At the time the complaint is filed, the clerk will issue a Notice of Case Management Conference to plaintiff, designating a date for a Case Management Conference that is no less than 120 days after the filing of the complaint. Plaintiff shall serve a copy of the Notice of Case Management Conference on each defendant along with the summons and complaint.
- B. Any party who files and serves a cross-complaint prior to the Case Management Conference shall serve on each cross-defendant who is a new party to the action, a copy of the Notice of Case Management Conference along with the summons and cross-complaint. If a new cross-defendant is served after the initial Case Management Conference, the cross-complainant shall serve the new cross-defendant with notice of any pending Case Management Conference, any assigned trial or settlement conference dates, and any other dates set by the court or orders made at the Case Management Conference.
- C. If the plaintiff adds a new defendant or identifies a fictitiously named defendant after the initial Case Management Conference, along with the summons and complaint, plaintiff shall serve the newly named defendant with notice of any pending Case Management Conference, any assigned trial and settlement conference dates, and any other dates set by the court or orders made at the Case Management Conference.
- D. Proof of service of notice of a Case Management Conference shall be filed with the court within sixty (60) days from the date the complaint is filed and may be included in the proof of service of the summons and complaint or cross-complaint.
- E. All parties are required to appear at the Case Management Conference. ~~Unless the court determines otherwise, all cases except complex litigation are deemed~~ Cases determined to be at issue and will be assigned a date for trial, mandatory settlement conference, and trial readiness hearing. ~~Parties will be asked to dismiss all DOE defendants at the time of trial setting, unless good cause has been shown.~~
- F. At the Case Management Conference, the court may make such orders as the court deems appropriate including, but not limited to, setting a further Case Management Conference, setting deadlines for the completion of discovery and pre-trial motions, scheduling a dismissal hearing, and/or imposing sanctions, including dismissal of the case.
- G. A Case Management Conference will be taken off calendar only if the case has been disposed of or has received a trial date prior to the Conference. For purposes of this rule, a case is disposed of if a judgment or dismissal of the entire action has been filed. If the case has been stayed or a notice of conditional settlement has been filed, the Conference will be continued. If any of these conditions have been met, it is the responsibility of the

parties to notify the clerk in writing and ask that the Conference be taken off calendar or continued.

- H. Failure to timely file and serve a Case Management Statement may result in the imposition of sanctions by the court.

(Eff. 1/1/99 as Rules 204; amended and renumbered 7/1/08; amended 1/1/25)

RULE 207 – Mandatory Settlement Conference

- A. In all general civil matters, at the time the court sets the case for trial, a settlement conference shall also be set at least fifteen (15) calendar days prior to the trial date.
- B. All parties and their representative(s), except those under the custody of the California Department of Corrections and Rehabilitation, shall be personally present at the settlement conference. Remote appearances by video are permitted for mandatory settlement conferences only upon successful application to appear and entry of an order authorizing remote appearance. (Cal. Rules of Court, rule 3.672(e); Code Civ. Proc. §376.75.)
- C. An insured party is not required to appear where that party's insurance carrier admits coverage for all causes of action alleged against that party, full authority has been granted by such insured party to the carrier and attorney to settle within policy limits, and the highest demand for settlement is within policy limits.
- D. A party who is not an individual shall appear by a representative who shall be fully familiar with the facts of the case and have full authority to settle. In any case which requires consent of an insurance carrier to settle, an employee of the insurance carrier who is fully familiar with the case and who has full authority to settle shall be personally present at the settlement conference. A claims adjuster retained only for the purpose of attending the settlement conference will not be deemed to comply with this rule.
- E. Unless the assigned judicial officer for good cause shown orders otherwise, a party who is under the custody of the California Department of Corrections and Rehabilitation shall appear by telephone. When a non-custodial litigant is represented by the Office of the Attorney General in the litigation, the Attorney General is to arrange for the inmate's telephonic appearance at least five (5) days before the settlement conference. When the Office of the Attorney General does not represent any of the parties to the matter, the Clerk of the Court shall issue an order for telephonic appearance upon request made by any litigant at least five (5) days before the settlement conference.
- F. To ensure a meaningful settlement conference prior to trial, the court may set the matter for further settlement conferences prior to the date set for trial or may remove the case

from the trial calendar and order the parties to obtain a new settlement conference and trial date.

- G. Unless otherwise ordered, the settlement conference will be conducted by the judicial officer assigned to hear the case for all purposes, including trial. Any party's objection to the settlement conference being conducted by the regularly assigned judicial officer must be filed and served within fifteen (15) days after service of the Notice of Trial by the court. Failure to file a timely objection shall waive the objection for all purposes.
- H. A party's failure to comply with one or more of the state or local court rules pertaining to settlement conferences and settlement conference statements may result in an order for a further settlement conference with the offending party being required to pay the costs and attorney fees incurred by other parties due to the non-adherence to the rules.
- I. Notification of any settlement shall be given in the manner provided for in California Rules of Court, rule 3.1385.

