



# Superior Court of California County of Tuolumne

Eleanor Provost, Presiding Judge  
(209) 533-5650 FAX (209) 533-5618

**Jeanine D. Tucker**

Court Executive Officer - Jury Commissioner  
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April 3, 2015

## PROPOSED CHANGES TO LOCAL RULES EFFECTIVE JULY 1, 2015

Pursuant to California Rules of Court, Rule 10.613(g), the following proposed amendments to the Local Rules are hereby distributed for comment.

Public comments must be submitted in writing and directed to Jeanine D. Tucker, Court Executive Officer, Superior Court of California, County of Tuolumne, 41 West Yaney Avenue, Sonora, CA, 95370.

Comments must be received no later than 3:00 p.m. on May 15, 2015.

The following rules are affected by these proposed changes, and can be viewed at [www.tuolumne.courts.ca.gov](http://www.tuolumne.courts.ca.gov):

*(We are introducing a new number system that will be included with the proposed changes effective July 1, 2015.)*

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| 1.07.00 | Court Reporter Schedule - Amended  |
| 1.16.00 | Photographing, Recording, Broadcasting, and Utilizing Other Electronic Devices - New                         |
| 1.17.00 | Guide, Signal, or Service Dogs; Right to Accompany Individuals with a Disability and Trainers; Damages - New |
| 2.16.00 | Confidential Information in Civil Filings - New  |
| 3.01.00 | Motions in General and Setting Hearings - Amended  |
| 3.11.00 | Tentative Rulings - Amended  |
| 3.12.00 | Tentative Rulings for Orders to Show Cause re: Dismissal/Sanctions - New                                     |
| 4.05.00 | Cooperative Parenting Workshop and Mandatory Pre-Mediation - Amended   |
| 4.13.00 | Requests for Temporary Emergency Orders ("TECO") - New   |
| 5.14.00 | Inventory and Appraisal - Amended  |

**Dept. 1, 2 & 5**

41 W. Yaney Ave.  
Sonora, CA 95370

Administrative Services  
(209) 533-6984  
FAX (209) 533-5618

Civil/Family Law  
(209) 533-5555  
FAX (209) 533-6616

Civil Calendar  
(209) 533-5555  
FAX (209) 533-6616

Financial Services  
(209) 533-6928  
FAX (209) 533-5618

Human Resources  
(209) 533-6914  
FAX (209) 533-6607

Juvenile  
(209) 533-6975  
FAX (209) 533-6573

Mediation  
(209) 533-6565  
FAX (209) 533-6623

Self-Help Center,  
Law Library &  
ADA Services  
(209) 533-6565  
FAX (209) 533-6623

**Dept. 3 & 4**

60 N. Washington St.  
Sonora, CA 95370

Criminal  
(209) 533-5563  
FAX (209) 533-5581

Criminal Calendar  
(209) 533-5563  
FAX (209) 533-5581

Jury Services  
(209) 533-5679  
FAX (209) 533-6941

Traffic  
(209) 533-5671  
FAX (209) 533-5581

## 1.07.00

### a. Court Reporter Availability and Services:

The Court schedules court reporting services for the following proceedings:

1. Criminal: preliminary hearings, and all other felony proceedings;
2. All juvenile matters;
3. In-chamber meetings with minor children; and
4. Any other proceedings that the Court, in its discretion, orders to be reported.

**Dept. 1:** A court reporter is normally assigned to report all felony and juvenile matters.

**Dept. 2:** A court reporter is normally assigned Monday through Friday if a felony jury trial is being heard; on Tuesday afternoons for preliminary hearings and other felony criminal proceedings; and on Fridays afternoons for the Drug Court calendar.

**Dept. 3:** A court reporter is not normally assigned, unless requested specifically by the sitting judge. A party, at his or her own expense, may obtain the services of a court reporter.

**Dept. 4:** A court reporters is normally assigned on Wednesday afternoons and Fridays for preliminary hearings.

**Dept. 5:** A court reporter is normally not assigned. A court reporter shall be assigned for all in-chambers meetings with minor children.

**b. Court Reporter Services:** When a party requires court reporter services in a civil matter, the Court may provide those services if the reporters are not required for duties listed above. The party requesting court reporter services from the Court shall notify the clerk, in writing, of the request pursuant to California Rules of Court 2.956.

