

PROPOSED AMENDED AND NEW LOCAL RULES TO BECOME EFFECIVE JANUARY 1, 2016

AMENDED RULE:

3.09.00 Defaults

- a.** No defaults or uncontested matters shall be set for hearing by the clerk unless and until the judgment, and all pleadings and documents necessary for hearing and disposition of the matter, are on file in the clerk's office.
- b.**
1. In all cases of a request for entry of judgment, whether the request is for a clerk's judgment, court judgment, or the matter is set for prove up, it is the court's policy to require evidence in support thereof in written form, unless prohibited by law (CCP § 585(c)). It is the policy of this court to require an evidentiary declaration from the plaintiff or plaintiff's agent in all cases of default.
 2. Affidavits and declarations presented in support of a prove up application shall comply with the requirements of CCP §§ 585 and 585.5.
 3. At a default prove up, allegations in the Complaint or Cross-Complaint, if applicable, are not deemed proved because of the failure of the adverse party to answer. In all cases, proof must be presented by competent evidence and all essential elements of the causes of action sought to be proved; conclusions, whether legal or factual, are insufficient. Affidavits and declarations must affirmatively show that the affiant or declarant is competent to testify to the statements made thereon. In general, the court will use the same standards for assessing the quality and sufficiency of the evidence as would be applied in a contested proceeding.
- c.** In actions on promissory notes and contracts providing for the payment of attorney's fees, whenever a prevailing party is entitled to recovery of reasonable attorney's fees, the following schedule shall be considered by the court, in its discretion, in awarding such fees:
- 25% of the first \$1,000;
20% of the next \$4,000;
15% of the next \$5,000;
10% of the next \$10,000;
5% of the next \$30,000; and
2% of the amount of \$50,000.
- d.** The court will reject any claim for punitive damages, unless evidence is provided of defaulting defendant's net worth, including liabilities. (Effective 7/01/98, amended 1/01/01, and 1/1/2016)

NEW RULE:

11.02.00 Traffic Tickets/Infractions Amnesty Program (10/1/2015 - 3/31/2017)

Individuals who desire to participate in the Traffic Tickets/Infractions Amnesty Program will be required to complete and submit Local Form #TUO-TRF-200. (Effective 1/1/16)

If you have questions or comments regarding the amended or new Local Rules above, please contact:

Jeanine D. Tucker
Court Executive Officer and
Jury Commissioner
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TUOLUMNE
41 W. Yaney Avenue
Sonora, CA 95370
Phone: (209) 533-6984
Fax: (209) 533-5618
jtucker@tuolumne.courts.ca.gov