

Index

ACCOUNTING REFERENCES

Generally, § 30:6

ADMISSIONS

Request for Admissions (this index)

ADVANCING CASE

Preference Motions (this index)

AFFIRMATIVE DEFENSES

Bifurcation, § 23:5

Demurrers, affirmative defense established on complaint's face, §§ 6:10, 6:27

AGREEMENTS

Arbitration Petitions (this index)

Continuances, agreement or nonopposition, § 25:36

Discovery motions, agreement to comply, § 29:60

Settlement Enforcement Motions (this index)

ALTERNATIVE DISPUTE RESOLUTION

Generally, §§ 9:1 to 9:3

AMENDMENTS

Pleadings. **Amend or Supplement Pleadings** (this index)

Striking pleadings, amendment of pleading if motion granted, §§ 14:51, 14:52

Summary judgment, curative amendment occasionally allowed, § 8:65

AMEND OR SUPPLEMENT PLEADINGS

Amend, what is motion to amend

amendment to complaint distinguished, §§ 15:6 to 15:9

legal validity, § 15:5

liberal amendment policies, § 15:2

practice, §§ 15:2 to 15:5

prejudice, lack of, § 15:3

promptness important, § 15:4

saving amendment, allowing, § 15:6

statutory basis, § 15:1

Answer, amendment of course, § 15:20

Challenging ruling, §§ 15:45 to 15:47

Conditional opposition, § 15:41

Conform pleading to proof, amendment to, § 15:24

Declarations, § 15:38

Demurrer

potential for demurrer, § 15:29

sustained demurrer, amendment to meet, § 15:23

AMEND OR SUPPLEMENT PLEADINGS—Cont'd

- Distinguished from complaint amendment, §§ 15:6 to 15:9
- Judge's perspective, §§ 15:31 to 15:33
- Limitations on amendments, §§ 15:25, 15:26
- Moving papers
 - declarations, § 15:38
 - notice of motion, § 15:35
 - points and authorities, memorandum of, § 15:37
 - proposed pleading, copy of, § 15:36
 - service of amendment, § 15:39
- Notice of motion, § 15:35
- Of course amendments, §§ 15:16 to 15:20
- Opposition
 - generally, § 15:43
 - conditional opposition, § 15:41
- Parties
 - correct, add, or delete parties, amendment to, § 15:22
 - substitute true name of Doe defendant, amendment to, § 15:21
- Points and authorities, memorandum of, § 15:37
- Proposed pleading, copy of, § 15:36
- Related procedures, §§ 15:15 to 15:26
- Sanctions, caution regarding, § 15:44
- Saving amendment, allowing, § 15:6
- Service of amendment, § 15:39
- Stipulating to amendment, § 15:40
- Substitute true name of Doe defendant, amendment to, § 15:21
- Supplement, what is motion to supplement
 - statutory basis, § 15:10
 - supplement versus amending, §§ 15:11 to 15:14
- Supplement versus amending, §§ 15:11 to 15:14
- Timing, §§ 15:27, 15:34
- Writ, review by, § 15:47

ANSWERS

- Amendment of course, § 15:20
- Arbitration, petition to compel arbitration in lieu of answer, § 9:17
- Demurrers to answers, §§ 6:3, 6:50
- Judgment on pleadings directed at answer, § 7:3

APPEAL

- Appointment of referee, no appeal of denied motion to, § 30:36
- Arbitration petitions, §§ 9:69 to 9:72
- Bifurcation, § 23:37
- Change of venue, § 20:48
- Consolidate or sever, §§ 22:43, 22:44
- Correction of mistakes, §§ 28:29, 28:30
- Defaults and default judgments, §§ 13:54, 13:55
- Discovery motions, §§ 29:96 to 29:98

INDEX

APPEAL—Cont'd

- Discovery sanctions, § 3:38
- Dismissals, §§ 10:65, 10:66
- Preference motions, §§ 24:43, 24:44
- Pro hac vice appearance, § 19:5
- Quash service of summons, § 5:49
- Reconsideration, §§ 27:33 to 27:36
- Setting aside default or dismissal, § 26:73
- Settlement enforcement motions, §§ 12:41 to 12:43
- Summary adjudication of issues, §§ 16:44, 16:45
- Summary judgment, §§ 8:30, 8:31

APPEARANCE OF COUNSEL AND PAPERS

- Generally, § 1:3

APPEARANCES

- Pro hac vice. **Pro Hac Vice Appearance** (this index)

ARBITRATION

- Arbitrator, petition to appoint, § 9:23
- Consolidation and severance of arbitrations, §§ 22:16 to 22:18
- Contractual arbitration, § 9:5
- Fast-track era, arbitration in, § 9:42
- Federal Arbitration Act, §§ 9:8, 9:9
- Hybrid arbitration, § 9:7
- Judicial arbitration, § 9:6
- Mediation and arbitration, § 9:2
- Petitions. **Arbitration Petitions** (this index)
- Preference motions, § 24:8
- Settlement enforcement motions, § 12:12
- Waiver of right to arbitrate, § 9:20

