

Butte County Superior Court Local Rules
Proposed Rule Changes
Effective January 1, 2016

LOCAL RULE 3 DELAY REDUCTION RULES *(Effective 7-1-92, Title Amended 1-1-99, as amended 7-1-02, as amended 7-1-04, as amended 1-1-07, as amended 1-1-08, as amended 7-1-08, as amended 7-1-10, as amended 7-1-12, as amended 1-1-16)*

3.9 CASE MANAGEMENT CONFERENCE *(Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 7-1-04, as amended 1-1-07, as amended 7-1-10, as amended 7-1-12, as amended 1-1-16)*

(a) **FILING OF COMPLAINT**

1. Upon filing a complaint, the plaintiff shall receive the following from the clerk, unless the forms are available on the Court's website:

A. Notice of Assignment and Case Management Conference. (The Case Management Conference will be set within 180 days of the filing date of the original complaint for all cases except for limited general civil. Limited general civil (Plan 4) cases will be set for a Case Management Conference within 120 days of filing of the initial complaint);

B. A blank Case Management Statement [Judicial Council Form CM-110]; (available upon request from the Clerk's Office or on the Court's website at www.buttecourt.ca.gov) and

C. An Alternative Dispute Resolution Package (available upon request from the Clerk's Office or on the Court's website at www.buttecourt.ca.gov).

2. Any cross-complaint naming new parties shall also be served with a blank Case Management Statement, Notice of Assignment and Case Management Conference, and an Alternative Dispute Resolution Package.

3. If a case is transferred from another jurisdiction after a responsive pleading has been filed, the Case Management Conference will be set within forty-five (45) days from the date of receipt. If no responsive pleading has been filed, the Case Management Conference will be set within ninety (90) days from the date of receipt. In all other particulars, the plaintiff in a transfer case will receive the same information and items as described in LR §3.9(a)1.

(b) **NOTICE.** At the time of serving the Summons and Complaint (and a cross-complaint upon a new party), the responding party shall be served with the Notice of Assignment, and Case Management Conference a blank Case Management Statement by the plaintiff (or cross-complainant) and an Alternative Dispute Resolution Package. Plaintiff/Cross-Complainant shall provide Proof of Service and file with the Court.

(c) **CASE MANAGEMENT STATEMENT (CMS).** Each appearing party shall file and serve the completed Case Management Statement no later than ~~ten (10)~~ **fifteen (15)** calendar days before the Case Management Conference. Subsequent Case Management Statements may be required at the discretion of the Court for further evaluation. Additional Case Management Statements shall be required for further evaluation of the case at all subsequent Case Management Conferences if not excused by the Court.

(d) **CASE MANAGEMENT CONFERENCE.** Counsel for each appearing party shall attend the Case Management Conference, or shall have other counsel appear on his/her behalf or may appear telephonically. Counsel or counsel appearing for counsel of record, shall be prepared to discuss all

matters enumerated in 3.9(d)1.A. - 1.H. Counsel or counsel appearing on behalf of counsel of record, shall be subject to sanctions if not fully prepared to address items 3.9(d)1.A - 1.H. on behalf of the party for whom they are appearing.

1. At the Case Management Conference, the Court shall make all appropriate pretrial orders pursuant to CRC §3.720-3.730 including, but not limited to:

A. **CASE EVALUATION:** All civil cases subject to this rule shall be evaluated and designated by the Court pursuant to LR §3.8. The assigned judge will decide which case plan is appropriate based on the Case Management Statements. The assigned judge may redesignate any case at any time after a hearing set for that purpose.

B. **DISMISS DEFENDANTS, WITH THE EXCEPTION OF DOE DEFENDANTS.** Orders dismissing defendants, fictitious cross-defendants, served and unserved defendants and cross-defendants who have not appeared and against who no default has been taken, unless the Court for good cause otherwise orders and sets dates by which they shall be served;

C. **ALTERNATIVE DISPUTE RESOLUTION.** The Court may make Orders on stipulation to binding arbitration, judicial arbitration, and set the date for completion of the arbitration and filing of the award.

The Court shall examine and consider Alternative Dispute Resolution programs or procedures available to the parties, including conciliation and mediation, and shall require the parties to attempt such alternative means of resolving the dispute whenever feasible and whenever doing so may expedite the resolution of the dispute.

Pursuant to LR §6, CCP §1775 et.seq. and CRC §3.891 through §3.892, the Court shall determine the case's amenability to court ordered mediation;

D. **TRANSFER.** Orders transferring an unlimited case to a limited case on stipulation or on the Court's determination that it is reasonably probable that the amount in controversy will not exceed \$25,000;

E. **BIFURCATION, SEVERANCE, CONSOLIDATION.** Orders consolidating (for all or limited purposes), bifurcating, or severing issues or causes of action;

F. **DISCOVERY AND LAW AND MOTION.** Orders scheduling dates by which discovery and law and motion matters must be completed;

G. **FURTHER CASE MANAGEMENT CONFERENCE.** At the Case Management Conference, the Judge may order a further Conference wherein all counsel of record are required to personally attend.

H. **TRIAL DATE, TRIAL READINESS CONFERENCE DATE.** At the Case Management Conference, the Court will ordinarily set the matter for Trial and set a Trial Readiness Conference. Counsel appearing should be prepared with trial counsel's available dates for the next two (2) years.

2. Failure to file cross-complaints shall not be considered a valid ground for enlarging the time for trial, arbitration or other processes. Untimely cross-complaints shall, in most cases, be severed so as not to delay the orderly processes of the Court. (*Effective 7-1-92, as amended 7-1-02, renumbered 1-1-04, as amended 7-1-04, as amended 1-1-07, as amended 7-1-10, as amended 7-1-12, as amended 1-1-16*)

LOCAL RULE 12 PROBATE RULES (Effective 7/1/98, as amended 7-1-02, as amended 1-1-05, as amended 7-1-09, as amended 1-1-11, as amended 7-1-12, as amended 7-1-13, as amended 1-1-14, as amended 1-1-16)

12.8 ~~RESERVED~~ FINAL DISCHARGE (Effective 7-1-98, Retitled and amended 1-1-16)

Within 18 months after the Court grants the initial probate petition, the personal representative, conservator, or guardian of the estate must complete the following:

- (a) distribute or transfer all property of the estate as required by the Final Distribution Order,*
- (b) file receipts evidencing all distributions or transfers, and*
- (c) file an Ex Parte Petition for Final Discharge and Order.*

Upon a showing of good cause, the Court may extend the deadline to comply with the provisions of Local Rule 12.8. (Effective 7-1-98, Retitled and amended 1-1-16)

ALL FORMS REVISED

Made fillable; new amended dates.