

**Summary of Proposed Revisions to Local Rules and Forms  
Effective January 1, 2021**

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**Rule Changes**

| <u>RULE NUMBER</u>             | <u>PROPOSED<br/>CHANGE</u> | <u>BRIEF DESCRIPTION</u>                  |
|--------------------------------|----------------------------|---|
| <u><i>Rule 7 - Probate</i></u> |                            |   |
| 7.10                           | Amend                      | Amends rule regarding ex parte procedures |



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*(Subd (a) amended effective January 1, 2018; adopted effective July 1, 2009; previously adopted as subd (c) of former Rule 7.11 effective July 1, 1989.)*

**b. WAIVER OF NOTICE**

A party seeking to dispense with notice for a particular individual for whom notice has not yet been waived shall file a request to dispense with notice concurrently with the ex parte application. The request shall set forth sufficient evidentiary facts supporting the request. For individuals who cannot be located, the party shall file a declaration of due diligence in compliance with California Rules of Court, rule 7.52, prior to the ex parte appearance.

*(Subd (b) amended effective January 1, 2018; adopted effective July 1, 2009.)*

**c. EX PARTE PROCEDURE**

Ex parte matters will be heard upon appointment scheduled directly with the designated department. The date and time of the ex parte hearing must be confirmed with the designated department prior to the moving party giving notice of the hearing. For purposes of this rule, the designated department is the department already assigned to the case, or, if the case has not yet been assigned to a department or judicial officer, the designated department is the department assigned by the Supervising Judge.

Unless otherwise expressly authorized by law, a party requesting ex parte relief related to law and motion matters shall file the underlying motion prior to or contemporaneously with filing of the ex parte application. The ex parte application shall comply with California Rules of Court, rules 3.1200-3.1207.

A request to schedule an ex parte hearing may be summarily denied without hearing when the request fails to meet the criteria set forth in California Rules of Court, rules 3.1200-3.1207. Ex parte applications submitted to seek scheduling relief from court setting guides or caps, but which do not otherwise seek relief from the Code of Civil Procedure or California rules of Court, may be summarily granted without a hearing.

An ex parte hearing shall be conducted only following the filing of the ex parte application and supporting paperwork, any underlying related motion, and proof of

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satisfaction of any filing fees. Prior to commencement of the hearing, the moving party shall file a declaration under penalty of perjury confirming that notice was provided to the opposing side, including the date, time, manner and name of any party so informed, and proof of service of any applicable papers.

*(Subd (c) amended effective January 1, 2021; adopted effective July 1, 2009; previously amended effective January 1, 2018.)*

*(Rule 7.10 amended effective July 1, 2020; adopted effective July 1, 2009; previously amended effective January 1, 2018.)*

**7.11 DISCOVERY**

a. **INFORMAL DISCOVERY CONFERENCES**

The procedure set forth in Local Rule 3.14 shall apply to informal discovery conferences brought in proceedings governed by Rule 7.

*(Rule 7.11 adopted effective July 1, 2018; former Rule 7.11 renumbered as Rule 7.50 effective July 1, 2018.)*

**7.12 – 7.49 [RESERVED]**