If the Court's reporters are not available for the date requested, the clerk shall notify the parties of that fact so that other reporting services may be obtained and paid for by the requesting parties.

For each proceeding anticipated to last one hour or less, a fee of thirty (\$30.00) shall be charged for the reasonable cost of the court reporting services provided at the expense of the Court by an official court reporter pursuant to Section 269 of the California Code of Civil Procedure.

If a party arranges and pays for the attendance of a certified shorthand reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, none of the parties may be charged the reporter's attendance fee provided for in California Government Code §§ 6808(a)(1) or (b)(1).

Fees for court reporter services are due each day prior to commencement of proceedings.

**c. Transcripts:** Transcripts of proceedings which have been reported at the direction of the Court shall not be made available to any party unless that party pays the reporter's fees for reporting services in addition to the cost of the transcription to the Court at the time the request for transcripts is made. (Effective 1/01/01, amended 1/01/07, 7/01/10, and 7/1/15)

**1.16.00 Photographing, Recording, Broadcasting, and Utilizing Other Electronic Devices:** The use of photographic, video or audio recording or transmission equipment in the courthouse is prohibited without advance permission by the Judge. This includes the use of laptops and/or electronic devices by counsel or any other member of the public. The unauthorized use of laptops or other electronic devices will be regulated by each individual Judicial Officer. Violators are subject to contempt of Court (California Rules of Court, Rule 1.150), and/or confiscation of the device(s).

Television cameras, video cameras and/or camera operators, still photographers, media reporters or any combination thereof shall not block corridors, block access to any courtroom or hearing room, block the ingress or egress to and from the courthouse, or block stairwells.

Any and all video, cell phone and other photography through courthouse windows or into the courtroom from the hallway is subject to the same restrictions that apply to the use of cameras in the courtroom and shall require prior approval by the Judge of the affected courtroom. (See California Rules of Court, Rule 1.150.)

The use of cell phone cameras, personal digital cameras or similar portable devices will not be permitted to photograph or copy court documents in the Clerk's offices. This rule is not intended to restrict individual and attorney services from using their own photocopiers or scanners to copy court documents in the Clerk's offices. (Effective 7/1/15)

**1.17.00 Guide, Signal or Service Dogs; Right to Accompany Individuals with a Disability and Trainers; Damages.** Pursuant to California Civil Code section 54.1, et seq., every individual with a disability has the right to be accompanied by a guide dog, signal dog, or service dog, as defined in Civil Code section 54.1, subdivision (a)(6)(C), and specially trained for the purpose, in places of public accommodations and other places to which the general public is invited, without being required to pay an extra charge or security deposit for the guide dog, signal dog, or service dog. However, the individual shall be liable for any damages done to the premises or facilities by his or her dog.

Individuals who are blind or otherwise visually impaired, and persons licensed to train guide dogs for them; individuals who are deaf or hearing impaired, and persons authorized to train signal dogs for them; individuals with a disability, and persons who are authorized to train service dogs for them may take dogs, for the purpose of training them as guide dogs, signal dogs, or service dogs in any of the places specified in Civil Code section 54.1 without being required to pay an extra charge or security deposit for the guide dog, signal dog, or service dog. However, the person shall be liable for any damage done to the premises or facilities by his or her dog.

These persons shall ensure the dog is on a leash and tagged as a guide dog, signal dog, or service dog by an identification tag issued by the county clerk, animal control department, or other agency, as authorized by Chapter 3.5 (commencing with Section 30850) of Title 14 of the California Food and Agricultural Code. (Effective 7/1/15)

