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## *Superior Court of California County of Los Angeles*

March 16, 2016

### **PROPOSED REVISIONS TO LOCAL COURT RULES**

Pursuant to California Rules of Court, Rule 10.613(g), the following proposed amendments to the Local Rules are hereby distributed for comment. The affected rules are:

- **RULE 2.3 FILING AND TRANSFER OF ACTIONS**  
Add text in section (a)(1)(A) Mandatory Filing as to where Mandatory and Optional filing of Unlimited Civil Actions can be filed.
- **RULE 2.22 FACSIMILE FILING IN CIVIL, FAMILY LAW, AND PROBATE CASES**  
Add text permitting electronic deliveries in Civil Personal Injury courts.

The proposed amendments were reviewed and approved by both the Los Angeles Superior Court's Rules Committee and Executive Committee. Comments must be submitted via email at [localrulescomments@lacourt.org](mailto:localrulescomments@lacourt.org), or in writing, to: Janet Garcia, Room 620, Management Research Unit, Los Angeles Superior Court, 111 North Hill Street, Los Angeles, CA 90012. Comments must be received no later than 5:00 p.m. on **May 2, 2016**.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 2.3 FILING AND TRANSFER OF ACTIONS

2 (a) Filing of Actions.

3 (1) Mandatory and Optional Filing of Unlimited Civil Actions.

4 (A) *Mandatory Filing*: Every unlimited civil tort action for bodily injury,  
5 wrongful death, or damage to personal property (hereinafter referred to as “Personal Injury  
6 Action”) must be filed in the Central District ~~at the filing window~~ at the Stanley Mosk Courthouse,  
7 **or in the North District at the Michael Antonovich Antelope Valley Courthouse. The filing**  
8 **court locator on the Los Angeles Superior Court website ([www.lacourt.org](http://www.lacourt.org)) should be used**  
9 **to determine the appropriate filing location.** A “Personal Injury Action” is an unlimited civil  
10 case described on the Civil Case Cover Sheet Addendum and Statement of Location (LACIV 109)  
11 as Motor Vehicle-Personal Injury/Property Damage/Wrongful Death; Personal Injury/Property  
12 Damage/Wrongful Death-Uninsured Motorist; Product Liability (other than asbestos or  
13 toxic/environmental); Medical Malpractice-Physicians & Surgeons; Other Professional Health  
14 Care Malpractice; Premises Liability; Intentional Bodily Injury/Property Damage/Wrongful  
15 Death; or Other Personal Injury/Property Damage/Wrongful Death. An action for intentional  
16 infliction of emotional distress, defamation, civil rights/discrimination, or malpractice (other than  
17 medical malpractice), is not included in this definition. An action for injury to real property is not  
18 included in this definition.

19 Every asbestos-related case must be filed in the Central District.

20 Every class action must be filed in the Central District.

21 Every petition for freedom from parental custody and control must be filed in  
22 the Central District.

23 All Proceedings under the Probate Code. All Conservatorship, Guardianship,  
24 Probate, and Trust proceedings must be filed in the Central District except in the following cases  
25 which may be filed in the North District: Conservatorship and Guardianship when the petitioner  
26 or proposed conservatee/ward reside in the North District, Decedent’s Estates when the decedent  
27 resided or the Petitioner resides in the North District, or Trust where the trustee’s principal place  
28 of administration is the North District.

29 Every appeal under Labor Code section 98.2 must be filed in the district where  
30 the office of the Labor Commissioner rendering the decision appealed from is located.

31 Every proceeding seeking a writ of prohibition or mandate (except as  
32 provided in subsection (B) below) must be filed in the Central District.

