

With respect to matters assigned to Judge Kevin G. DeNoce, parties have the option of appearing by telephone at hearings on motions, petitions, and proceedings as provided for in *California Rules of Court, Rule 3.670*. Parties requesting a telephonic appearance must comply with all of the requirements of *California Rule of Court 3.670* and local rules 7.00 and 7.01 which are set forth in full below.

The designated provider of teleconferencing services for court appearances in the Ventura Superior Court is CourtCall, LLC. For additional information or to arrange for a telephonic appearance please [visit www.courtcall.com](http://www.courtcall.com) or call 888-882-6878.

Please verify the location of your scheduled hearing and call the appropriate courtroom. Though your case is assigned to a particular civil courtroom, some hearings such as MSCs, CMCs and OSCs are often calendared in Department 22 or Department 22B.

Litigants are strongly encouraged to familiarize themselves with the following local rules and *California Rule of Court* which govern telephonic appearances:

#### **Local Rules of Court applicable to Telephonic Appearances:**

##### **RULE 7.00 TELEPHONE APPEARANCE**

Counsel shall have the option of appearing by telephone at appropriate conferences, hearings and proceedings in civil unlawful detainer and probate cases as provided for in *California Rules of Court*, rule 3.670 and the following provisions with respect to private vendor teleconference services.

(Revised effective January 1, 2009)

##### **RULE 7.01 PRIVATE VENDOR**

**A.** As permitted by *California Rules of Court*, rule 3.670(i) teleconferencing for court appearances is provided by a private vendor who may charge counsel appearing by telephone a reasonable fee. The court has entered into a contract with CourtCall, LLC. As the designated provider of teleconferencing services for court appearances.

**B. SCHEDULING CONFERENCE CALLS.** A party that intends to appear telephonically for a hearing listed in California Rule of Court, rule 3.670 must provide notice as specified in California Rule of Court, rule 3.670(h) at least two (2) court days before the appearance. The party is responsible for contacting CourtCall, arranging the telephonic appearance and providing CourtCall with all required information and payment of fees. Counsel wishing to appear by telephone shall be available at the telephone number listed by that individual in the title page of the moving or opposing papers or the Notice to Appear by Telephone from the commencement of the appropriate calendar, until the completion of the hearing. Failure to remain available as required by this paragraph shall be deemed a non-appearance at the hearing and shall be subject to sanctions.

**C.** If counsel subsequently chooses to appear in person, in addition to notice as provided in California Rule of Court 3.670(g)(3), counsel shall, at least two (2) court days before the hearing, notify the teleconference provider by telephone.

**D.** If the court requires the personal appearance of counsel, in addition to notice as provided in *California Rules of Court*, rule 3.670(h), the court shall notify the teleconference provider by telephone.

(Revised effective January 1, 2016)

**California Rules of Court, Rule 3.670. Telephone appearance:**

**(a) Policy favoring telephone appearances** The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in civil cases. To improve access to the courts and reduce litigation costs, courts should permit parties, to the extent feasible, to appear by telephone at appropriate conferences, hearings, and proceedings in civil cases.

**(b) Application** This rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer and probate proceedings.

**(c) General provision authorizing parties to appear by telephone** Except as ordered by the court under (f)(2) and subject to (d) (regarding ex parte applications) and (h) (regarding notice), all parties, including moving parties, may appear by telephone at all conferences, hearings, and proceedings other than those where personal appearances are required under (e).

**(d) Provisions regarding ex parte applications**

**(1) Applicants** Except as ordered by the court under (f)(2) and subject to (h), applicants seeking an ex parte order may appear by telephone provided that the moving papers have been filed and a proposed order submitted by at least 10:00 a.m. two court days before the ex parte appearance and, if required by local rule, copies have been provided directly to the department in which the matter is to be considered.

**(2) Opposing Parties** Even if the applicant has not complied with (1), except as ordered by the court under (f)(2) and subject to the provisions in (h), parties opposing an ex parte order may appear by telephone.

