



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TUOLUMNE
Hector X. Gonzalez, Jr., Court Executive Officer
41 W. Yaney Avenue
Sonora, CA 95370**

March 26, 2019

Proposed Amendments to Local Rules to Become Effective July 1, 2019

Pursuant to California Rules of Court, rule 10.613, subdivision (g), the following proposed amendments to the local rules are hereby distributed for comment.

Public comments must be submitted in writing and directed to Hector X. Gonzalez, Jr., Court Executive Officer, Superior Court of California, County of Tuolumne, 41 W. Yaney Avenue, Sonora, CA 95370. Comments must be received no later than 3:00 p.m. on May 10, 2019.

During this cycle, we propose amendments affecting three existing local rules. We also propose adoption of three new local rules. A high-level summary of the proposed amendments, along with brief explanations of the reasons for the proposals, is provided in the first table below. Attached to this document is the text of each rule as it would appear if the proposals are adopted, accompanied by redlined changes to the existing rules that reflect exactly how the existing rules would change.

Rule	Proposed Action	Explanation
1.03.5	Add	Allow certain colors of paper to be used as exhibit dividers while prohibiting the use of colors that already have a designated use by the Court.
2.04.1	Amend	Adds a requirement that any discovery motion filed after the informal discovery conference process is complete include in the motion proof of satisfaction with this local rule.
5.01.5	Add	Changes the Court's procedures for assigning new probate case numbers in order to reduce observed operational inefficiencies. This new rule would operate in tandem with the proposed amendment to local rule 5.04.5.
5.04.5	Amend	Distinguishes between new and existing probate cases with respect to the Court's procedures for reserving hearing dates in order to reduce observed operational inefficiencies and calendaring issues. This amendment would operate in tandem with proposed new local rule 5.01.5.
5.14.0	Amend	Revives a rule number that was revoked in 2016 to prescribe requirements for the filing of corrected Inventory and Appraisal forms in probate cases in order to increase clarity and avoid common errors.
6.11.5	Add	Ensures that requests to modify the bond amount for conservators and guardians include the information necessary for the Court to evaluate such requests.

Rule 1.03.5

Proposed new rule

1.03.5 Color of papers: Notwithstanding the prohibition on use of colored paper at California Rules of Court, rule 2.103, the Court will accept the use of colored paper to designate the beginning of an exhibit so long as the exhibit itself is not printed on the colored paper (i.e., use as an exhibit divider). However, the following colors shall not be used, as they already are designated for other purposes in the Court's files: blue, goldenrod, green, pink, and yellow.

Rule 2.04.1

Proposed rule as amended

2.04.1 Resolution of Discovery Disputes: It is the Court's policy to attempt to resolve discovery disputes informally and efficiently. Accordingly, the Court has instituted special procedures for the resolution of discovery disputes through Informal Discovery Conferences (see Code Civ. Proc., § 2016.080), which must be scheduled on local forms that are available from the clerk's office and on the Court's Web site.

- a. Prior to the discovery cut-off in an action, no motion under the California Civil Discovery Act (Code Civ. Proc., § 2016.010 et seq.) shall be filed or heard unless the moving party has first filed a written Request for Informal Discovery Conference ("Request") and the Court has acted or is deemed to have acted on that Request in any manner set forth in subdivision (f) below.

- h. If (1) the Court has denied the Request, (2) one of the deadlines above has expired without the Court's having acted, or (3) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues. The motion shall include proof that the moving party satisfied this rule prior to filing the motion, including the date the Request was filed and a brief description of the disposition of the Request.

Current rule with redlined amendments

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Rule 5.01.5

Proposed new rule

5.01.5 Probate Case Numbers: The clerk's office will assign a case number to a new probate case at the time the document initiating the case is filed. New case numbers may not be reserved in advance.

Rule 5.04.5

Proposed rule as amended

5.04.5 Probate Hearing Dates: The Court may limit the number of matters heard on a given probate calendar, such as the number of accounting hearings.

For new cases, the clerk's office will provide the date and time of the first hearing in the case at the time the document initiating the case is filed. Hearing dates for cases that do not yet have a case number may not be reserved in advance.

For existing cases, parties are encouraged to call the clerk's office in advance of filing their papers in order to reserve a hearing date if they have a preferred hearing date. If a party's papers reflect a hearing date that was not reserved in advance and is not available, the clerk's office may assign a different hearing date.

Parties should note that review hearings are hearings set by the Court for its own monitoring of a case and do not constitute a reservation of that date for a substantive hearing on a request. For example, the Court regularly sets review hearings to ensure timely filing of inventories and appraisals, investigation reports, status reports, petitions for final distribution, and accountings, but the substantive hearing on a status report, petition for final distribution, or accounting will not automatically be held on the same day as the review hearing that was set only to ensure that paper was filed.

Current rule with redlined amendments

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Rule 5.14.0

Proposed rule as amended

5.14.0 Inventory and Appraisal: When a corrected Inventory and Appraisal form (Judicial Council form DE-160/GC-040) is filed, the following requirements apply:

- a. The caption of the form shall state the date of the Inventory and Appraisal form that is being corrected. The filing date of the earlier form shall appear next to the “Corrected” checkbox in the caption.
- b. Because the corrected Inventory and Appraisal form supersedes the form it corrects, the corrected form shall include all assets from the earlier form to the extent they are properly part of the estate, as well as correct values for each of those assets as of the proper valuation date.

Current rule with redlined amendments

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- a. The caption of the form shall state the date of the Inventory and Appraisal form that is being corrected. The filing date of the earlier form shall appear next to the “Corrected” checkbox in the caption.
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Rule 6.11.5

Proposed new rule

6.11.5 Modification of bond amount: Any application, motion, petition, or request by a conservator or guardian to increase or reduce the bond amount pursuant to Probate Code section 2320 et seq. and, as applicable, California Rules of Court, rule 7.204 shall include all information relevant to the calculation of bond as set forth in these authorities and shall present the calculation in substantially the following form:

Bond calculation

Personal property	\$
Probable annual gross income	
Probable annual gross payments	
Cost of recovery	+ _____
Total	

The categories in the above formula reference Probate Code section 2320, subdivision (c) and California Rules of Court, rule 7.207.