



Judicial Council of California

520 Capitol Mall, Suite 600 · Sacramento, California 95814-4717

Telephone 916-323-3121 · Fax 916-323-4347

PATRICIA GUERRERO

*Chief Justice of California
Chair of the Judicial Council*

SHELLEY CURRAN

Administrative Director

June 25, 2024

Hon. Thomas J. Umberg
Chair, Senate Judiciary Committee
1021 O Street, Room 6530
Sacramento, California 95814

Subject: Assembly Bill 2347 (Kalra), as amended June 17, 2024—Oppose Unless Amended
Hearing: Senate Judiciary Committee—July 2, 2024

Dear Senator Umberg:

The Judicial Council regrettably opposes Assembly Bill 2347, which would prohibit a court clerk from entering default in an unlawful detainer action less than three court days after the plaintiff files the proof of service of the summons and complaint and specify procedures and deadlines for filing a demurrer or a motion to strike a complaint as well as an opposition to and reply in support of such a motion, because it would create a procedurally vague and unclear requirement of court clerks and would institute unrealistically short deadlines for hearings on demurrers or motions to strike in unlawful detainer actions.

Court clerks do not and should not exercise discretion, make judgment calls, or perform any legal analysis in executing their duties. Current law requires the court clerk, upon written application of the plaintiff and when simultaneously presented with proof of the service of summons and complaint, to enter a default judgment against any defendant so served if that person fails to appear and defend in an unlawful detainer action. This is consistent with the role of the court clerk, who performs specified actions ministerially, triggered by the timely and proper motions of parties. As currently drafted, AB 2347 leaves unclear if the clerk should enter a default, when the clerk should enter a default, and, crucially, what timely and proper motion made by a defendant triggers the entry of the default. The Judicial Council requests that AB 2347 be amended to provide this clarity.

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Assembly Bill 2347 also adds a deadline for courts to hear demurrers or motions to strike unlawful detainer complaints between three and seven days. The Judicial Council is concerned that seventy-two hours leaves too little time for litigants to prepare for a hearing and make an appearance. While the bill thoughtfully preserves the court's ability to hold a hearing on a later date for good cause shown, the Judicial Council is concerned that the rapid deadline proposed will result in frequent good cause requests for time extensions, further impacting crowded court calendars and delaying an ultimate decision. The Judicial Council requests that AB 2347 be amended to instead require hearings on demurrers or motions to strike be held within five court days, better ensuring litigants can feasibly prepare and appear for the originally scheduled hearing date while maintaining the goal of expeditious resolution to cases.

In sum, because the bill would not provide court clerks with clear instruction on the new proposed procedures and would institute an impracticably short hearing deadline for both the court and litigants, the Judicial Council regretfully opposes AB 2347 unless it is amended.

Should you have any questions or require additional information, please contact Heather Resetarits at 916-323-3121.

Sincerely,



Cory T. Jasperson
Director
Governmental Affairs

CTJ/HR/ad

cc: Members, Senate Judiciary Committee
Hon. Ash Kalra, Member of the Assembly, 25th District
Ms. Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mr. Morgan Branch, Consultant, Senate Republican Office of Policy
Mr. Jith Meganathan, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Shelley Curran, Administrative Director, Judicial Council of California