

**CIVIL AND CRIMINAL RULES  
EFFECTIVE JULY 1, 2025**

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**CHAPTER 2. CIVIL RULES**

**RULE 2.1 ADMINISTRATION OF CIVIL CASES**

**2.1.10 Trial Date and Conflicts**

- A. No Change.
- B. No Change.
- C. No Change.

D. No trial date may be continued merely on stipulation of the parties. On a showing of good cause, the trial date may be continued by court order, obtained by noticed motion or by ex parte application presented to the ~~Presiding Judge, or his or her designee~~ assigned Civil Judge for All Purposes, at least five (5) court days before trial. It may also be continued pursuant to (F) below.

- E. No Change.

F. After a trial date has been assigned, any party who has a conflict with the trial date shall, immediately upon having knowledge of the conflict, submit a letter to the ~~Presiding~~ Civil Supervising Judge and to all other parties notifying them of the conflict. The court shall maintain the trial date until the trial readiness hearing unless: (1) a continuance has been granted pursuant to (D) above, or (2) a continuance is otherwise approved by the ~~Court~~ Presiding Judge at the conclusion of the settlement conference. (Effective July 1, 2025; Rule 2.1.10 renumbered effective January 1, 2006; adopted as Rule 3.10 effective January 1, 2002)

**2.1.14 ~~Default Judgment~~ Entry of Default Judgment by the Court**

~~To obtain a default judgment a plaintiff shall present testimony in support of his or her claim by competent witnesses having personal knowledge of the essential facts, or file an affidavit or declaration by such witnesses, except for cases governed by Code of Civil Procedure § 585(a). Applications for default judgment on declarations pursuant to Code of Civil Procedure § 585(d) is the preferred procedure.~~

~~When submitting a matter for default judgment on declarations, the parties must comply with California Rules of Court, rule 3.1800. If a hearing has been scheduled and proof is to be by written declaration, the material required by rule 3.1800(a) must be~~

~~submitted together as a single packet. Any provision for attorney fees based on a contract must be highlighted within the written contract. Parties should file such default packets in the Clerk's Office at least ten (10) court days prior to the scheduled hearing date.~~

~~The Court may, in its discretion, set an application for default judgment on declarations for a hearing.~~

~~If, after reviewing the materials submitted, the Court determines that oral testimony or additional documentary evidence is necessary, it will indicate that in the tentative ruling posted before the hearing pursuant to Local Rule 2.2.6.~~

~~(Effective July 1, 2020; Rule 2.1.14 renumbered effective January 1, 2006; adopted as Rule 3.14 effective July 1, 2000)~~

**A. Written Declarations Preferred Practice.** The Court prefers that applications for entry of default judgment (commonly referred to as “default prove ups”) be made on written declarations pursuant to Code of Civil Procedure section 585, subdivision (d). The Court reviews each submitted application for entry of default judgment in the order received.

**B. Hearings:** Parties should set default prove ups for hearing only in exceptional cases. The Court, in its discretion, may also set an application for entry of default judgment on declarations for a hearing. The court will give notice of any such hearing. Parties must obtain hearing dates from the Civil Unlimited Law and Motion Clerk. Default prove ups set for hearing shall be supported by proof by written declaration in accordance with this rule and California Rules of Court, rule 3.1800. Such papers must be filed no later than 16 calendar days prior to the hearing. Evidence of the parties’ exceptional circumstances shall be included with their supporting papers. If, after reviewing the materials submitted, the Court determines that oral testimony or additional documentary evidence is necessary, the tentative ruling posted prior to the hearing pursuant to Local Rule 2.2.6, will so indicate.

Live testimony in support of default prove up may not exceed 10 minutes of court time without prior approval by the assigned judge. This approval may be sought by ex parte application. Ex parte applications must set forth the exceptional circumstances justifying a hearing and explain why more than 10 minutes of live testimony is required.

