

**Superior Court of California
County of Solano**

Rule 3 – Civil Cases

3.1 APPLICATION OF RULES

These rules apply to all civil cases, limited and unlimited, filed in the Superior Court of California, County of Solano. For the purposes of these rules the term “civil cases” does not include criminal cases, traffic infraction cases, matters filed under the California Family Code, small claims cases, unlawful detainer cases, probate cases, mental health cases, adoption cases, juvenile cases and extraordinary writs.

(Rule 3.1 amended effective January 1, 2009; previously amended October 1, 2002; adopted effective January 1, 1998.)

3.2 DIRECT CALENDARING OF CIVIL CASES

When a civil case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case to one of the judges in the Civil Division of the court and shall notify the plaintiff. The assignment to a judge shall be deemed to be for all purposes. The method of selection of the judge to be assigned to a case shall be subject to the approval of the Supervising Judge of the Civil Division and shall be designed to equally distribute the workload among the judges of the Civil Division and best serve the court. This rule does not apply to limited jurisdiction collection actions that qualify under California Rules of Court 3.740, except that a judge may be assigned in those cases upon any of the following events: (1) failure to file proof of service or obtain order for publication of summons within 180 days of the filing of the complaint; (2) failure to obtain default judgment within 360 days of the filing of the complaint, if no responsive pleading has been filed; or (3) upon the filing of a responsive pleading by a defendant.

(Rule 3.2 amended effective January 1, 2009; adopted effective January 1, 1998.)

3.3 NOTIFICATION OF PLAINTIFF OF ASSIGNMENT TO ONE JUDGE FOR ALL PURPOSES

If the notification to the plaintiff regarding the assignment to one judge for all purposes is not done in open court and on the record, then the clerk shall notify plaintiff, plaintiff's attorney, or an agent of the plaintiff; and, if in person, the person receiving notice shall sign an acknowledgement of the notification on a form to be prepared by the Clerk of the Court indicating thereon that the notification is received on behalf of plaintiff. The clerk shall file the acknowledgement of the notification in the court file with an attached proof of personal service. If the notification of the plaintiff, his attorney or agent is not in person and acknowledged in writing, then the clerk shall mail a notice to plaintiff at his or her address of record by first class mail and file a proof of mailing in the court file.

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Plaintiff shall promptly notify all parties in the case at the time the assignment is made and notify all parties who later enter the case and file with the court a proof of service of such notification of the assignment to a judge for all purposes within five (5) days after the notice is served.

(Rule 3.3 adopted effective January 1, 1998.)

3.4 DESIGNATION OF COURT

The pleadings in civil cases shall continue to designate whether the case is an unlimited or limited civil action. If the case is a limited civil action, the pleadings shall designate the proper judicial district.

(Rule 3.4 amended effective October 1, 2002; adopted effective January 1, 1998.)

3.5 DESIGNATION OF JUDGE

In addition to the requirements of the California Rules of Court, all documents filed in civil cases, with the exception of the original summons and complaint or petition, shall have clearly typed on the face page of each document the case number, and under the case number, the name of the judge assigned to the case for all purposes, and the department number. For example:

**NO. 12345
ASSIGNED FOR ALL PURPOSES TO
NAME OF JUDGE
DEPARTMENT NUMBER**

(Rule 3.5 adopted effective January 1, 1998.)

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3.6 ADDITIONAL INFORMATION ON THE FACE OF A PLEADING

Consecutively below the name of the assigned judge and department number as provided in Rule 3.5, above, shall be the name of the document, the title of the motion or hearing to which the document applies, then the nature or title of any attached document other than an exhibit, then the date of the hearing to which the document applies, then the time of the hearing to which the document applies, the Arbitration Hearing Date, then the Discovery Cut-Off date (and if a trial date has not been set, indicate “N/A”), then the Discovery Motion Cut-Off date (and if a trial has not been set, indicate “N/A”), then the Trial Date (and if a trial date has not been set, indicate “None”). For example:

