Rule 10.174. Petition Regarding Disputes Related to Court Security Memoranda of Understanding

(a) Application

This rule applies to petitions filed under Government Code section 69926(e).

(b) Request for assignment of Court of Appeal justice

(1) If a sheriff, county, or superior court is unable to resolve a dispute related to the memorandum of understanding required by Government Code section 69926(b), the sheriff, county, or superior court may file a petition for a writ of mandamus or writ of prohibition.

(2) On the first page, below the case number, the petition must include the following language in the statement of the character of the proceeding (see rule 2.111(6)): "Petition filed under Government Code section 69926(e): Assignment of Court of Appeal justice requested."

(3) On receipt of a petition, the superior court clerk must submit a request to the Chief Justice asking that he or she assign a Court of Appeal justice from an appellate district other than the one in which the county, the superior court, and the sheriff are located to hear and decide the petition.

(c) Superior court hearing

A petition filed under this rule must be heard and decided on an expedited basis and must be given priority over other matters to the extent permitted by law and the rules of court.

(d) Appeal

(1) Any notice of appeal of a decision under (c) must be filed in the same superior court in which the petition was initially filed and must include on the first page the following language, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)): "Notice of Appeal Relating to Petition filed under Government Code section 69926(e): Transfer Requested."

(2) On receipt of the notice of appeal, the Court of Appeal must request that the Supreme Court transfer the appeal to an appellate district other than the one in which the county, the superior court, and the sheriff are located.

Rule 10.174 adopted effective November 1, 2012.