

**PROPOSED AMENDMENTS TO LOCAL RULES
SUPERIOR COURT, COUNTY OF HUMBOLDT
EFFECTIVE JULY 1, 2022
CHAPTER 2 – CIVIL SECTION LOCAL RULES**

For revision in Chapter 2 as ~~stricken~~ and/or underlined (*as amended*):

2.4 Continuance of Case Set for Trial

A stipulation by the parties is not a sufficient basis for a continuance of a case set for trial. A party seeking a continuance, whether contested or uncontested, shall serve and file a notice of motion, together with supporting declarations, for hearing on the ~~Continuance Calendar of the Judge scheduled to hear the matter (short causes), the Delay Reduction Continuance Calendar (long causes) or the Non-Delay Reduction Continuance Calendar (long causes).~~ civil law and motion calendar. No continuance otherwise requested shall be granted by the Court except in extreme emergencies, such as serious accident or death. A trial or hearing continued by the Court or upon a motion by a party shall, unless otherwise directed by the Court, be reset for trial or hearing by the Court at the time the motion is granted or as soon as possible thereafter by the Court.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 01/01/2018; as amended eff. 07/01/2022)

2.5 Settlement Conferences

(a) Settlement Conference

The Court will schedule a settlement conference ~~no later than two or three weeks~~ approximately two months before the scheduled trial date in all civil cases except short causes and such other cases as the Court may determine will not benefit from a settlement conference.

(b) Duty of Attorneys and Others as to Settlement Conferences

Each party claiming damages shall furnish to all other parties as least five (5) court days before the Settlement Conference an itemized list of the special damages and the amount of general damages claimed, and in a personal injury or wrongful death case, a settlement offer. Except as otherwise directed by the Court for good cause shown, all parties, their attorneys who are to try the case, and, when a party is insured, a representative of the insurance company who has authority to settle the case, shall attend the Settlement Conference. Upon written request by counsel to the Court five (5) court days in advance of the Settlement Conference, the Court may on a showing of good cause excuse attendance by a party or insurance representative whose counsel is present at the conference. The person excused shall be immediately available by telephone at all times during the conference.

Each attorney attending a settlement conference shall have a thorough knowledge of the evidence, and shall be prepared to discuss the facts and law pertaining to both liability and damages. In a personal injury or wrongful death case, each attorney shall bring to the conference a copy of each medical report that pertains to the case. Each party shall prepare a Settlement Conference Statement, which shall be filed with the Court no less than five (5) [court](#) days prior to the conference. If prior statements have been filed, the Court requires updated statements if the prior statement is over six (6) months old and/or if there have been substantial changes in liability or damages.

Not less than two (2) [court](#) days before the Settlement Conference, opposing counsel will discuss their mutual contentions based on the Settlement Conference Statements. They shall explore a possible settlement at that time. If settlement cannot be obtained at that point, they will isolate all areas of:

- (1) Agreement;
- (2) Disagreement; and
- (3) Be prepared to report these to the Court.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 01/01/2018; [as amended eff 07-01-2022](#))

2.6 Civil Trial Rules

These rules apply to all civil trials except unlawful detainer trials or as otherwise stated herein.

(a) Pre-Trial Conference Statement.

No later than seven (7) court days prior to trial, the attorneys shall file and serve their respective Pre-Trial Conference Statements. Such statements shall include:

- (1) A list of witnesses, with expert witnesses categorized separately, expected to be called by the party and the estimated length of direct examination of each witness;
- (2) A statement of the case that counsel proposes to be read to the jury;
- (3) ~~Any proposed long form jury questionnaire and, if desired by the attorney,~~ [A](#) list of voir dire questions to be asked by the judge, including specific references to questions in the Standards of Judicial Administration §3.25;
- (4) If desired by the attorney or ordered by the judge, a glossary of technical or unusual terms expected to be used during the trial;
- (5) Requests for judicial notice, identified by number in the body of the statement and with the items that are the subject of the requests appended as attachments;

- (6) Proposed jury instructions, identified by number in the body of the statement and appended as attachments in proposed final form.
- (7) Proposed verdict forms, identified by number in the body of the statement and appended as attachments in proposed final form.
- (8) A list of exhibits, with a short description of the exhibit, expected to be used by the party. The number of expected exhibits should be provided to the Court so that proper exhibit number series may be made available by the Court.
- (9) Any party wishing to use the long form juror questionnaire (Judicial Council form JURY-001) must submit the proposed long form questionnaire with any modifications to the court no later than 15 court days prior to trial. All parties must agree to the proposed modifications prior to submission to the Court.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 1/1/2017; as amended eff. 07/01/17; as amended eff. 01/01/2018; as amended eff. 01/01/2019; as amended eff. 07-01-2022)

2.8.1 Differentiated Case Management

~~Unless otherwise designated, The court will endeavor to dispose of all cases within the time set by California Rules of Court 3.714. all cases filed under the Delay Reduction Program are subject to a twelve (12) month disposition goal, and as set forth in California Rules of Court, Rules 3.710-3.715.~~