**NO. 12345
ASSIGNED FOR ALL PURPOSES TO
NAME OF JUDGE
DEPARTMENT NUMBER**

POINTS AND AUTHORITIES SUPPORTING DEFENDANT’S
DEMURRER TO PLAINTIFF’S COMPLAINT,

TITLE OF THE MOTION OR HEARING: Demurrer to Plaintiff’s Complaint
DATE OF HEARING: January 8, 1999
TIME OF HEARING: 8:30 AM
ARBITRATION HEARING DATE: N/A (or specific date), whichever is applicable
DISCOVERY CUT OFF: N/A, (or specific date), whichever is applicable
DISCOVERY MOTION CUT OFF: N/A, (or specific date), whichever is applicable
TRIAL DATE: None, (or specific date), whichever is applicable

(Rule 3.6 adopted effective January 1, 1998.)

3.7 PEREMPTORY CHALLENGE OF JUDGE ASSIGNED FOR ALL PURPOSES

A peremptory challenge to a judge assigned for all purposes to a civil case pursuant to the direct calendaring system in the Superior Court of California, County of Solano shall be filed within 15 days of the party’s first appearance in the action.

(Rule 3.7 adopted effective January 1, 1998.)

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3.8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO CASE NUMBER

The Superior Court of California, County of Solano case number shall be on each paper filed as indicated in Rule 3.5 above. A party shall not add any numbers, letters or other designations to the Superior Court of California, County of Solano case number either as a prefix or a suffix, on any pleading filed with the court.

(Rule 3.8 adopted effective January 1, 1998.)

3.9 PROOF OF APPEARANCE AND STATE BAR NUMBER ON PLEADINGS

All pleadings filed by any attorney in a civil case shall have the attorney's name, address, telephone number, facsimile transmission number, state bar number of the attorney, and the name of the attorney's client at the top left of the first page of the pleading.

(Rule 3.9 amended effective January 1, 2007; adopted effective January 1, 1998.)

3.10 DEPOSIT OF JURY FEES

Advance jury fees in the amount of one hundred and fifty dollars (\$150.00) must be deposited with the Clerk of the Court twenty-five (25) days prior to the date set for trial. The court may deem that the demanding party has waived jury if there is not compliance with the deposit of jury fees provided for in this paragraph.

(Rule 3.10 amended effective October 1, 2002; adopted effective January 1, 1998.)

3.11 FORFEITURE OF JURY FEES

Waiver of Jury Trial. If, after jury fees have been deposited, a party waives jury, such waiver must be of record at least seven (7) days prior to the assigned date of trial, otherwise said jury fee deposit shall be forfeited.

Continuance of Jury Trial Date. Whenever a continuance of jury trial is obtained within seven (7) days prior to the assigned date of trial, the jury fee deposit shall be forfeited.

Settlement of Case Set for Trial. If a case assigned for trial is settled, but written dismissal or notice of settlement is not filed at least seven (7) calendar days prior to the assigned date of trial, the jury fee deposit shall be forfeited.

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For purposes of Rule 3.11, it is deemed necessary for the court to have at least seven (7) days notice of waiver of jury, continuance or settlement of the case in order to notify the jurors that the trial would not proceed at the time set.

(Rule 3.11 adopted effective January 1, 1998.)

**CIVIL LAW AND MOTION, TENTATIVE RULING SYSTEM, FILES, EXHIBITS,
POST TRIAL BRIEFS AND ORDERS REGARDING ORDERS TO SHOW CAUSE,
TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS**

3.12 CALIFORNIA RULES OF COURT GOVERN

California Rules of Court, rules 3.1110 through 3.1320 shall govern this court unless otherwise set forth herein.

(Rule 3.12 amended effective July 1, 2009; adopted effective January 1, 1998.)

3.13 NOTIFICATION TO COURT

When a matter is to be dropped, continued or stipulated to, counsel for the moving party shall promptly notify the department of the court to which the matter is assigned. No matters will be continued after announcement of a tentative ruling thereon, except by order of the court for good cause.

No matter shall be continued unless the department of the court to which the matter is assigned approves of the continuance date. Any continuance requested within forty-eight (48) hours of the hearing date shall be directed to the department in which the hearing is scheduled for approval.

