

DEC 21 2011

John A. Clark, Executive Officer/Clerk
By *Gloria A. Pedregon*, Deputy
GLORIA A. PEDREGON

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

GENERAL ORDER RE LOCAL RULE 2.7

Local Rule 1.7 provides that at the request of the Presiding Judge, the Executive Committee may temporarily suspend any of the Local Rules other than rules contained in Chapter 1. On December 13, 2011, the Presiding Judge requested and the Executive Committee approved the temporary suspension of Local Rule 2.7, and approved amendment of Local Rule 2.7, as attached. Pending the effective date of the proposed amendment of Local Rule 2.7, the Presiding Judge, pursuant to her authority under California Rule of Court 10.603(a) orders that assignment of matters to the Central District Departments be in accordance with the attached proposed amendments to Local Rule 2.7.

GOOD CAUSE APPEARING THEREFOR, It is so ordered.

Date: 12/21/11

David S. Wesley
Hon. David S. Wesley
Assistant Presiding Judge

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1 2.7 ASSIGNMENT OF MATTERS TO CENTRAL DISTRICT DEPARTMENTS

2 Subject to the authority of the Presiding Judge to apportion the work of the court, the
3 following actions, proceedings, and procedures are assigned in the Central District as follows:

4 (a) APPELLATE DIVISION:

5 Appeals from judgments and orders in misdemeanor, Appellate Division
6 infraction, and limited civil cases (except small claims cases), from
7 anywhere in the County. Petitions for writs of mandate, prohibition
8 and review, in misdemeanor, infraction and limited civil cases, from
9 anywhere in the County.

10 Habeas corpus petitions filed in conjunction with Department 70
11 misdemeanor, infraction or limited civil appeals. Evidentiary hearings
12 may be assigned to the Criminal Division by the Criminal Division
13 Supervising Judge upon request of Department 70.

14 (b) CIVIL DIVISION:

15 (1) General Unlimited Civil Cases and Proceedings:

16 (A) *Asbestos Litigation General Orders and Motions*: Department 1

17 The Los Angeles Asbestos Litigation has been
18 determined to be complex litigation within the meaning of California
19 Standards of Judicial Administration, Standard 3.10. As a
20 consequence, the court has issued a number of General Orders
21 applying to all asbestos litigation. Second Amended General Order No.
22 3 provides for two special files for the General Orders: The file
23 entitled *In re Los Angeles Asbestos Litigation - General Orders # C*
24 *700000* (the “General Order File”) shall contain all current General
25 Orders, and no other documents. The file entitled *In re Los Angeles*
26 *Asbestos Litigation Motions Re General Orders # C 700002* (the
27 “General Order Motion File”) shall contain all law and motion
28 pleadings regarding the General Orders. The original court files for #
29 C 700000 and # C 700002 shall be maintained in the courtroom of the
30 Supervising Judge of the Civil Division, Department 1, Stanley Mosk
31 Courthouse. The General Orders also are available on the court’s
32 website: www.lasuperiorcourt.org. Second Amended General Order
33 No. 3 provides special procedures to create, modify, or terminate, a
34 General Order. Any proposed motion regarding a General Order must
35 be authorized by the Supervising Judge of the Civil Division prior to
36 filing.

37 (B) *Attachment and Writ of Possession Matters*: Department 12

38 - Writs of attachment, application for and other
39 proceedings in connection with,
40 - Writs of possession, application for and other
41 proceedings in connection with,

42 Hearing fees required by the court’s Schedule of
43 Fees must be paid in Room 102, Mosk Courthouse before filing papers
44 in Department 12.

