

Rule 2.2.07 Continuances of Trials

(a) Requesting a Continuance of a Trial in Traffic/Minor Violation Court.

If you are unable to present your case on the date ordered for trial in traffic/minor violation court, a continuance must be requested as follows:

1. The request must be in writing, copied to the other side.
2. If requested by the defendant and it is a time not waived trial, the request must state “time is waived.”
3. The request must be received by the Court fifteen days prior to the hearing.
4. The original request must be filed with the Court. The moving party (requesting party) must mail or deliver a copy of the request to the other side. The original request will not be processed unless the requesting party indicates that a copy has been mailed or delivered to the other side. If the request for a continuance is by the arresting agency, the request must indicate that a copy has been mailed to the defendant. If the continuance request is by the defendant, the request must include the agency name and address.
5. If this procedure is not followed, or if the action is not timely, the matter may be heard in the absence of the requesting party.

(b) Requesting a Continuance of All Other Trials

1. Application by stipulation or by plaintiff if defendants have not appeared: Parties requesting a stipulated continuance of a trial must submit a written application on local form SUPCV 1013, Application and Stipulation for Order to Continue Trial, supported by a declaration showing good cause and a proposed order for the Court's signature. The request shall be filed no later than ten (10) days before the date set for trial. The request shall be granted judicial approval only upon a finding of good cause. Only one such continuance shall be allowed per case. A short cause trial shall not be continued more than two months.
2. Requests for continuances of status conferences, settlement conferences and trials may be considered on the ex parte calendar.
3. Other requests for continuance: Parties requesting a non-stipulated continuance of a trial must file a noticed motion and set a hearing date pursuant to court rules governing hearings. The application must be supported by a declaration, and the request shall be granted only upon a finding of good cause.

4. Motions for continuance of a trial or specially set hearing will not be entertained on the date set except under the most extraordinary circumstances. In that event all such motions shall be made at the time the master calendar is called and only before the judge calling the master calendar or the judge before whom the matter is specially set.

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