In the absence of a showing of good cause by counsel, no matter shall be continued on the law and motion calendar pursuant to stipulation of counsel, or otherwise, more than twice.

(Rule 3.13 adopted effective January 1, 1998.)

3.14 TENTATIVE RULINGS – TELEPHONIC RECORDATION

On the afternoon of the court day before each calendar, the judges will cause to be recorded telephonically and posted to our web site a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available by telephoning a tape-

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recorded message at (707) 207-7331 or by signing onto our web site at www.solanocourts.com and clicking “Tentative Rulings” after 2:00 p.m. Thus, for a matter on a Monday calendar, one may call the recorded message or check our web site after 2:00 p.m. on the preceding Friday afternoon, and so forth.

(Rule 3.14 amended effective October 1, 2002; adopted effective January 1, 1998.)

3.15 TENTATIVE RULINGS – HEARING

The tentative ruling shall become the ruling of the court unless a party desiring to be heard so advises the judicial assistant of the department hearing the matter at the telephone number indicated on the tentative ruling telephone tape recorded message no later than 4:30 p.m. on the court day preceding the hearing, and further advises that such party has notified the other side of its intention to appear and argue.

(Rule 3.15 adopted effective January 1, 1998.)

3.16 TENTATIVE RULING – ARGUMENT

Where an appearance has been requested or invited by the court, limited argument will be entertained, not to exceed 20 minutes per case. Appearances may be made telephonically, in accordance with California Rules of Court, rule 3.670 and Solano County Local Rules, rule 4.14(h), unless the court orders a personal appearance.

(Rule 3.16 amended effective January 1, 2009; adopted effective January 1, 1998.)

3.17 ORDERS AFTER HEARING

Unless otherwise directed, the prevailing party shall prepare orders after hearing. The attorney drawing the order shall submit it to opposing counsel for approval as to form. If opposing counsel fails to approve or state objections within ten (10) days, in writing, the proposed order is to be submitted to the court for signature. The court may then sign the order without approval as to form, and may impose sanctions upon counsel for failing to respond to the request for approval as to form, if the court finds sanctions to be appropriate. Such orders shall specify immediately below the number of the case, the name of the judge assigned for all purposes, the title of the order and the date the matter had been calendared for the hearing from which the order results.

(Rule 3.17 adopted effective January 1, 1998.)

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3.18 MEMORANDUM OF POINTS AND AUTHORITIES PAGE LIMITS

Except in a summary judgment or summary adjudication motion, no opening or responding memorandum may exceed 15 pages. In a summary judgment or summary adjudication motion, no opening or responding memorandum may exceed 20 pages. No reply or closing memorandum may exceed 10 pages. Any party filing a memorandum exceeding these page limits shall obtain prior written approval from the court. A memorandum of points and authorities that exceeds fifteen (15) pages shall also include an opening summary of argument.

(Rule 3.18 amended effective January 1, 2009; adopted effective January 1, 1998.)

3.19 FAILURE TO NOTIFY COURT WHEN ATTORNEY CANNOT BE PRESENT SHALL BE DEEMED SUFFICIENT CAUSE TO ORDER OFF CALENDAR

If an attorney cannot be present on time at the call of the matter on calendar, he or she must, prior to the call, inform the courtroom clerk of that department of the reason for and extent of such delay. Failure to appear or furnish such information shall be deemed sufficient cause for ordering the matter off calendar or for proceeding to hear the matter in the absence of counsel, as the court, in its discretion, may determine.

(Rule 3.19 adopted effective January 1, 1998.)

3.20 OFF CALENDAR

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

(Rule 3.20 adopted effective January 1, 1998.)

3.21 EX PARTE MATTERS

Ex parte matters will be heard daily, but only upon appointment scheduled through the judge's assistant. Said application shall comply with California Rules of Court 3.1200-3.1207 and all parties must be notified no later than 10:00 a.m. the court day before the ex parte appearance. All other hearings shall be scheduled through master calendar, telephone (707) 207-7332.

