

Younger ON CALIFORNIA MOTIONS

2025 Edition
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By
Judge Eric E. Younger (Ret.)
with
Donald E. Bradley

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Special Dedication For 2025 Edition

As this edition of *Younger On California Motions* was going to print, the Los Angeles area was being devastated by unprecedented wildfires. The founding author of this book, the late Judge Eric E. Younger, and his wife Debi lived in Altadena for decades, including, of course, when he first wrote the book. Most of its pages were written in their Altadena home. Their home was blessedly one of the few that was spared from destruction in the Eaton fire, but she is not yet able to move back home and has no firm time for when the remediation will render the home safe to live in. Eric and Debi loved the Altadena community and were active participants in many aspects of life there. Our hearts are broken at the loss of so much of this unique and vibrant community. We pray that the rebuilding process will be able to bring back what made Altadena special to so many.

This edition is dedicated to the thousands whose lives have been impacted by the January 2025 fires in Altadena, Pacific Palisades, and the other communities that burned and will remain impacted for months and years to come.

Preface to 2025 Edition

2024 brought some unusual changes to the California motion practice world. The emergency rules related to the COVID-19 pandemic, which tolled certain statutes of limitations and litigation deadlines in cases pending during the pandemic, have come full circle. Multiple Court of Appeal opinions were issued in 2024, which interpreted the COVID tolling rules and applied them, most importantly, to motions to dismiss discussed in Chapter 10. Also, an important, though questionably significant change to the timing rules for summary judgment motions (Chapters 8 and 16) takes effect January 1, 2025. The legislature added six days to the pretrial notice requirement for filing a summary judgment or summary adjudication motion (75 to 81 days), and added six days to the opposition deadline and reply deadline. The Section 437c amendments also specified that no party may bring more than one summary judgment motion without leave of court. The legislature also clarified an issue related to motions for enforcement of settlement (Chapter 12). Case authority had developed rules and exceptions interpreting the “signed by the parties” requirement for a written agreement to be enforceable under section 664.6. A 2021 amendment allowed attorney signatures to apply for settlement enforcement, and a 2024 case applied the attorney exception to oral settlements. A 2024 amendment, effective January 1, 2025, provides a streamlined procedure for enforcement by way of a notice of conditional settlement followed by an Order to Show Cause issued by the court.

In addition to the usual plethora of cases interpreting arbitration motions and petitions (Chapter 9), in particular preemption under the Federal Arbitration Act and unconscionability issues, these were the major updates to California motion practice in 2024.

About the Authors

Judge Eric E. Younger, a former Los Angeles County Superior Court Judge and the founding author of this book, was on the bench for more than 20 years. He was appointed to the Los Angeles Municipal Court in 1974, and was elected to the Superior Court in 1980. He served in every part of the trial court system, and on assignments on the Court of Appeal. He was one of the original 25 “fast-track” judges in Los Angeles. Judge Younger retired in 1995, and as a private judge, focused on bad faith, sexual harassment and wrongful termination, entertainment, construction defects, malpractice and general business matters.

Donald E. Bradley is a partner with the Orange County office of Musick, Peeler & Garrett LLP. Mr. Bradley’s practice includes extensive law and motion work, as well as trial, appellate, and ADR proceedings in the construction, consumer credit/privacy, environmental, antitrust, product liability, insurance coverage, and general commercial litigation fields. He is a third-generation California native, and received his undergraduate degree in English from California State University at Fullerton in 1986 and his law degree from the University of California at Davis in 1989. Mr. Bradley has chaired the Legal Advisory Committee of the Associated General Contractors of California and also is a member and former chair of its Orange County Board of Directors. Mr. Bradley has lectured on litigation issues throughout California, and has spoken on American law in Frankfurt and Cologne, Germany. He and his wife, Toni, and two daughters, Katie and Emily, live in Orange.



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