



PUBLIC NOTICE

Release Date: September 29, 2022

PROPOSED NEW AND AMENDED LOCAL COURT RULES

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO
247 West Third Street, 11th Floor
San Bernardino, Ca 92415-0302
www.sb-court.org

909-708-8747

R. Glenn Yabuno
Presiding Judge

Carmen A. Trutanich
Interim Court Executive Officer

SAN BERNARDINO, CA— San Bernardino Superior Court (SBSC) proposes new and amended Local Rules of Court (attached) which will become effective on January 1, 2023.

All public comments must be made to SBSC's Communications & Public Affairs Officer, Julie Van Hook, at courts-pio@sb-court.org. If you do not have internet access, comments may be mailed to: Superior Court of California, County of San Bernardino, Attention: Julie Van Hook, Communications & Public Affairs Officer, 247 West Third Street, San Bernardino, CA 92415-0210. All comments must be received no later than November 14, 2022.

This notice has been posted on the court's website at www.sb-court.org.

For media inquiries, contact Communication and Public Affairs Officer Julie Van Hook, courts-pio@sbcourt.org.

NEW PROPOSED LOCAL RULES

RULE 20-615 FILING OF COPY OF DEATH CERTIFICATE

A copy of the decedent's and/or settlor's death certificate, with the decedent's and/or settlor's social security number redacted, shall be filed with any Petition for Probate (Probate Code 7000 et seq), Petition to Determine Succession to Real Property (Probate Code 13150 et seq), Spousal Property Petition (Probate Code 13500 et seq), and any Trust Petition. (Eff. January 1, 2023.)

AMENDED PROPOSED LOCAL RULES

RULE 20-911 RESERVES AFTER FINAL ACCOUNT

If, upon approval of a final account, the Court authorizes a reserve exceeding \$5,000 then an informal accounting of any expenditures or distributions from the reserve shall be filed, together with receipts for the expenditures and distributions, as an attachment to the Ex parte Petition for Final Discharge and Order. (Eff. January 1, 2018. As amended, eff. January 1, 2023.)

RULE 416 DUTY OF COUNSEL AS TO TRIAL DATE ASSIGNED

After a trial date has been assigned, it shall be the duty of counsel to inform the assigned Judge and all opposing counsel of any fact tending to indicate that the case may not proceed to trial on the date to which it has been assigned. The court will entertain, by written stipulation and without ex parte application, a written stipulation by all parties to continue the first set trial date if filed at least 15 days prior to the trial date.

In the event of settlement, the parties shall immediately notify the Court thereof and file and serve a Notice of Settlement. Failure to do so may be cause for imposition of sanctions. Upon filing the Notice of Settlement, the Court shall set an OSC Re Dismissal at least 90 days away. In the event that the case is unable to be dismissed within 45 days of the filing of the Notice of Settlement, Plaintiff shall comply with California Rules of Court, Rule 3.1385(e) and the Court will continue the case without personal appearance. (Eff. July 1, 1998. Amended, eff. January 1, 2023.)

RULE 420 CASES REMOVED TO OTHER COURTS

In the event that a case is removed to any federal court or transferred to a superior court in another county, counsel may file a Notice of Status of Removed Case with the court in lieu of appearing at the court hearing. The Notice of Status of Removed Case must be filed and served no later than 15 days prior to the date of the case management or trial setting conference.

The Court will, upon receipt of the Notice, set an OSC hearing on the status of removal, not earlier than 365 days from the date of removal or transfer. At the OSC hearing, the Court will determine the status of the case. If it is determined that the case remains pending in federal court or a superior court in another county, no further status conference or other

hearing in this Court will be set, and the case will be dispositioned by the Court. If a case is remanded from federal court or returned from a superior court in another county, the plaintiff shall notify the Court of the remand or return and request a case management conference date. At the first hearing date following remand, the parties shall lodge with the Court the federal docket of proceedings held in federal court. The plaintiff shall notify the Court of any action by the federal court that resolves the case or of any pertinent orders or rulings entered in the federal action.

If a case is removed to bankruptcy court, the debtor shall promptly file a Notice of Stay and the Court will set a status of bankruptcy OSC for 180 days at the Court's discretion. The parties shall notify the Court of any action by the bankruptcy court that resolves the case. Any request for a stay must comply with California Rules of Court, Rule 3.650. (Eff., July 1, 2003. Amended, eff. January 1, 2012. As amended, eff. January 1, 2017. Suspended and superseded by Emergency Rule 4, eff. May 21, 2020. Reinstated, as amended, eff. January 1, 2023.)

RULE 560 MOTIONS REMOVED FROM CALENDAR

A law and motion matter that has gone off calendar may be restored only upon notice, except in an extraordinary situation to be determined by the Court in its discretion.

In the Court's discretion, the Court may, on its own motion, take off calendar the following motions:

1. Motions that are not supported by a declaration establishing that an in person or telephonic meet and confer or other required meet and confer occurred or is deficient.
2. Motions for summary judgment/adjudication where a Separate Statement is not filed or is deficient or where all exhibits are not included.
3. Motions/ORAPS where a proof of service has not been filed at least ten days before the examination.

(Former Rule 570, eff. May 27, 1982. Renumbered as Rule 560, eff. July 1, 1998. As amended, eff. January 1, 2017. As amended, eff. January 1, 2023.)