**(e) Required personal appearances**

**(1)** Except as permitted by the court under(f)(3), a personal appearance is required the following for hearings, conferences, and proceedings:

**(A)** Trials, hearings, and proceedings at which witnesses are expected to testify;

**(B)** Hearings on temporary restraining orders;

**(C)** Settlement conferences;

**(D)** Trial management conferences;

(E) Hearings on motions in limine; and

(F) Hearings on petitions to confirm the sale of property under the Probate Code.

(2) In addition, except as permitted by the court under (f)(3), a personal appearance is required for the following persons:

(A) Persons ordered to appear to show cause why sanctions should not be imposed for violation of a court order or a rule; or

(B) Persons ordered to appear in an order or citation issued under the Probate Code.

At the proceedings described under (2), parties who are not required to appear in person under this rule may appear by telephone.

**(f) Court discretion to modify rule**

(1) **Policy favoring telephone appearances in civil cases** In exercising its discretion under this provision, the court should consider the general policy favoring telephone appearances in civil cases.

(2) **Court may require personal appearances** The court may require a party to appear in person at a hearing, conference, or proceeding listed in (c) or (d) if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(3) **Court may permit appearances by telephone** The court may permit a party to appear by telephone at a hearing, conference, or proceeding under (e) if the court determines that a telephone appearance is appropriate.

(g) **Need for personal appearance** If, at any time during a hearing, conference, or proceeding conducted by telephone, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

(Subd (g) relettered effective January 1, 2014; adopted as subd (f) effective January 1, 2008.)

**(h) Notice by party**

(1) Except as provided in (6), a party choosing to appear by telephone at a hearing, conference, or proceeding, other than on an ex parte application, under this rule must either:

(A) Place the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; or

(B) At least two court days before the appearance, notify the court and all other parties of the party's intent to appear by telephone. If the notice is oral, it must be given either in person or

by telephone. If the notice is in writing, it must be given by filing a "Notice of Intent to Appear by Telephone" with the court at least two court days before the appearance and by serving the notice by any means authorized by law and reasonably calculated to ensure delivery to the parties at least two court days before the appearance.

(2) If after receiving notice from another party as provided under (1) a party that has not given notice also decides to appear by telephone, the party may do so by notifying the court and all other parties that have appeared in the action, no later than noon on the court day before the appearance, of its intent to appear by telephone.

(3) An applicant choosing to appear by telephone at an ex parte appearance under this rule must:

(A) Place the phrase "Telephone Appearance" below the title of the application papers;

(B) File and serve the papers in such a way that they will be received by the court and all parties by no later than 10:00 a.m. two court days before the ex parte appearance; and

(C) If provided by local rule, ensure that copies of the papers are received in the department in which the matter is to be considered.

(4) Any party other than an applicant choosing to appear by telephone at an ex parte appearance under this rule must notify the court and all other parties that have appeared in the action, no later than 2:00 p.m. or the "close of business" (as that term is defined in rule 2.250(b)(10)), whichever is earlier, on the court day before the appearance, of its intent to appear by telephone. If the notice is oral, it must be given either in person or by telephone. If the notice is in writing, it must be given by filing a "Notice of Intent to Appear by Telephone" with the court and by serving the notice on all other parties by any means authorized by law reasonably calculated to ensure delivery to the parties no later than 2:00 p.m. or the close of business" (as that term is defined in rule 2.250(b)(10)), whichever is earlier, on the court day before the appearance.

(5) If a party that has given notice that it intends to appear by telephone under (1) subsequently chooses to appear in person, the party may appear in person.

(6) A party may ask the court for leave to appear by telephone without the notice provided for under (1)-(4). The court should permit the party to appear by telephone upon a showing of good cause or unforeseen circumstances.

(i) **Notice by court** After a party has requested a telephone appearance under (h), if the court requires the personal appearance of the party, the court must give reasonable notice to all parties before the hearing and may continue the hearing if necessary to accommodate the personal appearance. The court may direct the court clerk, a court-appointed vendor, a party, or an attorney to provide the notification. In courts using a telephonic tentative ruling system for law

and motion matters, court notification that parties must appear in person may be given as part of the court's tentative ruling on a specific law and motion matter if that notification is given one court day before the hearing.