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45 (C) *Civil Harassment Petitions:*
 46 Civil Harassment Petitions Department 75
 47 (unless accepted on transfer by the family law court)
 48 (Code Civ. Proc., §§ 527.6, 527.8)
 49 (D) *Eminent Domain:*
 50 All eminent domain or Direct Calendar Courts
 51 inverse condemnation cases will be assigned to a direct calendar court
 52 for “all purposes,” including post-judgment motions to enforce the
 53 judgment and applications to withdraw funds on deposit after the case
 54 has been closed.
 55 (E) *Guardian ad Litem appointments:*
 56 Guardian *ad litem* appointments for a particular case Department 90
 57 Petitions for general guardianships and not for a particular case Probate Division
 58 (F) *Long Cause Cases:*
 59 A “long cause case” is defined as a trial that will
 60 take at least twenty court days, excluding jury selection and jury
 61 deliberation. Long cause cases are the primary responsibility of the
 62 direct calendar judge or other judge initially assigned to try the case.
 63 If that judge cannot try the case due to its length, it may be transferred
 64 to the Supervising Judge of the Civil Division for assignment to a long
 65 cause trial judge sitting in the Central District.
 66 (G) *Supplemental and Miscellaneous Proceedings:*
 67 *Enforcement of Judgment Proceedings:*
 68 All enforcement of judgment proceedings except Department 1A
 69 contempt proceedings and appointment of receiver after judgment.
 70 Examples of enforcement of judgment proceedings include:
 71 - Application for post-judgment examination hearings
 72 - Charging orders
 73 - Claim of exemption hearings
 74 - Court order of sale for real property dwelling pursuant to a writ
 75 of execution
 76 - Debtor examination hearings
 77 - Hearing on third party claims pursuant to writ of execution
 78 - Motions for assignment orders
 79 - Third party examination hearings
 80 - *See also*, Code of Civil Procedure sections 680.010 through
 81 720.800
 82 Escheat, hearings on petitions for relief Department 1A
 83 *Ex parte* orders shortening time in Department 1 Department 1A
 84 *In forma pauperis* applications for civil limited and Department 1A
 85 unlimited actions (except family law and probate)
 86 and for appeals to the appellate court
 87 *In forma pauperis* applications for small claims Department 1A
 88 Name change, petitions and hearings (*See* Local Rule 3.5(a)(5).) Department 1A

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- 89 Newspaper, petition to establish standing Department 1A
- 90 Publication of summons, application and orders for, Department 90
- 91 (See Local Rule 3.5(a)(5).)
- 92 Service on Secretary of State of summons on corporation, Department 90
- 93 application and orders for
- 94 Voter information, petition to declare confidential Department 1A
- 95 (Elections Code, § 2166)

(H) *Writs and Receivers Matters and Special Proceedings:*

Matters assigned to Department 85 or Department 86 for all purposes pursuant to this rule will be assigned by the clerk at the time of filing, using a random system to insure that no party or person can control or determine in advance to which department a case is assigned.

Matters assigned for all purposes to an unlimited civil trial department, in which certain procedures are to be heard in Department 85 or 86 pursuant to this rule will be heard in Department 85, if the case number is odd, and in Department 86, if the case number is even.

Noticed motions and other noticed proceedings are heard on odd-numbered days in Department 85 and on even-numbered days in Department 86 at 9:30 a.m. *Ex parte* matters are heard daily in both departments at 8:30 a.m.

(i) Injunctive Relief, Unlimited Civil Cases

In all unlimited civil cases, the following matters are to be heard in the direct calendar court:

- A noticed motion for a preliminary injunction, no matter when made;
- An *ex parte* application for an order shortening time for hearing on a motion for a preliminary injunction, made after an initial status conference or case management conference has been held;
- An *ex parte* application for a temporary restraining order, or an application for an order to show cause re preliminary injunction, made after an initial status conference or case management conference has been held;
- Any noticed motion or *ex parte* application to dissolve or modify a preliminary injunction made after an initial status conference or case management conference has been held;

In all unlimited civil cases, the following matters are heard in Department 85 or Department 86:

- An *ex parte* application for a temporary restraining order, or an application for an order to show cause re preliminary injunction, made before an initial status conference or case management conference has been held in the direct calendar court;
- An *ex parte* application for an order shortening time for hearing on a motion for a preliminary injunction, made before an initial status conference or case management conference has been held in the direct calendar court. If the application for shortened time is granted, the motion for preliminary injunction shall also be heard in Department 85 or 86;
- A demurrer or motion heard while an application for a preliminary injunction or motion for the appointment of a receiver is pending in Department 85 or 86.