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 07-01-2022)

2.8.3 — Mandatory Discovery

~~To facilitate discovery in actions claiming damages for personal injury (including emotional distress) and/or wrongful death, each plaintiff shall serve on all defendants written answers to questions (interrogatories). Said answers shall be signed by the plaintiff under penalty of perjury, and shall contain information about the plaintiff, the incident giving rise to the action, damages flowing therefrom, and medical information. (See Judicial Council Form DISC-001). The plaintiff shall serve each defendant with the answers at the time the defendant is served with the summons or within ten (10) days of the defendant's first appearance, whichever occurs first. Within ten (10) days of a defendant's filing of an answer, each defendant shall serve on each plaintiff written answers to questions (interrogatories). Said answers shall be signed by the defendant under penalty of perjury, and shall contain information about the defendant, the incident giving rise to the action, and any defenses claimed. (See Judicial Council Form DISC-001).~~

~~The above forms are available on the California Judicial Branch website or may be obtained in Clerk's Office at 421 I Street in Eureka. At the time plaintiff serves his or her answers on each defendant, the plaintiff shall also serve a blank DISC-001 to be answered by the defendant. (Eff. 07/01/1994; as amended eff. 07/01/2011; as amended eff. 07/01/2014; as amended eff. 07-01-2022)~~

2.8.4 Case Management Conferences and Reports

[Please see California Rules of Court 3.725](#)

- ~~(a) — All parties or their counsel of record shall file with the Court, an initial Case Management Statement on Judicial Council form CM-110. Such report shall be filed fifteen (15) days before the first case management conference. (California Rules of Court, Rule 3.725)~~
- ~~(b) — A case management conference shall be held before a judicial officer designated by the Presiding Judge approximately 125 days after the filing of the Complaint and Notice of Inclusion. All parties or their attorneys shall be present and be prepared to discuss all elements of the case inquired into on the Case Management Statement.~~
- ~~(c) — At the time of the Case Management Conference, the Court shall be empowered to establish discovery schedules, set an additional status conference, set the matter for mediation, arbitration and/or trial, or otherwise actively manage the progress of the litigation.~~

(Eff. 07/01/1994; as amended eff. 07/01/2010; [as amended eff. 07-01-2022](#))

2.8.5 Exemption of Uninsured/Underinsured Motorist Cases and Bankruptcy Cases from Delay Reduction Program

[Please see California Rules of Court 3.712](#)

~~Parties may seek such exemption from the Delay Reduction Program by filing with the Court a form declaration as provided in Appendix 2.8.5, "Declaration In Support of Exemption." (California Rules of Court, Rule 3.712).~~

(Eff. 07/01/1994; as amended eff. 07/01/2010, [as amended eff. 07-01-2022](#))

2.8.6 Exemption of Complex Litigation from the Delay Reduction Program

[Please see California Rules of Court, Rule 3.714\)](#)

~~At any time a case is at issue, a party may file a motion with the supervising judge of the Delay Reduction Program to exempt the case from the program because of its complex nature. There shall be filed with said motion a declaration, under penalty of perjury, setting forth in detail the reasons such party believes the case cannot be brought to trial within two (2) years. Said declarations shall be signed by the attorney, if any, and the moving party, except for good cause shown by declaration of the attorney, setting forth facts establishing the unavailability of the~~

~~moving party. The mere fact a party resides out of county will not, standing alone, constitute good cause. (California Rules of Court, Rule 3.714)~~

~~(Eff. 07/01/1994; as amended eff. 07/01/2010; [as amended eff. 07-01-2022](#))~~

2.8.7 Dismissal Following Settlement

[Please see California Rules of Court, Rule 3.1385](#)

~~Rule 3.1385 of the California Rules of Court requires immediate, written notice to the Court if an entire case has settled, and the Judicial Council has prepared Form CM-200 for litigants to use in providing such notice. Parties are advised that, to promptly dispose of resolved matters, upon receipt of a notice of settlement the Court will typically place the matter on the dismissal calendar and, if no party appears at the dismissal hearing, will dismiss the matter without prejudice. Parties will be provided notice when matters are placed on the dismissal calendar. Unless the delay is short and is explained at the dismissal hearing, parties will not be allowed to delay dismissal of a settled case for the purpose of monitoring one side's compliance with the settlement. Parties may instead maintain the Court's jurisdiction to enforce the settlement until full performance of the terms of the settlement by obtaining a stipulated order to that effect prior to dismissal. See Code of Civil Procedure section 664.6; *Wackeen v. Malis* (2002) 97 Cal. App. 4th 429, 437-41; *Hagan Engineering, Inc. v. Mills* (2003) 115 Cal. App. 4th 1004, 1007-1011; see also *Conservatorship of McElroy* (2002) 104 Cal. App. 4th 536, 548-52; *Harris v. Rudin, Richman & Appel* (1999) 74 Cal. App. 4th 299, 304-306.~~

~~(Eff. 07/01/2014; [as amended eff. 07-01-2022](#))~~