

CFP, BDA, LLC. v. Superior Court of Riverside County
Court of Appeal, Fourth District, Division 2, California
2025 WL 1904314

The case originates from a lawsuit filed against petitioners, who own and operate Bermuda Dunes Airport, by RPI's owners of adjacent land, who seek to impose an easement across the airport property. The trial was originally set for May 2, 2025. On November 14, 2024, petitioners reserved an April 1, 2025, hearing date for their MSJ through the Riverside Court Reservation System. The motion was filed and served on RPI's via email on January 10, 2025, 81 days before the hearing date and more than 30 days before trial, pursuant to statute. (See Code Civ. Proc., § 437c, subd. (a)(2).)

Riverside County Local Rules require “all moving documents to be filed no later than ten (10) court days after the reserving party reserves the law and motion hearing date.”

Petitioners received notice on January 13, 2025, that their April 1 hearing date had been cancelled and their MSJ filing had been rejected because the moving papers were not filed within 10 court days of the hearing date being reserved.

Petitioners' subsequent efforts to set the hearing date for MSJ were denied by the trial court because they did not comply with the requirement of the Local Rules. The Court of Appeal held that the trial court abused its discretion by refusing to set a hearing date for the MSJ, as local rules cannot prevent the hearing of the timely filed MSJ.

DISCUSSION

There is no question that petitioners failed to comply with local court rules requiring that they file their MSJ within 10 days of reserving a hearing date. In addition, petitioners chose to set the hearing at the latest possible date, 31 days before trial, and they filed the motion on the last statutory date for doing so. However, the MSJ was filed within the statutory timeframe.

RPI's contended that Local Rule 3310 did not conflict with Code of Civil Procedure section 437c, and did not prevent petitioners from timely filing their MSJ. However, the application of Local Rule 3310 in this case caused the petitioners' timely filed MSJ to be rejected and the statutorily compliant hearing date to be taken off the calendar, which proved that there was a conflict between the local rules and the state rules.

Petitioners reserved a hearing date over six months ahead of time, which ensured such a date would be available, and they then complied with the statutes by filing their motion 81 days ahead of the hearing. The court's denial of the petitioners' motion to specially set the MSJ for hearing was not “in accordance with the governing rules of law.”