

Court of Appeal, First Appellate District, Div. 1 - No. A111923
S139073

IN THE SUPREME COURT OF CALIFORNIA

En Banc

**SUPREME COURT
FILED**

JEFFREY ELKINS, Petitioner,

APR 25 2007

v.

Frederick K. Ohlrich Clerk

SUPERIOR COURT OF CONTRA COSTA COUNTY, Respondent;

Deputy

MARILYN ELKINS, Real Party in Interest.

The parties are directed to file simultaneous letter briefs addressing the following question: Are the Contra Costa County Superior Court's prior local rule of court (see Super. Ct. Contra Costa County, Local Rules, rule 12.5, eff. July 1, 2005), the trial scheduling order in the present case, and the court's current local rule (Super. Ct. Contra Costa County, Local Rules, rule 12.8, eff. Jan. 1, 2007) consistent with the hearsay rule (Evid. Code, § 1200 et seq.; *Fewel v. Fewel* (1943) 23 Cal.2d 431, 438 (conc. opn. of Traynor, J.); *Lacrabere v. Wise* (1904) 141 Cal. 554, 556; *Pajaro Valley Water Management Agency v. McGrath* (2005) 128 Cal.App.4th 1093, 1107), to the extent they call for the introduction of declarations into evidence at trial in a marital dissolution action?

Simultaneous letter briefs are to be served and filed no later than May 11, 2007 and responsive letter briefs may be served and filed no later than May 18, 2005.

GEORGE

Chief Justice