## **2.16.00 Confidential Information in Civil Filings:**

- a.** When filing any documents with the Court in a civil action, all parties shall exclude social security numbers and financial account numbers from the documents to be filed. If a party intends to file any document which would otherwise include an individual's social security number or financial account number(s), the party shall exclude or redact all numbers except for the last four digits of the social security number or financial account number(s) prior to filing the document with the Court.
- b.** A party wishing to file a document containing the unredacted social security or financial account number (s) may submit a motion or ex parte application to file an unredacted document under seal. Such documents may only be filed with the Court upon order of the Court.
- c.** The responsibility for redacting these personal identifiers rest solely with the filing party.
- d.** Original financial account statements and records filed with accountings pursuant to Probate Code § 2620(c), shall be exempt from this rule. Those original confidential financial account statements are to be filed by the parties with a separate caption page and filed as a separate document from the accounting and, when filed in that manner, they will be placed in a confidential envelope.
- e.** Unless clearly required to be confidential, Court files are public records and are open to inspection to any member of the public. **The clerk of the Court is not authorized to redact any such confidential information.** (Emphasis added.) It is the responsibility of counsel, or a party in propria persona, to redact any such information from any document presented for filing. (Effective 7/1/15)

### **3.01.00 Motions In General and Setting Hearings:**

- a.** All civil law and motion calendar dates will be assigned by the Court clerk, upon the filing of the appropriate papers. Civil law and motion matters will be heard at a time set by the Court.
- b.** The responsive papers in opposition to a calendared motion must be filed with the clerk by 3:00 p.m., no later than nine (9) Court days prior to the date of hearing (not counting the day of the hearing). Any reply papers to the opposition must be filed by the moving party no later than at least five (5) Court days prior to the designated hearing date (not counting the day of the hearing). These requirements do not apply to Orders Shortening Time or Ex Parte applications, and do not affect the timing requirements of the Summary Adjudication Statute, Code of Civil Procedure, §437c.
- c.** If opposition papers are not timely filed, the Court, in its discretion, may deem it a waiver of any objections and treat it as an admission that the motion or other application is meritorious. The Court, in its discretion, may grant the motion. In that case, a party desiring to further oppose the motion will be required to bring a properly noticed motion for reconsideration, motion for new trial, or other appropriate motion, and comply with any specific requirements of the motion so brought. (Effective 7/01/98, amended 1/01/01, 7/01/10, and 7/1/15)

**3.11.00 Tentative Rulings:** The Court follows the tentative ruling procedure set forth in California Rules of Court, Rule 3.1308(a)(1). Tentative rulings on civil law and motion matters will be available on the Court's website at [www.tuolumne.courts.ca.gov](http://www.tuolumne.courts.ca.gov) and by telephone at (209) 533-5974 by 3:00 p.m. on the court day preceding the hearing. Tentative rulings are available only for unlimited jurisdiction civil law and motion matters. (Effective 1/01/07, amended 7/01/10, and 7/1/15)

**3.12.00 Tentative Rulings for Orders to Show Cause re: Dismissal/Sanctions:** If a dismissal is filed in the following cases by 3:00 p.m. on Wednesday, no appearances will be necessary. If no dismissal is filed by 3:00 p.m. on Wednesday, the personal appearance of plaintiff's counsel will be required at 2:00 p.m. on Thursday in Department 3 to show why sanctions, up to and including dismissal, should not be imposed. No telephonic appearance will be permitted.

- a.** Cases which have settled but no dismissal has been filed.
- b.** Cases which have conditionally settled but counsel has failed to appear or failed to explain to the Court when the dismissal will be filed.
- c.** Cases in which the defendant(s) is/are not timely served. (Effective 7/1/15)

**4.05.00 Cooperative Parenting Workshop and Mandatory Pre-Mediation:** In any case in which child custody or child visitation are at issue, and either party requests a Court hearing on these issues, both parties are required to schedule and attend the Court's Pre-Mediation session and the Court's Cooperative Parenting Workshop, pursuant to Family Code, §3160, et seq., and California Rules of Court, Rule 5.210. The parties may attend prior to any scheduled hearing or, if they have not yet attended, the Court will order them to attend the Court's Cooperative Parenting Workshop as part of the Court process to address and resolve the child custody and child visitation issues. (Effective 7/01/98, amended 1/01/01, 1/01/15, and 7/1/15)

**4.13.00 Requests for Temporary Emergency Court Orders ("TECO"):** All requests for orders that request a "TECO" must include the mandatory local form TUO-FL-200 that has been completed, dated, and signed. This form must be submitted to the Court together with the request for order when it is given to the Court for consideration and signature. The Court will not process any request for order that requests a "TECO" unless the TUO-FL-200 form is also submitted. (Effective 7/1/15)