**C. Supporting Papers.** A party seeking a default judgment must present evidence in support of his or her claim by competent witnesses having personal knowledge of the essential facts, preferably by affidavit or declaration by such witnesses. In addition to the items required by California Rules of Court, rule 3.1800(a), the court also requires the submission of a “Default Prove Up Brief” that summarizes the evidence submitted, the relief requested, and provides any necessary legal analysis. The statement of the case required by rule 3.1800(a)(1) should be included in this brief.

All materials in support of a default prove up should be submitted together as a single document, with each item listed separately in the caption of the combined pleading.

If attorneys' fees based on a contract are requested, the party must submit a copy of the contract with the language supporting such an award highlighted with their supporting papers. (Effective July 1, 2020 July 1, 2025; Rule 2.1.14 renumbered effective January 1, 2006; adopted as Rule 3.14 effective July 1, 2000)

## **RULE 2.8 MISCELLANEOUS CIVIL RULES**

### **2.8.1 Civil Jury Fees**

A. ~~Trial by jury shall be deemed waived unless jury fees are deposited no later than twenty five (25) days prior to the trial in any case not entitled to priority setting, or deposited five (5) days prior to trial in any unlawful detainer case or other case entitled to priority setting.~~ **Fees Due.** A party demanding a jury in a civil case shall pay the nonrefundable jury fee mandated by Code of Civil Procedure section 631, unless the fee has been paid by another party on the same side of the case. For the purposes of this rule, all plaintiffs will be considered one side of the case, and all other parties will be considered the other side of the case. Payment of the fee by a party on one side of the case will not relieve parties on the other side of the case from waiver of trial by jury.

B. ~~Should any party demanding jury trial fail to deposit required fees, the Clerk will notify all other parties who have not previously waived trial by jury. Any such party may preserve its right to trial by jury by depositing the required fees within five (5) court days of mailing of the Clerk's notice.~~ **Time Due.** Jury fees shall be due on or before the date scheduled for the initial case management conference in the action. If no case management conference is scheduled in a civil action, the fee shall be due no later than 365 calendar days after the filing of the initial complaint. If the party requesting a jury has not appeared before the initial case management conference, or first appeared more than 365 calendar days after the filing of the initial complaint, the fee shall be due 25 calendar days before the date initially set for trial. In unlawful detainer actions, or other case entitled to priority setting, the fees shall be due five days before the date set for trial.

C. ~~Failure by any party to deposit jury fees as required herein shall constitute waiver of trial by jury.~~ **Waiver.** Failure to timely pay jury fees as set forth above shall constitute a waiver of trial by jury, unless another party on the same side of the case has paid the fee. (Effective July 1, 2025; Rule 2.8.1 renumbered effective January 1, 2006; adopted as Rule 11.1 effective January 1, 1997)

## RULE 2.9 UNLAWFUL DETAINER CASES

### ~~2.9.11 Demurrers, Motions to Strike and Other Motions with No Specific Statute Stating Otherwise (Deleted in its entirety)~~

~~To effect the summary intent of the unlawful detainer statutes, the court finds good cause to set unlawful detainer hearings on all demurrers, motions to strike, and any other motions for which there is no specific statute stating otherwise pursuant to Code of Civil Procedure section 1167.4, and treat said motions for scheduling purposes as motions to quash. (Code Civ. Proc. § 1179a; *Greener v. WCAB* (1993) 6 Cal.4th 1028, 1036; *Delta Imports, Inc. v Municipal Court I* (1983) 146 Cal.App.3d 1033.) (Effective January 1, 2024, New)~~

~~(Rule 2.9 renumbered effective January 1, 2006; adopted as Rule 12 effective July 1, 1992)~~

## RULE 2.11 CASES INVOLVING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

### 2.11.1 Assignment of CEQA Cases

A. No Change.

B. No Change.

C. **Service of Notices**. The petitioner must serve the notice of assignment and the case management conference notice on each named respondent either when that respondent is served with the summons and petition, or within 2 business days of the petitioner's receipt of the notice of assignment from the court. The petitioner, and shall promptly file all a proofs of service thereof with the court.