An application for an injunction in connection with a civil harassment petition (Code Civ. Proc., §§ 527.6 & 527.8), with or without a temporary restraining order, is assigned as provided in Local Rule 2.7(b)(1)(C).

(ii) Receivers:

- A motion for the appointment of a receiver (and all matters pertaining to the receivership), with the

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133 exception below, is assigned to Department 85 or 86;

134 — An application for the appointment of a receiver pursuant to a provision for the assignment of rents
135 and profits contained in a deed of trust which predominantly involves collection of rent, (and all
136 matters pertaining to such receivership), is assigned to Department 12. If a receiver is appointed, any
137 causes of action in the underlying complaint for judicial foreclosure or specific performance of a
138 provision in a deed of trust for assignment of rents and profits, are assigned for all purposes to
139 Department 12, notwithstanding other provisions of these rules.

140 (iii) Special Proceedings Heard in Writs and Receivers Departments

141 The following special proceedings, when filed in or transferred to the Central
142 District, are assigned to Department 85 or to Department 86 for all purposes:

- 143 - Cemetery, petition to replat or vacate (Health and Safety Code, §§ 8701-8715);
- 144 - Common interest development, petition to reduce votes required to amend declaration of covenants
145 and restrictions (Civil Code, §1356);
- 146 - Contempt, order to show cause and trial (*see* Local Rule 3.11);
- 147 - Corporations, petition to take jurisdiction over voluntary winding up (Corp. Code, § 1904), involuntary
148 winding up of corporation (Corp. Code, § 1806), after a decree or stipulation of winding up, and
149 petition to fix value of shares (Corp. Code, § 2000);
- 150 - Declaratory relief, only when joined with a petition for a writ of review, mandate or prohibition;
- 151 - Director, petition to appoint provisional director (Corp. Code, § 308);
- 152 - Director, petition to determine election (Corp. Code, §§ 709, 5617, 7616 and 9418);
- 153 - Insurance company, insolvency proceedings;
- 154 - Late claim proceeding (Gov. Code, § 946.6), unless the underlying case has been filed and is pending,
155 in which case the petition is to be heard in the direct calendar court to which the underlying case is
156 assigned;
- 157 - Law practice, assumption of jurisdiction over (Bus. & Prof. Code, §§ 6126.3, 6180.2 and 6190)
- 158 - Limited liability company, petition ordering winding up (Corp. Code, §§ 17352(b), 17353(b));
- 159 - Limited partnership, petition ordering winding up (Corp. Code, § 15683);
- 160 - Mandate, petition for writ of (except where assigned to the Appellate Division by these rules);
- 161 - Partnership, application for judicial supervision of winding up (Corp. Code, § 16803);
- 162 - Prohibition, petition for writ of (except where assigned to the Appellate Division by these rules);
- 163 - Review, petition for writ of (except where assigned to the Appellate Division by these rules);

164 (2) Limited Civil and Small Claims Cases and Proceedings

165 (Including Small Claims Appeals and Unlawful Detainer Cases):

- 166 - Appeals of administrative hearings (including parking appeals). Department 75
- 167 - Assignment orders, application for Department 1A
- 168 - Claim of exemption Department 1A
- 169 - Non-unlawful detainer default prove-ups Department 77
- 170 - Dissolve or modify preliminary injunction, motion to Department where
171 case is assigned*
- 172 - *Ex parte* applications (limited civil) Department 77
- 173 - Injunctive relief, with or without temporary restraining order Department where
174 case is assigned*
- 175 - Master calendar (including small claims appeals) Department 77
- 176 - Minor's compromise hearings Department 77

