

#### **Rule 2.4.07 Calendaring Demurrers and Motions to Strike in Unlawful Detainer Cases**

- (a) Upon the service of an unlawful detainer summons and complaint the defendant has five calendar days to file a response.
- (b) All demurrers and motions to strike filed in an unlawful detainer action shall be set for hearing within ten calendar days consistent with California Rule of Court 3.1320(d). The Court finds good cause to set such hearings on a shortened time as Code of Civil Procedure § 1170.5(a) expressly contemplates that the Court conduct expedited proceedings in those cases.
- (c) Demurrers and motions to strike shall be served on the plaintiff as follows:
  - 1. If by personal service, at least five calendar days prior to the hearing.
  - 2. If served by mail, at least nine calendar days prior to the hearing.
- (d) Opposition to the demurrer and motion to strike shall be filed and served at least three calendar days prior to the hearing. Service must be by personal delivery, electronic or facsimile transmission (if agreed upon), express mail, or other means reasonably calculated to ensure delivery to the other party or parties no later than the close of business three calendar days before the hearing.
- (e) Should the demurrer be overruled, the motion to strike be denied, or the motion to strike part of the complaint be granted without leave to amend, the defendant shall be granted five ~~calendar~~ court days to file an answer.

(Eff. 1/1/14) (Rev. 7/1/15) (Rev. 7/1/17) (Rev. 1/1/23)