



SUPERIOR COURT OF CALIFORNIA COUNTY OF MONTEREY

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Alternative to Civil Case Management

Purpose

To establish alternative procedures for case processing and trial setting for general civil cases pursuant to California Rule of Court 3.720(b).

Background

As part of the Monterey County Superior Court's efforts to address the current fiscal crisis, the Court is reorganizing its system for managing civil cases as allowed by state emergency legislation enacted February 23, 2013 (California Rule of Court 3.720(b).) The Court has determined that it can more effectively manage its civil cases overall with current limited resources by eliminating individualized case management conferences and review for the majority of general unlimited and limited cases, thus reducing court staff time currently needed to file and process case management statements and schedule case management conferences, as well as decreasing judicial officer time spent reviewing cases and holding conferences.

Policy Statement

In order to comply with statutes mandating judicial arbitration or mediation in certain cases, and to effectively determine what cases should receive individual case management review, the Court shall schedule all general civil cases for a Case Progress Conference at least 180 days after the filing of the complaint. Only the plaintiff shall be required to file a Case Management Statement prior to the Case Progress Conference. All parties who have appeared in the case shall be required to appear at the Case Progress Conference.

The plaintiff shall exercise due diligence to place the case at issue by the Case Progress Conference.

For any case that is at issue at the Case Progress Conference, any party may request that the case be considered for individual case management review. Due to budgetary constraints, even cases that receive individual case management review will not be processed under the case disposition goals set

forth in Local Rule 6.07 unless the court determines that exceptional circumstances require such individual review.

Cases at issue by the Case Progress Conference shall be considered for referral to alternative dispute resolution processes and shall be set for a Mandatory Settlement Conference on a Friday at 1:30 p.m. and a Trial Setting Conference on a Tuesday at 10:30 a.m. or for a formal Case Management Conference on a Tuesday at 10:30 a.m. Unless for good cause shown, no case will be set sooner than six months after the Case Progress Conference for any of the above settings. It is the Court's intent to reduce the number of case hearings for management or review purposes set after the Case Progress Conference. Parties are expected to move their cases forward with due diligence; without significant court review or management. Parties also are expected to make realistic estimates for the time needed to complete ADR and discovery and, if contemplated, to have completed any dispositive motions before the next scheduled court event after the Case Progress Conference, whether that be a formal Case Management Conference, a Mandatory Settlement Conference or a Trial Setting Conference. Letter requests, stipulations, motions, or other applications to the court to continue dates provided by the court based on the parties' estimates could result in the case being moved to an OSC hearing on a date three years from the filing of the complaint on the court's own motion for discretionary dismissal under CCP 583.410 and 583.420.

If a case is not at issue by the Case Progress Conference, the Court shall set the case, on the court's own motion for an Order to Show Cause Hearing on a Friday at 1:30 p.m. pursuant to Code of Civil Procedure sections 583.410 and 583.420. As CCP 583.410 and 583.420 require that the complaint be served within two years of the filing of the complaint and be brought to trial within three years of the filing of the complaint or be considered for discretionary dismissal by the court, the Court shall set the OSC hearing either two years or three years after the filing of the complaint, whichever is appropriate based on the status of the case at the Case Progress Conference.

For any case set for an OSC hearing, the court may concurrently set a formal Case Management Conference, a Mandatory Settlement Conference or a Trial Setting Conference, if appropriate under the circumstances of the particular case.

At any OSC hearing the court may consider monetary sanctions, issue sanctions, and or terminating sanctions against any party that has prevented the case from being brought to trial within the time frames contemplated by CCP 583.410 and 583.420.

Any party may, by letter request served on all other parties in the case, or by stipulation of all parties, request that a case be brought back to court in advance of the OSC setting for an earlier set formal Case Management Conference, a Mandatory Settlement Conference or a Trial Setting Conference. Requests for a case to be brought back in advance of an OSC setting shall be granted only when a case is at issue or good cause is demonstrated why a case that is not at issue should be set in advance of the OSC hearing.

Any case that is reported as stayed by a bankruptcy filing or as removed to federal court shall be placed on the civil in-active list and will not be further set by the court until further notice by the plaintiff or other parties of a change in status of the case that should return it to the civil active list. The plaintiff shall notify the court within ten days of any actions that would lift the stay or return the court to the civil active list. Such cases would then be set for a formal Case Management Conference or a Case Progress Conference as determined by the Court.