(Eff. 1/1/99 Rules 207-211; amended and renumbered 7/1/08; amended 7/1/24; amended 1/1/25)

RULE 209 – Mandatory Mediation

- A. All parties who are represented by counsel, and who estimate that their trial will be five (5) days or longer must engage in mediation prior to the scheduled mandatory settlement conference date. If the mediation is completed but unsuccessful at resolving the case, and the parties stipulate that the mediation was meaningful and conducted in good faith, then the settlement conference can (upon request) be removed by the court.
- B. In accordance with Code of Civil Procedure section 2024.020, subdivision (b), in cases where the court vacates or continues a trial date for failure to comply with this rule, such continuance or postponement does not operate to reopen discovery proceedings. Nothing in this rule limits the ability of a party to request an order to reopen discovery proceedings by noticed motion made upon a showing of good cause.

(Eff. 7/1/23; amended 1/1/25)

CHAPTER 3: CIVIL LAW AND MOTION

RULE 313 – Tentative Rulings

- A. The court adopts the tentative ruling procedure set out in California Rules of Court, rule 3.1308(a)(2). The tentative ruling or notice to appear will generally be available by 4:00 p.m. the court day before the hearing. Unless the court directs otherwise, the court's tentative ruling will be available on the court's website or by calling (559) 582-1010, Ext 6002.

- B. The court does not require notice of intent to appear. (Cal. Rules of Court, rule 3.1308, subd. (a)(2).) If no parties appear, the court will construe the non-appearance as a submission on the tentative ruling and will adopt the tentative ruling as the order of the court. Parties intending to present oral argument regarding a tentative ruling are expected to contact opposing counsel(s) the day before the hearing to ensure the appearance of all affected parties at the hearing. If only one party appears to present oral argument as to the tentative ruling, the court generally will not allow for oral argument and instead will continue the hearing for the appearance of all parties.

(Eff. 1/1/13 as Rule 312; renumber 1/1/19; amended 1/1/25)

CHAPTER 4: MISCELLANEOUS CIVIL RULES

RULE 406 – Petition for Change of Name

A background check and electronic fingerprint scan will be required when a petition for a name change, Guardianship, Conservatorship, and Stepparent Adoption has been filed. The purpose of the background check is to verify that the petitioner is not on probation, parole, or a registered sex offender. (Code Civ. Proc. § 1279.5 (e).) When a minor's name is to be changed, a Live Scan will be requested ~~from the petitioner parent(s) or legal guardian(s) for minors fourteen (14) years of age or older~~. A Live Scan consists of a check of electronic fingerprint records maintained by the Department of Justice, the Child Abuse Central Index and possibly the FBI. Live Scan locations have been identified in an information packet that is available for purchase from the court clerk. Petitioner shall pay the fee charged by the Live Scan provider. The petitioner shall complete the Live Scan application form with the requested information and provide the Live Scan provider valid photo identification. Failure to provide the requested information will delay the petition and/or otherwise preclude the completion of the required investigation.

(Eff. 7/1/11; amended 1/1/16; **amended 1/1/25**)

RULE 408 – Default Judgment

- A. To obtain a default judgment a plaintiff shall present testimony in support of his or her claim by competent witnesses having personal knowledge of the essential facts, or file an affidavit or declaration by such witnesses, except for cases governed by Code of Civil Procedure section 585(a). Applications for default judgment on declarations pursuant to Code of Civil Procedure section 585(d) is the preferred procedure.
- B. When submitting a matter for default judgment on declarations or affidavits only, the parties must comply with California Rules of Court, rule 3.1800. The materials required by Rule 3.1800(a) must be submitted together as a single packet.
- C. When submitting a matter for default judgment where personal testimony will be offered, Plaintiff must reserve a hearing date with the court clerk prior to the filing of his or her documents. The hearing will not be placed on the court's calendar until such time as plaintiff's application and supporting documents have been filed, and all required hearing fees paid. All documents in support of the default judgment must be filed with the clerk's office as a single packet and at least ten (10) court days prior to the scheduled hearing date. Included in such packet shall be a form of written notice setting forth the reserved time, date, and location of the hearing.
- D. The court may, in its discretion, set an application for default judgment on declarations for a hearing. If, after reviewing the materials submitted, the court determines that

additional testimony or documentary evidence is necessary, an order or notice will issue informing the plaintiff of the date, time, and location of the scheduled hearing.