(Rule 3.21 amended effective July 1, 2009; adopted effective January 1, 1998; previously amended effective July 1, 2005.)

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3.22 APPROVAL AS TO FORM

Unless otherwise directed, the prevailing party shall prepare orders after hearing. In any contested matter, the attorney drawing the order will first submit it to opposing counsel for approval as to form. If opposing counsel fails to approve or state objections within ten (10) days, in writing, the proposed order is to be submitted to the court for signature. The court may then sign the order without approval as to form, and may impose sanctions upon counsel for failing to respond to the request for approval as to form, if the court finds sanctions to be appropriate.

(Rule 3.22 adopted effective January 1, 1998.)

3.23 ACCESS TO FILES AND EXHIBITS

No papers, documents or exhibits on file in the office of the clerk of this court shall be allowed to be taken from the custody of the clerk except upon order of court.

(Rule 3.23 adopted effective January 1, 1998.)

3.24 BRIEFS AND MEMORANDA OF POINTS AND AUTHORITIES

All briefs or memoranda of points and authorities shall be filed with the Clerk of the Court.

(Rule 3.24 amended effective January 1, 2007; adopted effective January 1, 1998.)

3.25 ORDERS REGARDING ORDERS TO SHOW CAUSE, TEMPORARY RESTRAINING ORDERS, AND INJUNCTIONS

All written orders, including orders to show cause, temporary restraining orders and injunctions, signed by a judge shall be filed forthwith. An endorsed filed copy of such order shall be served upon each party to be notified thereof. Except as otherwise directed by the court for good cause shown, the proof of such service of orders to show cause and temporary restraining orders shall be filed before 3:00 p.m. of the third court day prior to the hearing.

(Rule 3.25 adopted effective January 1, 1998.)

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3.26 MOTIONS TO CONSOLIDATE

Motions to consolidate cases shall be heard in the department to which the case with the lowest file number is assigned.

In the event that cases are consolidated, the pleadings filed thereafter shall be filed in the case file with the lowest file number and the consolidated case shall be assigned for all purposes to the judge to which the case with the lowest file number is assigned.

(Rule 3.26 adopted effective January 1, 1998.)

3.27 MOTIONS PAPERS

Motions papers must be received within seventy-two (72) hours of reserving a law and motion date. If papers are not received within seventy-two (72) hours, the date reserved will be canceled.

(Rule 3.27 adopted effective October 1, 2002.)

3.28 MANDATE ACTIONS ARISING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Where filed:** Mandamus actions challenging an agency decision under the California Environmental Quality Act (Publ.Res. Code §21000 et seq.) shall be filed in the Civil Clerk’s Office of the Court location in which the action is pending. Each action shall be accompanied by an initial filing form designating the action as Environmental Law – CEQA (Publ.Res. Code § 21167.1), and shall be assigned to the designated CEQA department for all purposes.
- B. Ordering the Administrative Record:** In accordance with Publ.Res. Code § 21167.6, within ten (10) business days after the action is filed, petitioners shall personally serve on the appropriate public agency their request for preparation of the administrative record or notice of election to prepare the record themselves.
- C. Mediation:** In accordance with Publ.Res. Code § 66031, within five (5) days after the deadline for respondent or defendant to file a response to the action, plaintiff or petitioner shall prepare and lodge with the designated CEQA department a notice form for the Court’s signature inviting mediation. The Clerk shall then mail the notice of invitation to the parties.

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D. Preparing the Administrative Record:

1. **Preparation by the Public Agency:** Within twenty (20) calendar days after receipt of a request to prepare the administrative record, the public agency responsible for such preparation shall personally serve on petitioners a preliminary notification of the estimated cost of preparation, setting forth the agency's normal costs per page, other reasonable costs, if any, the agency anticipates, and the likely range of pages. This notice shall also state, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, shall designate the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and shall provide a listing of dates and times when those documents will be made available to petitioners or any party for inspection during normal business hours as the record is being prepared. This notice shall be supplemented by the agency from time to time as additional documents are located or determined appropriate to be included in the record.