D. No Change.

E. No Change. (Effective January 1, 2017 July 1, 2025; adopted as Rule 2.11.1 effective July 1, 2011)

## CHAPTER 3. CRIMINAL RULES

### RULE 3.1 GENERAL CRIMINAL RULES

#### ~~3.1.14 Service and Filing Proof of Service of Petitions to Terminate Sex Offender Registration~~

~~Within fifteen (15) court days from the date that the petition to terminate sex offender registration and proof of current registration is filed with the Fresno County Superior Court or the Fresno County Juvenile Justice Court, the petitioner or someone on petitioner's behalf must serve a copy of the petition and proof of current registration on the law enforcement agency with whom the petitioner currently registers in Fresno County and the Fresno County District Attorney's Office. Additionally, if petitioner was convicted of a registrable offense in a county other than Fresno County, the petitioner or someone on petitioner's behalf must serve a copy of the petition and proof of current registration on the law enforcement agency and the District Attorney's Office of the county in which the petitioner was convicted of the registrable offense.~~

~~Also, within fifteen (15) court days from the date that the petition to terminate sex offender registration and proof of current registration is filed with the Fresno County Superior Court or the Fresno County Juvenile Justice Court, petitioner must file a proof of service demonstrating that all of the required law enforcement agencies and District Attorney's Offices were served with a copy of the petition and proof of current registration. If the petition and proof of current registration were filed in Juvenile Justice Court and were served by mail and/or personal delivery, petitioner is required to use Proof of Service— Juvenile Sex Offender Registration Termination (form PJV-61). If the petition and proof of current registration were filed in Superior Court and were served by mail and/or personal delivery, petitioner is encouraged, but not required, to use Proof of Service— Sex Offender Registration Termination (form CR-416). If the petitioner and proof of current registration were filed in either Superior Court or Juvenile Justice Court and were served by electronic service, petitioner is encouraged, but not required, to use Proof of Electronic Service (form POS-050/EFS-050). (Effective January 1, 2022, New)~~

**A. Applicability.** This rule applies to all petitions to terminate sex offender registration, whether filed in Fresno County Superior Court or Fresno County's Juvenile Justice Court.

**B. Service and Proof of Service.** In every case, a copy of the petition and proof of current registration must be served on the law enforcement agency with whom petitioner currently registers in Fresno County and the Fresno County District Attorney's Office, either by petitioner or someone acting on their behalf no later than 15 court days after the date the petition was filed with the court. Proof of such service must also be filed within 15 court days from the petition's filing.

**C. Registerable Offense Conviction Outside Fresno County.** If petitioner's conviction for a registerable offense occurred in a county other than Fresno, a copy of the petition and proof of current registration must also be served on the law enforcement agency and the District Attorney's Office of the county in which petitioner was convicted of the registrable offense. Service of these entities must occur no later than 15 court days after the date the petition was filed with the court. Proof of such service must also be filed with the court within 15 court days from the petition's filing.

**D. Registerable Offense Conviction in Federal or Military Court.** If petitioner's conviction for a registerable offense occurred in federal court, a copy of the petition and proof of current registration must also be served on the United States Attorney's Office for the District Court from which petitioner's registration requirement originated, as well as the law enforcement agency that investigated the charges(s) filed in the District Court case. If petitioner's conviction for a registerable offense occurred in a military court, a copy of the petition and proof of current registration must additionally be served on the prosecuting and investigating agencies of the registration offense. Service on these entities must occur no later than 15 court days after the date the petition was filed with the court. Proof of such service must also be filed with the court within 15 court days from the petition's filing.

**E. Form of Proof of Service.** If the petition and proof of current registration were filed in Juvenile Justice Court and were served by mail and/or personal delivery, petitioner is required to use Proof of Service – Juvenile Sex Offender Registration Termination (form PJV-61). If the petition and proof of current registration were filed in Superior Court and were served by mail and/or personal delivery, petitioner is encouraged, but not required, to use Proof of Service – Sex Offender Registration Termination (form CR-416). (Effective July 1, 2018 January 1, 2025; Rule 4.1.2 (now 4.1.10) renumbered effective January 1, 2006; adopted as Rule 20.2 effective July 1, 2000)