33 (B) *Optional Filing*: Except as set forth in subsection (A) above, (Mandatory  
34 Filing), or in subsection (C) (Northeast District), or (D) (Northwest District) below, an unlimited  
35 civil or Family Code action may be filed in the Central District or may be filed in a district other  
36 than the Central District, as determined by the description of the case below, in the following cases:

37 Abandonment, where petitioner resides;

38 Adoption, where petitioner resides;

39 Civil harassment, where one or more of the parties litigant reside, or in  
40 any district necessary to ensure the safety of the requesting party;

41 Consent to adoption outside California, where consentor resides;

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

42 Contract, where performance is required by an express provision or  
43 where defendant resides;  
44 Elder or Dependent Adult Abuse restraining orders, when a general civil  
45 complaint has not been filed, where one or more of the parties  
46 reside(s) or in any district necessary to ensure the safety of the  
47 requesting party;  
48 Eminent domain or inverse condemnation, where the property is  
49 located;  
50 Employment cases, where the contract of employment was performed  
51 or where the employer resides or does business;  
52 Family law (all matters under the Family Code), where one or more of  
53 the parties litigant reside or in the case of restraining orders, in any  
54 district necessary to ensure the safety of the requesting party (see  
55 also subsection (a)(1)(D) below);  
56 Forcible entry, where the property is located;  
57 Gun violence restraining order, where one or more of the parties  
58 reside(s) or in any district necessary to ensure the safety of the  
59 requesting party;  
60 Habeas corpus, no prior or pending action, where the person is held;  
61 Mandate, where the defendant functions wholly therein;  
62 Name change, where the petitioner resides;  
63 Prohibition, where the defendant functions wholly therein;  
64 Real property, where the property is located;  
65 Receivership, where the defendant functions wholly therein;  
66 Review, where the defendant functions wholly therein;  
67 Small claims appeal, where the original small claims court is located;  
68 Title to real property, where the property is located;  
69 Tort, where the cause of action arose;  
70 Transferred action, where the lower court is located;  
71 Unlawful detainer, where the property is located.

72 (C) *Northeast District*: An unlimited civil action may not be filed in the  
73 Northeast District. An unlimited civil action which could otherwise be properly filed in the  
74 Northeast District or Central District as an optional filing under Rule 2.3(a)(1)(B) above, must be  
75 filed either in the North Central District or Central District.

76 (D) *Certain Family Law Matters in Northwest District*: Family law matters  
77 which under these rules could be filed in Central or the Northwest District in the following zip  
78 codes must be filed in Central or the North Valley District: 91301, 91302, 91303, 91304, 91306,  
79 91307, 91326, 91361, and 91367. This subpart does not affect family law matters arising out of  
80 those portions of zip codes 91301 and 91302 located within the West District.

81 (E) *Certificate Required For Civil Action Filings*: Other than electronically  
82 filed family law cases initiated by the district attorney, a civil action or proceeding presented for  
83 filing in any district must be accompanied by a separate page bearing the title of the court and  
84 cause, stating which of the grounds specified in this rule authorizes the filing in such district and  
85 shall be signed by counsel, or the plaintiff if he or she is self-represented. If the ground is the  
86 residence of a party, his or her name and residence must be stated. A copy of the certificate must  
87 be served with the summons and complaint or petition. This certificate is in addition to the case  
88 cover sheet required by the California Rules of Court.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

89                   (2) Mandatory Filing of Small Claims, Limited Collections, Limited Unlawful  
90 Detainer, and Other Limited Civil Actions.

91                   (A) *Small claims, collections, and unlawful detainer.* Every small claims  
92 action must be filed in one of the courthouses listed in Appendix 2.B. Every limited collections  
93 case (as defined in California Rules of Court, rule 3.740) must be filed in one of the courthouses  
94 listed in Appendix 2.C. Every limited unlawful detainer case must be filed in one of courthouses  
95 listed in Appendix 2.D. The location in which to file is determined according to the following  
96 method.

97  
98                   First:           By determining what city or community contains the location that  
99                                       determines the proper venue for the trial of the case as specified in  
100 Code of Civil Procedure sections 392 through 395, 760.050 or  
101 872.110, or in Civil Code sections 1812.10 or 2984.4.