2. Upon receipt of this preliminary notification, petitioners may elect to prepare the record themselves provided they notify the agency within five (5) calendar days of such receipt. If petitioners so elect, then within forty (40) calendar days of service of the initial notice to prepare the administrative record, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record. The agency shall promptly notify petitioners of any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record.

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3. If petitioners do not so elect, then within forty (40) calendar days after service of the request to prepare the administrative record, the agency shall prepare and serve on the parties a detailed index listing the documents proposed by the agency to constitute the record and provide a supplemental estimated cost of preparation. Within seven (7) calendar days of receipt of this notification, petitioners and/or any other parties shall prepare and serve the agency and all parties with a document notifying the agency of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.

4. **Preparation by Petitioners:**

(a) Within twenty (20) calendar days after receipt of petitioners' notice of election to prepare the record themselves, the public agency responsible for certification of the record shall personally serve on petitioners a preliminary notification designating, to the extent then known, the location(s) of the documents anticipated to be incorporated into the administrative record, the contact person(s) responsible for identifying the agency personnel or other person(s) having custody of those documents, and the dates and times when those documents will be made available to petitioners or any party for their inspection and copying. This notice shall also state any required photocopying procedures and/or conditions with which petitioners must comply in their preparation of the record. This notice shall be supplemented by the agency as additional documents are located or determined appropriate to be included in the record.

(b) Within forty (40) calendar days after service of petitioners' notice of election, petitioners shall prepare and serve on all parties a detailed index listing the documents proposed by petitioners to constitute the record. Within seven (7) calendar days of this notification, the agency and/or other parties shall prepare and serve the petitioners and all parties with a document notifying them of any document(s) or item(s) that such parties contend should be added to, or deleted from, the record.

E. Format of Administrative Record:

1. **Type of Paper:** The Administrative Record (Record) shall be prepared on paper, white or unbleached, of not less than 13-pound weight, 8½ by 11 inches, using a photocopying process that will produce clear and

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permanent copies legible to printing. Only one side of the paper shall be used and the margin shall be not less than 1¼ inches on the left side of the page. Alternatively, original copies of the environmental documents may be lodged as part of the Record, provided that original copies are also provided to all parties in the lawsuit. The pages of the Record shall be numbered consecutively and bound on the left margin. The use of recycled paper is encouraged.

2. **Volume Designation:** The Record shall be provided in one or more volumes of not more than 300 pages per volume, separately bound. The cover of each volume of the Record shall be the same size as its pages and contain the same material as the cover of a brief, but shall be prominently entitled “ADMINISTRATIVE RECORD.” The first volume of the Record shall have at the beginning an index of each paper or record in the order presented in the Record, referring to each paper or record by title or description, and the volume and page at which it first appears.
3. **Detailed Index:** The detailed index listing of the documents agreed to by the parties as the records to be included in the Record shall be prominently entitled “Detailed Index of Administrative Record” and filed with the Civil Filing Clerk at the court location in which the action is pending. A second, courtesy copy of the Detailed Index of Administrative Record shall be separately lodged in the designated CEQA Department.
4. **Organization:** The Record should be organized with the following documents (as applicable) at the front of the Record, in the following order:
 - a. The Notice of Determination;
 - b. The resolution(s) adopted by the lead agency approving the project, including any resolution(s) or ordinance(s) adopted in compliance with Public Resources Code sections 21081 and 21081.6;
 - c. The Draft or revised Draft Environmental Impact Report (EIR) and initial study;
 - d. The comments received and the responses to those comments prepared for the Draft EIR or Negative Declaration, including any modifications to the environmental documents and project made after the comment period;

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- e. The remainder of the Final EIR (e.g., the Technical Appendices and other technical materials);
- f. The staff reports prepared for the approving bodies of the lead agency;
- g. Transcripts and/or minutes of hearings; and
- h. The remainder of the Administrative Record, preferably in chronological order.

This listing of documents is not intended to dictate the content of the Record, but instead is intended to describe a uniform order for documents typically contained in a Record. The lead agency is encouraged to use tabs to separately identify each of these portions of the Record. The parties are referred to Public Resources Code section 21167.65(e) as to what the Record should contain.