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177	- Post-judgment debtor and third party examinations	Department 1A
178	- Publication of summons, application	Department 90
179	and orders for, (<i>See</i> Local Rule 3.5(a)(5).)	
180	- Receiver, application for appointment of, other	Department 85 or 86
181	than under a provision for assignment of rents and profits	
182	which predominantly involves collection of rent	
183	- Receiver, application for appointment of,	Department 12
184	under a provision for assignment of rents and profits	
185	which predominantly involves collection of rent	
186	- Service on Secretary of State of summons on	Department 90
187	corporation, application and orders for	
188	- Small claims trials	Department 90
189	- Third party examination hearings.	Department 1A
190	- Unlawful detainer law and motion:	Department 76
191	- Arrieta claim (of right to possession)	
192	- change of venue	
193	- <i>ex parte</i> applications (pre-trial)	
194	- summary judgment	
195	- miscellaneous motions	
196	- to quash service of summons and complaint	
197	- to strike	
198	- to compel production of documents, responses to interrogatories and a deposition	
199	- to dismiss	
200	- to transfer	
201	- Unlawful detainer master calendar	Department 94
202	* If the case is pending in the limited civil master calendar court, that court may assign the application to a trial court for hearing and determination.	
203	(c) <u>CRIMINAL DIVISION (Including Mental Health Matters):</u>	
204	(1) Criminal matters:	
205	– Arraignments, felony complaints	Division 30 CJC
206		Division 69 Metro
207		Division 5 East LA
208	– Arraignments, misdemeanor complaints	Central Arraignment Court:
209		All courts
210		Metropolitan Branch:
211		Dept’s 60 and 66 for City Attorney filings
212		Dept’s 62, 65 and 68 for District Attorney filings
213		Hollywood: Inquire at courthouse
214		East LA: Inquire at courthouse
215	– Certificate of rehabilitation and pardon, petition for	Department 100
216	– Corum nobis, petition for writ of	Department where case is or was
217		last pending
218	– Exhume a body for criminal investigation	Department 100
219	– Expungements - felony cases Clara Shortridge Foltz Courthouse	
220	(CJC) only	Department 100

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221	– Expungements - misdemeanor cases CJC only	Department 56
222	– Firearm return/restoration of right to own, etc.	
223	(Welf. & Inst. Code, §§ 8100, 8103)	Department 95
224	– Firearm return, all other	Department where case is or was
225		last pending
226	– Habeas corpus, involuntary commitment	
227	(Welf. & Inst. Code, §§ 5254.1 and 5275)	Department 95
228	– Habeas corpus, person held for extradition	Department 100
229	– Habeas corpus under the Hague Convention on	
230	International Child Abduction	Department 2 Mosk
231	– Habeas corpus, all other	See Local Rules 2.7(a) and 8.33.
232	– Insanity and mental competence trials and hearings, felony cases:	
233	prior to holding order	Department 95
234	after holding order	Department where case assigned
235	– Insanity and mental competence trials and hearings,	
236	misdemeanor and infraction cases	Department 95
237	– Mandate or prohibition in felony cases,	
238	– prior to holding order	Department 100
239	– after holding order	Court of Appeal
240	– Mandate or prohibition	
241	– in misdemeanor and infraction cases	Appellate Division
242	– Mentally disordered sex offender proceedings under former	
243	(Welf. & Inst. Code, § 6300)	Department 100
244	– <i>Pro per</i> privileges at variance with policy	Department where case pending
245	(2) Mental health matters	
246	(A) Civil commitment proceedings - not LPS	
247	– Developmentally disabled commitments	Department 95
248	(<i>In Re Hop</i>)	
249	– Mental retardation commitments	Department 95
250	(Welf. & Inst. Code, § 6500)	
251	– <i>In Re Roger S.</i> pre-commitment hearing	Department 95
252	(B) Civil commitment proceedings - LPS	
253	– Accountings, conservatorship	Department 95
254	– Appeal of medication capacity findings and order	
255	(<i>de novo</i> hearing) (Welf. & Inst. Code, § 5334(e)(1))	Department 95
256	– Conservatorship	
257	(Welf. & Inst. Code, § 5350)	Department 95
258	– ECT capacity hearing	
259	(Welf. & Inst. Code, §§ 5326.7, 5326.75)	Department 95
260	– <i>Ex parte</i> petition for temporary conservatorship	
261	by County Mental Health Director/Public Guardian	Department 95
262	– Mentally disordered person dangerous to others	
263	proceedings (Welf. & Inst. Code, § 5300)	Department 95
264	– Site-based certification review hearings	