102  
103                   Second:       By then determining the proper postal zip code that the United States  
104 Postal Service has assigned to the location determining venue as  
105 described above.

106  
107                   Third:           By then referring to the charts set forth in Appendices 2.B, 2.C, and  
108 2.D to determine which courthouse serves the zip code and  
109 community area that determines the proper venue for trial. A case  
110 must be filed in, and will be assigned to, the courthouse serving the  
111 zip code and community area that would be a proper place for trial  
112 determined according to the foregoing method.

113  
114                   (B) *Other limited civil actions.* All other limited civil actions must be filed in  
115 the Central District, Stanley Mosk Courthouse.

116                   (3) Mandatory Filing of Criminal and Traffic Cases. Every indictment by the  
117 Grand Jury must be filed in Department 100 in the Central District. Every criminal complaint  
118 must be filed within the judicial district, as delineated on the Maps of Superior Court Districts  
119 (Appendix 2.A), where the offense is alleged to have occurred. Within a judicial district, criminal  
120 complaints must be filed at the courthouse handling criminal matters which serves the city or  
121 unincorporated area where the offense is alleged to have occurred. Where more than one offense  
122 is alleged to have been committed, and the offenses were committed in different districts, the  
123 complaint may be filed in any district where one of the offenses was allegedly committed. The  
124 Supervising Judge of the Criminal Division, by written order, may require, and, upon a showing  
125 of good cause, permit, a case or a class of cases to be filed in a district or at a courthouse other  
126 than in accordance with this rule.

127                   (b) Transfer of Actions to Another District.

128                   (1) Whenever, in the opinion of the Presiding Judge, the calendar in any district,  
129 including the Central District, has become so congested as to jeopardize the right of a party to a  
130 speedy trial or to materially interfere with the proper handling of the judicial business in the  
131 district, or for the convenience of witnesses or to otherwise promote the ends of justice, he or she  
132 may order the transfer of one or more cases pending in that district to another district, or may order  
133 that a case which by this Chapter is to be filed in that district must be filed in a different district.

134                   (2) The Supervising Judge of the Civil Division may, for the convenience of  
135 witnesses or to promote the ends of justice, transfer a civil case from one district to another. Except

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

136 for proceedings concerning transfer of a Personal Injury Action, as defined in subsection (a)(1)(A),  
137 motions to transfer a civil action from one district to another, including motions based upon a  
138 failure to file the case in accordance with the requirements set forth in this Chapter must be made  
139 in Department 1 in the Central District. Proceedings concerning transfer of a Personal Injury  
140 Action shall be determined in the Central District in one of the departments designated to hear  
141 those matters (“Personal Injury Court”).

142 (3) The Supervising Judge of the Criminal Division may, for the convenience of  
143 witnesses or to promote the ends of justice, transfer a criminal case from one district to another.  
144 Motions to transfer a criminal action from one district to another, including motions based upon a  
145 failure to file the case in accordance with the requirements set forth in this Chapter, must be made  
146 in Department 100 in the Central District.

147 (4) The Supervising Judge of the Family Law Division may, for the convenience  
148 of witnesses or to promote the ends of justice, transfer a family law case from one district to  
149 another. Motions to transfer a family law action from one district to another, including motions  
150 based upon a failure to file the case in accordance with the requirements set forth in this Chapter,  
151 must be made in Department 2 in the Central District.

152 (5) The Presiding Judge of the Juvenile Court may, for the convenience of  
153 witnesses or to promote the ends of justice, transfer a juvenile case from one district to another.  
154 Motions to transfer a juvenile case from one district to another, including motions based upon a  
155 failure to file the case in accordance with the requirements set forth in this Chapter, must be made  
156 in Department 400 in the Central District.

157 (6) The Supervising Judge of the Probate Division may, for the convenience of  
158 witnesses or to promote the ends of justice, transfer a probate case between the Central and North  
159 Districts, or provide that a probate or mental health proceeding be heard in a district other than the  
160 Central District. Motions to transfer a probate case between the two districts, including motions  
161 based upon a failure to file the case in accordance with the requirements set forth in this Chapter  
162 must be made in Department 5 in the Central District.