F. Certifying and Lodging the Record:

Upon completion of preparation of the Record, it must be certified by the agency before it is filed with the Court. If the agency has prepared the Record, it shall make such certification and shall personally serve and lodge the Record in the designated CEQA department no later than sixty (60) days after the request. If the petitioners have elected to prepare the Record, petitioners must transmit it to the agency for certification. After such certification, petitioners shall prepare and file a Notice of Lodgment of Administrative Record with the Civil Filing Clerk at the court location in which the action is pending, and personally serve and lodge the Record and Notice of Lodgment in the designated CEQA Department no later than sixty (60) days after service of the notice of election to prepare. If the agency refuses to make a complete certification, it shall make a partial certification, specifying any alleged defects in the record. Any extension of the 60-day time period may be obtained by filing a stipulation of the parties and obtaining Court approval of the extensions prior to the expiration of the 60-day period. Also, an extension may be obtained from the Court upon a properly noticed hearing scheduled prior to the expiration of the 60-day period.

G. Disputes Regarding the Contents of the Administrative Record:

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Once the Record has been filed, any disputes about its accuracy or scope should be resolved by appropriate noticed motion. For example, if the agency has prepared the Record, petitioners may contend that it omits important documents or that it contains inappropriate documents; if the petitioners have prepared the record, the agency may have similar contentions. A motion to supplement the certified Record with additional documents and/or to exclude certain documents from the record may be noticed by any party and should normally be filed concurrently with the filing of petitioners' opening memorandum of points and authorities in support of the writ. Opposition and reply memoranda on the motion should normally be filed with the opposition and memoranda, respectively, regarding the writ. The motion should normally be calendared for hearing concurrently with the hearing on the writ.

H. Notice of Hearing:

The petitioners shall notice a hearing date on the petition for writ of mandate, consistent with Public Resources Code section 21167.4. The hearing shall be noticed for not later than 160 days from the date of filing of the petition.

I. Briefing Schedule and Length of Memoranda:

1. Unless otherwise ordered by the Court, petitioners shall file directly in the designated CEQA department and serve personally, by overnight mail or, if previously agreed, by fax, an opening memorandum of points and authorities in support of the petition within thirty (30) days from the date the administrative record is served.
2. Respondent and Real Party in Interest shall file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax, opposition points and authorities, if any, within thirty (30) days following service of petitioners' memoranda of points and authorities.
3. Petitioners shall have twenty (20) days from service of the opposition's points and authorities to file directly in the designated CEQA department and serve personally, by overnight mail, or if previously agreed, by fax, a reply memorandum of points and authorities.
4. The parties may agree upon a shorter time frame for briefing by written stipulation filed with the Court.

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5. Any request for permission to file a memorandum in excess of the 15-page limit shall be made pursuant to Rule 3.1113, California Rules of Court.

6. **Settlement Meeting:** The initial notice required by Public Resources Code section 21167.8 shall provide that, if the parties agree, the first meeting will be continued so as to take place no later than 35 days after the Record is served. If the parties do not agree to this continued first meeting date, then the first meeting shall take place in accordance with Public Resources Code section 21167.8 and a second meeting is ordered to take place within five (g) days after the Record is served. The parties shall agree as to the time and place of any meeting pursuant to Public Resources Code section 21167.8. Other meetings may be scheduled by the parties. The statement of issues required by 21167.8(f) shall identify those portions of the Record that are directly related to the contentions and issues remaining in controversy. The Court will utilize these statements in focusing on the legal and factual contentions and issues to be resolved. However, such contentions and issues must be consistent with the pleadings to be properly resolved by the Court.

J. Trial Notebook:

Petitioner shall prepare a trial notebook which shall be filed with the designated CEQA Department fourteen (14) days before the date of the hearing. The trial notebook shall consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, and any other document(s) agreed upon by the parties.

(Rule 3.28 adopted effective July 1, 2005.)

3.29 FILING OF NOTICES OF UNAVAILABILITY

The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an attorney's or party's unavailability. *Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.

(Rule 3.29 adopted effective January 1, 2009.)