**(j) Provision of telephone appearance services** A court may provide for telephone appearances only through one or more of the following methods:

**(1)** An agreement with one or more vendors under a statewide master agreement or agreements.

**(2)** The direct provision by the court of telephone appearance services. If a court directly provides telephone services, it must collect the telephone appearance fees specified in (k), except as provided in (l) and (m). A judge may, at his or her discretion, waive telephone appearance fees for parties appearing directly by telephone in that judge's courtroom.

**(k) Telephone appearance fee amounts; time for making requests** The telephone appearance fees specified in this subdivision are the statewide, uniform fees to be paid by parties to a vendor or court for providing telephone appearance services. Except as provided under (l) and (m), the fees to be paid to appear by telephone are as follows:

**(1)** The fee to appear by telephone, made by a timely request to a vendor or court providing telephone appearance services, is \$86 for each appearance.

**(2)** An additional late request fee of \$30 is to be charged for an appearance by telephone if the request to the vendor or the court providing telephone appearance services is not made at least two days before the scheduled appearance, except:

**(A)** When an opposing party has provided timely notice under (h)(4) on an ex parte application or other hearing, conference, or proceeding, no late fee is to be charged to that party;

**(B)** When the court, on its own motion, sets a hearing or conference on shortened time, no late fee is to be charged to any party;

**(C)** When the matter has a tentative ruling posted within the two-day period, no late fee is to be charged to any party; and

**(D)** When the request to appear by telephone is made by a party that received notice of another party's intent to appear and afterward decides also to appear by telephone under (h)(2), no late fee is to be charged to that party if its request is made to the vendor or the court providing the service by noon on the court day before the hearing or conference.

**(3)** A fee of \$5 is to be charged instead of the fees under (1) and (2) if a party cancels a telephone appearance request and no telephone appearance is made. A hearing or appearance that is taken off calendar or continued by the court is not a cancellation under this rule. If the hearing or appearance is taken off calendar by the court, there is no charge for the telephone appearance.

If the hearing or appearance is continued by the court, the appearance fee must be refunded to the requesting party or, if the party agrees, be applied to the new hearing or appearance date.

**(l) Fee waivers**

**(1) Effect of fee waiver** A party that has received a fee waiver must not be charged the fees for telephone appearances provided under (k), subject to the provisions of *Code of Civil Procedure section 367.6(b)*.

**(2) Responsibility of requesting party** To obtain telephone services without payment of a telephone appearance fee from a vendor or a court that provides telephone appearance services, a party must advise the vendor or the court that he or she has received a fee waiver from the court. If a vendor requests, the party must transmit a copy of the order granting the fee waiver to the vendor.

**(3) Lien on judgment** If a party based on a fee waiver receives telephone appearance services under this rule without payment of a fee, the vendor or court that provides the telephone appearance services has a lien on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the telephone appearance. There is no charge for filing the lien.

**(m) Title IV-D proceedings**

**(1) Court-provided telephone appearance services** If a court provides telephone appearance services in a proceeding for child or family support under Title IV-D of the Social Security Act brought by or otherwise involving a local child support agency, the court must not charge a fee for those services.

**(2) Vendor-provided telephone appearance services** If a vendor provides for telephone appearance services in a proceeding for child or family support under Title IV-D, the amount of the fee for a telephone appearance under (k)(1) is \$58 instead of \$78. No portion of the fee received by the vendor for a telephone appearance under this subdivision is to be transmitted to the State Treasury under *Government Code section 72011*.

**(3) Responsibility of requesting party** When a party in a Title IV-D proceeding requests telephone appearance services from a court or a vendor, the party requesting the services must advise the court or the vendor that the requester is a party in a proceeding for child or family support under Title IV-D brought by or otherwise involving a local child support agency.

**(4) Fee waivers applicable** The fee waiver provisions in (l) apply to a request by a party in a Title IV-D proceeding for telephone appearance services from a vendor.

**(n) Audibility and procedure** The court must ensure that the statements of participants are audible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.

**(o) Reporting** All proceedings involving telephone appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

**(p) Conference call vendor or vendors** A court, by local rule, may designate a the conference call vendor or vendors that must be used for telephone appearances.

**(q) Information on telephone appearances** The court must publish notice providing parties with the particular information necessary for them to appear by telephone at conferences, hearings, and proceedings in that court under this rule.