163  
164 (Rule 2.3 [7/1/2011, 5/17/2013, 7/1/2014, 7/1/2015] amended and effective \_\_\_\_\_)  
165

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 2.22 FACSIMILE FILING IN CIVIL, FAMILY LAW, AND PROBATE CASES;  
2 **ELECTRONIC DELIVERY IN CIVIL PERSONAL INJURY COURT**

3 (a) Authorization to Accept Facsimile Filing. The court permits facsimile filing in general  
4 civil **(except for cases assigned to the Personal Injury courts)**, family law, and probate cases  
5 pursuant to California Rules of Court, rule 2.300 *et seq.* and the following rules.

6 (b) Facsimile Filing Procedure. The court will receive a facsimile filing at the clerk's  
7 office in each courthouse. The court will also receive a direct facsimile filing for an action in the  
8 department handling that case if facsimile equipment has been installed in that department for  
9 facsimile filing. The clerk's office must make available a list of facsimile telephone numbers for  
10 each location where facsimile filing is accepted, and must update this list as changes occur.

11 (1) A facsimile filed document must be accompanied by the Facsimile  
12 Transmission Cover Sheet (Form JC 2009).

13 (2) The court's facsimile equipment will be available 24 hours per day. A facsimile  
14 received for filing on a court holiday or after 4:30 p.m. on a court day after the time at which the  
15 clerk stops accepting filings at the filing counter will be deemed to have been filed on the next  
16 court day.

17 (3) The filing party bears sole responsibility for the proper facsimile transmission  
18 of a document from the filing party's facsimile equipment to the court's equipment, and subsequent  
19 confirmation of filing.

20 (4) The clerk will provide confirmation of the receipt of a facsimile-filed document,  
21 beyond the standard confirmation option of facsimile machines, upon payment of the fee set  
22 pursuant to the court's fee schedule.

23 (5) The clerk will charge a facsimile usage fee per page, including the cover sheet  
24 and all tab pages, set pursuant to the court's fee schedule, along with any filing fees normally  
25 associated with the document. All fees will be charged to the filing party's Visa or MasterCard  
26 account.

27 (6) The court will not accept a facsimile-filed document in any location other than  
28 the clerk's office of the courthouse where the document is required to be filed, or a department  
29 where direct filing has been authorized.

30 (7) A fax filing must comply with California Rules of Court, rules 2.301 through  
31 2.305.

32 (8) A party must not submit a document for facsimile filing where the exhibits,  
33 declarations, or other attachments collectively exceed ten pages.

34 (9) A document received by facsimile that does not conform to the above  
35 requirements will not be accepted for filing.

36  
37 **(c) Authorization to Accept Electronic Delivery in Personal Injury Courts. As of**  
38 **March 1, 2016, the court will permit electronic delivery of filings in the general civil Personal**  
39 **Injury courts pursuant to California Rules of Court, rule 2.252 *et seq.* and the following rules.**

40 **(1) Parties electing to participate in the electronic delivery process must**  
41 **submit all documents to the court's approved electronic service provider pursuant to**  
42 **California Rules of Court, rule 2.255. Parties must also comply with the terms and**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

43 **conditions of electronic delivery set forth on the Los Angeles Superior Court website at**  
44 **www.lacourt.org.**

45 **(2) Claims involving an attorney-client fee dispute, documents in which the**  
46 **filing party is a minor, legally incompetent person, or person for whom a conservator has**  
47 **been appointed, Requests to Waive Court Fees (FW-001) and Requests for Accommodations**  
48 **by Persons with Disabilities (MC-410), must not be filed via the electronic delivery service.**

49  
50 (Rule 2.22 [7/1/2011, 1/1/2012, 1/1/2014] amended and effective \_\_\_\_\_)  
51