- E. In quiet title actions, an evidentiary hearing on a quiet title claim is mandatory before default judgment will enter. (Code Civ. Proc. §764.010.) A party requesting entry of default judgment in quiet title actions must reserve a date for the evidentiary hearing prior to the filing of the request for entry of default judgment and supporting documents. The hearing will not be placed on the court's calendar until such time as the requesting party's application and supporting documents have been filed and all required hearing fees paid. Prior to the date set for the evidentiary hearing, the requesting party shall comply with the requirements set forth in the applicable statutes for service on unknown defendants, as well as the requirement for filing of a notice of pendency of action. (Code Civ. Proc. §§761.010, 763.010, 763.020.)

(Eff. 1/1/18; amended 1/1/25)

CHAPTER 5: CRIMINAL RULES

PROPOSED LOCAL RULE 514 – Search Warrants

At the time the District Attorney or Attorney General files a criminal complaint, information, or indictment in a case in which a search warrant was previously executed by the District Attorney, Attorney General or law enforcement agency, the District Attorney or Attorney General must notify the Court to place the search warrant in the criminal file by providing the search warrant number and date signed. If the search warrant is sealed by order of the Court, it will be identified as sealed in the Court's case management system. If the search warrant is not sealed, it will be made available for public inspection.

(Eff. 1/1/25)

LOCAL RULE 526 – Felony Pre-Trial Motions

- A. Pre-trial motions other than motions in limine should be orally noticed and scheduled at the post preliminary examination arraignment. This oral notice is supplemental to any notice required by statute or California Rules of Court. If not orally noticed at arraignment, pre-trial motions may be scheduled by written noticed motion to be heard no later than the trial readiness hearing. Pre-trial motions will not be set or heard after the readiness hearing date except upon an affirmative showing of good cause in a written declaration. The court may impose sanctions against any attorney unreasonably delaying the bringing of any pretrial motion including Penal Code section 995, 1538.5 motions and motions of a constitutional dimension. If a motion requires the taking of evidence, counsel shall confer with the court clerk of the department in which the case is calendared to obtain possible hearing dates and times prior to setting the motion.
- B. All motions and oppositions shall be in writing and shall be accompanied by points and authorities in support thereof and proof of service on opposing counsel.
- C. All motions and responsive pleadings thereto shall have prominently displayed on the face of the moving document the date and time of the hearing and a time estimate for the duration of the hearing.
- D. All documents submitted for filing shall include the attorney's state bar number.
- E. All documents shall be typewritten or mechanically or electronically printed in a manner, which produces clear and permanent copies equally legible as letter quality printers. Pro per defendants may file handwritten documents provided the documents are legible.
- F. All documents shall be hole punched in accordance with directions from the clerk.

- G. No memorandum of points and authorities or affidavit submitted in support of **or in opposition of** a motion, petition, warrant application, or other request shall exceed ten (10) pages. In connection with affidavits, such limitation is inclusive of attached exhibits. Parties wishing to exceed this limit must obtain prior leave from the court.
- H. A motion to dismiss pursuant to Penal Code section 995 shall set forth with particularity the claimed deficiencies or irregularities in the proceedings. Moving papers and responses thereto, when referring to the evidence, shall contain page and line citations to the reporter's transcript.
- I. A motion to suppress evidence pursuant to Penal Code section 1538.5 shall specifically describe and list the evidence, which is the subject of the motion to suppress, shall specifically state the theory or theories which shall be relied upon for the suppression of evidence, and shall cite the specific authority or authorities which support the motion. Moving and responding parties shall state in their pleadings whether they are (a) willing to stipulate that the preliminary hearing transcript may be considered as evidence at the hearing on the motion and/or, (b) whether witnesses are proposed to be called.

(Eff. 1/1/99 as Rule 527; amended and renumbered 7/1/08; amended 1/1/14; amended 1/1/25)

CHAPTER 6: JUVENILE COURT RULES

LOCAL RULE 623 – Remote Appearances in Dependency Cases

- A. Except as otherwise ordered by the court, after disposition orders have been made, any party or counsel participating in the proceeding may, but is not required to, appear remotely at non-contested hearings without further notice to any party or counsel.
- B. For contested hearings, all parties, counsel, and non-expert witnesses are required to appear in-person unless otherwise specifically authorized by the Court. Any person providing testimony must appear in-person absent agreement by all the parties
- C. Parties or witnesses appearing remotely must be in a location free of distractions or outside noise. In addition, they must have access to the appropriate technology to facilitate their remote appearance. The Kings County Superior Court utilizes **Zoom** for remote appearances.
- D. Remote proceedings are confidential, and remain confidential even where parties or counsel appear remotely. Accordingly, no photographs, recording, and/or broadcasting may occur. In addition, any party or witness appearing remotely in a Juvenile Dependency Case must be in a location and have the necessary privacy and security to maintain the confidential nature of the conference, hearing, proceeding, or trial.

(Eff. 7/1/24; amended 1/1/25)