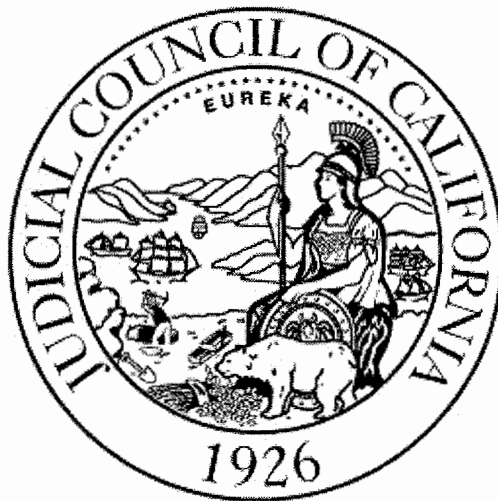


**ALTERNATIVE DISPUTE RESOLUTION
IN CIVIL CASES**



**REPORT OF THE
TASK FORCE ON THE QUALITY OF JUSTICE
SUBCOMMITTEE ON
ALTERNATIVE DISPUTE RESOLUTION
AND THE JUDICIAL SYSTEM**

August 1999

RULE 3.00

Civil Trial Court Delay Reduction Rules

Effective January 1, 2010

Section 3.00 Pursuant to the California Trial Court Delay Reduction Act (Government Code Section 68600 et seq. and California Rules of Court Title Three Division 3 Chapter 2 Rule 3.110 et seq. and Division 7 Chapters 1-3), the Tehama County Courts adopts the rules set forth herein.

The goal of this Court is to dispose of cases subject to the Trial Court Delay Reduction Act within the standards for disposition as adopted by the Judicial Council.

In order to achieve timely resolution of general civil actions, the Court will actively manage and supervise the pace of litigation from the date of the filing of the action to its disposition. (Eff. 7-1-91; As amended, eff. 1-1-10)

Section 3.10 The Tehama County Courts are direct calendar courts for all matters subject to delay reduction. (Eff. 7-1-91)

Section 3.20 On or after July 1, 1991, at the initial filing of a general civil action or proceeding, other than juvenile, probate or domestic relations, the clerk shall set the matter for a First Case Management Conference on the Case Management Calendar closest to, but not less than 135 days from the filing. The clerk shall note on all conformed copies of the summons and complaint that the matter is subject to this Delay Reduction Program and shall further inform the party filing the action of the date of the first Case Management Conference and, after designation by the Court Executive Officer, the judge to whom the case is assigned. The Court Executive Officer, upon notice from the clerk of the filing of a complaint in an action subject to this rule,

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may designate the judge to whom the case is assigned. In order to efficiently manage the trial court calendar, the Court Executive Officer may defer the assignment of a judge.

If a judge is assigned after the initial filing, the Court Executive Officer, as a clerk of the Court, shall give written notice of the assignment to all parties who have then appeared.

The Clerk shall furnish plaintiff, cross-complainant, and, upon request, any other party, packets containing these rules and blank Case Management Conference Questionnaires. (Eff. 7-1-91)

Section 3.30 Counsel shall serve with each summons, or copy of complaint, a true copy of the notice furnished by the clerk, setting the matter for the first Case Management Conference. (Eff. 7-1-91)

Section 3.40 A request to exempt a case from the Tehama County Delay Reduction Rules shall be by written motion supported by declarations showing good cause. A stipulation does not establish good cause. (Eff. 7-1-91)

Any case subject to this rule and exempted by court order shall be assigned to a judge for all purposes and if so assigned, shall be set for Management Conferences at such intervals as are necessary to insure timely disposition of the matter.

Section 3.50 In order to dispose of cases within the legislative standards, the Court adopts the following time periods for progression of all cases:

- (a) The time periods established by California Rule of Court Rule 3.110 et seq.
- (b) Service of responsive pleadings within 30 days after service of complaint.

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- (c) Discovery to commence at the earliest practicable date.
- (d) First Case Management Conference to be held approximately 135 days after filing of complaint.
- (e) All discovery, other than depositions of expert witnesses, to be completed by 240 days after filing of complaint.
- (f) Stipulated extensions of time as provided for by statute and/or California Rules of Court, shall be in writing and promptly filed with the clerk. Any other extensions shall only be after written motion, supported by a declaration establishing good cause.

(Eff. 7-1-91; As amended, eff. 1-1-10)

Section 3.60 All parties shall submit a completed Case Management Conference Questionnaire within the time periods prescribed by the California Rules of Court prior to every scheduled Case Management Conference. (Eff. 7-1-91; As amended, eff. 7-1-02)

Section 3.70

(a) Counsel for all parties will attend each Case Management Conference and be sufficiently familiar with all matters, so that they may discuss the facts of the case and legal proceedings, both past and anticipated. However, except upon court order, counsel and parties are not to attend a Case Management Conference in a limited jurisdiction case.

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(b) At each conference, the Court will attempt to identify those cases that may be protracted and those that may be amenable to settlement, reference or arbitration.

The Court shall, by order, select a date to complete the next step in the litigation process and such date may not be extended by stipulation.