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265 (Doe vs. Gallinot), (Welf. & Inst. Code, § 5256) Department 95
266 – Site-based medication capacity hearings
267 (Welf. & Inst. Code, § 5332) Department 95
268 (C) Criminally-related proceedings
269 – Commitment, judicial review Department 95
270 – Continued involuntary treatment,
271 mentally disordered offenders (Pen. Code, § 2972) Department 95
272 – Extensions of commitment and re-commitment to California Youth Authority
273 (Welf. & Inst. Code, § 1800) Department 95
274 – Firearm return/restoration of right to own, etc.
275 (Welf. & Inst. Code, §§ 8100, 8103) Department 95
276 – Insanity and mental competence trials and hearings,
277 – felony cases: prior to holding order Department 95
278 – after holding order Court where case assigned
279 – Insanity and mental competence trials and hearings,
280 misdemeanor and infraction cases Department 95
281 – Mentally disordered sex offenders proceedings
282 (former Welf. & Inst. Code, § 6300) Department 95
283 – Narcotic addiction (Welf. & Inst. Code, §§ 3050, 3051) Department 95
284 – Petition to extend commitment and
285 re-commitment of defendant found not guilty by reason of insanity
286 (Pen. Code, § 1026.5(b)) Department 95
287 – Petition to release following restoration to sanity
288 (Pen. Code, § 1026.2) Department 95
289 – Sexually violent predator, pre-trial and post-trial issues Department 95B
290 – Sexually violent predator trial Department 100,
291 for assignment to a trial court

292 (d) FAMILY LAW DIVISION:

293 Any matter arising under the Family Code, excluding emancipation of minors and adoption,
294 and other matters specifically assigned to other departments by these rules or order of court, is assigned
295 to the Family Law Division. Family Law Division courts in the Central District are direct calendar
296 courts, with the following exceptions:

- 297 - Child support cases See also Local Rule 5.25
- 298 - Defaults Department 2
- 299 - Domestic violence restraining orders Department 8
- 300 - Habeas corpus under the Hague Convention on International Child Abduction Department 2
- 301 - Guardianship of minors when related to a family law child custody proceeding
302 are also assigned to the Family Law Division See also Local Rule 5.2

303 (e) JUVENILE DIVISION:

304 Any matter arising under the Juvenile Court Law is assigned to the Juvenile Division,
305 including:

- 306 - Emancipation of minors, petition for
- 307 - Habeas corpus, petition for writ of, minor under 18, under arrest
- 308 - Medical treatment for minor, petition to provide

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309 - Parental custody and control, petition to free a minor from, filed by Department of Adoptions, and
310 proceedings to determine the necessity of parental consent directly related thereto

311 (f) PROBATE DIVISION:

312 Any matter arising under the Probate Code, and any other action, proceeding or procedure
313 which by statute is to be heard by a judge hearing probate matters is assigned to the Probate Division.
314 (*See, e.g.*, proceedings to establish record of birth, death or marriage under Health & Safety Code,
315 § 10550 *et seq.*)

316 Compromise of a minor's claim prior to trial in a civil case is assigned to the Probate
317 Division, if the direct calendar judge who participated in a conference at which the compromise was
318 accomplished is unavailable. If an application is made to the direct calendar judge for a special
319 needs trust for the benefit of a minor or an incompetent person under Probate Code section 3602 or
320 3611, the terms of the trust shall be reviewed and approved by the Probate Division.

321 Any proceeding to make a withdrawal from an account blocked for the benefit of a minor or
322 an incapacitated person is assigned to the Probate Division.

323 (Rule 2.7 [7/1/2011, 1/1/2012] amended and effective December 21, 2011)

324