(c) Telephone appearances may be permitted by the judge assigned to the Case Management Conference. Counsel and self-represented parties may appear by telephone unless notified to the contrary by the Court within a reasonable time prior to the Case Management Conference. The Court may order those appearing to arrange for teleconferencing. (Eff. 7-1-91; As amended, eff. 7-1-02)

Section 3.80 In all civil cases, including those exempted from these rules, but not including default matters, no matter shall be set for trial until there has been a determination by the Court that the matter is at issue. Upon such finding, the Court or the clerk shall set the matter for a setting conference in the office of the Court Executive Officer. Any request to continue or vacate the setting conference must be addressed by noticed motion or by stipulation. The conference may be reset or vacated at the Court's discretion. If for any reason the Court Executive Officer believes that the matter cannot be set, it shall be referred to the judge assigned for consideration and, if appropriate, further orders. All matters shall be set for trial within 90 days of the setting conference. No matter shall be set beyond 90 days except upon order of a judge of this Court. Settings beyond 90 days are not favored and will be granted only upon a showing of unusual circumstances and good cause. An attorney's calendar conflict shall not, in and of itself, constitute grounds for a setting beyond 90 days. No request to a judge of the Court for a special

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setting shall be made until the matter has been first considered by the Court Executive Officer.

(Eff. 7-1-91; As amended, eff. 7-1-02)

Section 3.90 The Court shall evaluate each case as provided herein. After evaluation, the Court shall

(1) assign each case to one of the three case management plans in subdivision

(a), or adopt a case management plan under subdivision (d), or

(2) exempt the case under subdivision (c) from the case-disposition time goals.

(a) Disposition under the following case management plans shall be from the date of filing:

(1) Plan 1, disposition within 12 months,

(2) Plan 2, disposition within 18 months,

(3) Plan 3, disposition within 24 months.

(b) The court will presume that a case is subject to the disposition goal under case management Plan 1 when the case is filed, or as otherwise provided by the court. The court may modify the assigned case management plan at any time for good cause shown.

(c) The court may, in the interest of justice, exempt a general civil case from the case-disposition time goals if it finds the case involves exceptional circumstances that will prevent the court and the parties from meeting the goals and deadlines imposed by the program.

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If the court exempts the case from the case-disposition time goals, the court shall establish a case-progression plan and monitor the case to ensure timely disposition consistent with the exceptional circumstances, with a goal for disposition within three years.

(d) The court hereby adopts a case management plan that establishes a goal for disposing of appropriate cases within six to nine months after filing. The plan shall be used for uncomplicated cases most amenable to early disposition that may not need a case management conference or first status conference or similar event to guide the case to early resolution. All limited jurisdiction cases shall be included in this plan and shall have disposition within nine months. Any party requesting an exemption to this time schedule must, within thirty days of the first responsive pleading or of that party's appearance, whichever is later, file a written request for exemption stating the reasons for such request. If the exemption is granted, the case will be governed by California Rules of Court Rule 3.714.

(Eff. 7-1-91; As amended, eff. 1-1-10)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: FAX NO. <i>(Optional):</i> E-MAIL ADDRESS <i>(Optional):</i> ATTORNEY FOR <i>(Name):</i>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<p style="text-align: center;">CASE MANAGEMENT STATEMENT</p> <p>(Check one): <input type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)</p>	CASE NUMBER:
<p>A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: Time: Dept.: Div.: Room: Address of court <i>(if different from the address above):</i> <input type="checkbox"/> Notice of Intent to Appear by Telephone, by <i>(name)</i>:</p>	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties *(answer one)*:**
 - a. This statement is submitted by party *(name)*:
 - b. This statement is submitted **jointly** by parties *(names)*:

2. **Complaint and cross-complaint *(to be answered by plaintiffs and cross-complainants only)***
 - a. The complaint was filed on *(date)*:
 - b. The cross-complaint, if any, was filed on *(date)*:

3. **Service *(to be answered by plaintiffs and cross-complainants only)***
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served *(specify names and explain why not)*:
 - (2) have been served but have not appeared and have not been dismissed *(specify names)*:
 - (3) have had a default entered against them *(specify names)*:
 - c. The following additional parties may be added *(specify names, nature of involvement in case, and date by which they may be served)*:

4. **Description of case**
 - a. Type of case in complaint cross-complaint *(Describe, including causes of action):*

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. The trial has been set for *(date)*:

b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

a. days *(specify number)*:

b. hours (short causes) *(specify)*:

8. **Trial representation** *(to be answered for each party)*

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation** (if available).

(1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT:	CASE NUMBER: _____
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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete mediation by (<i>date</i>): <input type="checkbox"/> Mediation completed on (<i>date</i>):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete settlement conference by (<i>date</i>): <input type="checkbox"/> Settlement conference completed on (<i>date</i>):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete neutral evaluation by (<i>date</i>): <input type="checkbox"/> Neutral evaluation completed on (<i>date</i>):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete judicial arbitration by (<i>date</i>): <input type="checkbox"/> Judicial arbitration completed on (<i>date</i>):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete private arbitration by (<i>date</i>): <input type="checkbox"/> Private arbitration completed on (<i>date</i>):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete ADR session by (<i>date</i>): <input type="checkbox"/> ADR completed on (<i>date</i>):

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
 - (1) Name of case:
 - (2) Name of court:
 - (3) Case number:
 - (4) Status:
- Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (*name party*):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
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- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.