ARBITRATION PETITIONS

- Agreements
 - generally, § 9:10
 - accompanying petition, § 9:53
 - fraud and revocation of agreement to arbitrate, § 9:19
 - policy in favor of arbitration agreements, § 9:21
 - revocation of agreement to arbitrate, § 9:19
- Alternative dispute resolution, §§ 9:1 to 9:3
- Answer, petition to compel arbitration in lieu of, § 9:17
- Appellate court challenges
 - appeal, § 9:69
 - scope of review, § 9:71
 - state of decision, § 9:69
 - writ review, § 9:72
- Application to arbitrator for correction of award, § 9:29
- Appoint arbitrator, petition to, § 9:23
- Arbitrator, petition to appoint, § 9:23

ARBITRATION PETITIONS—Cont'd

Arbitrator exceeding powers

correct award, petition to, § 9:31

vacate award, petition to, § 9:36

Awards

confirm award, petition to, §§ 9:24 to 9:31

correct award, petition to, §§ 9:28 to 9:32

vacate award, petition to, §§ 9:33 to 9:42

Challenging action on petition

appellate court challenges, §§ 9:69 to 9:72

costly improper appellate actions, § 9:73

improper appellate actions costly, § 9:73

trial court challenges, §§ 9:66 to 9:72

Compel arbitration, petition to

answer, petition in lieu of, § 9:17

commencing process, § 9:13

filing, where to file, § 9:14

fraud and revocation of agreement to arbitrate, § 9:19

lien cases, § 9:20

opposing petition, §§ 9:56 to 9:65

order to arbitrate, § 9:18

papers, § 9:50

policy in favor of arbitration agreements, § 9:21

premature petition to compel arbitration, § 9:46

revocation of agreement to arbitrate, § 9:19

service of petition, § 9:13

stays, § 9:16

timing, § 9:15

waiver of right to arbitrate, § 9:20

where to file, § 9:14

Confirm award, petition to

generally, § 9:24

dismissal of proceeding, § 9:27

low burden, § 9:25

opposing petition, § 9:64

relaxed time limits, § 9:26

Consolidate, petition to, § 9:22

Continuance, refusal to grant continuance as ground to vacate award, § 9:37

Contractual arbitration, § 9:5

Contractual versus judicial arbitration

confusion of terms, § 9:4

contractual arbitration, § 9:5

hybrid arbitration, § 9:7

judicial arbitration, § 9:6

Correct award, petition to

application to arbitrator for correction, § 9:29

arbitrator exceeding powers, § 9:31

INDEX

ARBITRATION PETITIONS—Cont'd

- Correct award, petition to—Cont'd
 - judge, inquiry by, § 9:30
 - simple error situations, § 9:28
 - vacating award on petition to correct, § 9:32
- Correcting award on petition to vacate, § 9:40
- Costly improper appellate actions, § 9:73
- Demand to arbitrate, papers, § 9:49
- Discovery rights, effect of discovery limitations, § 9:47
- Disqualification, refusal of arbitrator to disqualify as ground to vacate award, § 9:38
- Evidence, refusal to hear evidence as ground to vacate award, § 9:37
- Existing related litigation, opposing petition to compel, § 9:62
- Extrinsic fraud, ground to vacate award, § 9:35
- Facilitator, mediator as, § 9:2
- Fast-track era, arbitration in, § 9:42
- Federal Arbitration Act, §§ 9:8, 9:9
- Filing and serving, §§ 9:51, 9:52
- Fraud and revocation of agreement to arbitrate, § 9:19
- Function of arbitration petition
 - petition or motion, § 9:11
 - problem situation, petitions used only in, § 9:12
- General reference proceedings, § 9:3
- Hybrid arbitration, § 9:7
- Judge, inquiry by judge for clarification by arbitrator, § 9:30
- Judge's perspective, § 9:48
- Judicial arbitration, § 9:6
- Lien cases, § 9:20
- Material accompanying petition, § 9:53
- Mediation and arbitration, § 9:2
- Necessity, is petition necessary, §§ 9:43 to 9:47
- Opposing petitions
 - compel arbitration, §§ 9:56 to 9:65
 - correct award, petition to, § 9:65
 - vacate award, petition to, § 9:65
- Order to arbitrate, § 9:18
- Papers
 - agreement, § 9:53
 - filing and serving, §§ 9:51, 9:52
 - materials accompanying petition, § 9:53
 - petition to compel, § 9:50
 - points and authorities, § 9:54
- Party identity issues, opposing petition to compel, § 9:59
- Points and authorities, § 9:54
- Policy in favor of arbitration agreements, § 9:21
- Premature petition to compel arbitration, § 9:43
- Rehearing following petition to vacate, § 9:41
- Revocation of agreement to arbitrate, § 9:19

ARBITRATION PETITIONS—Cont'd

- Sanctions, improper appellate actions, § 9:73
- Service of petition, § 9:13
- Service of petition to compel arbitration, § 9:13
- Stays, § 9:16
- Subject matter coverage issues, opposing petition to compel, § 9:60
- Summary judgment motion compared, § 8:12
- Timing
 - compel arbitration, petition to, § 9:15
 - petitions, generally, § 9:55
- Trial by reference, § 9:3
- Types of petitions
 - appoint arbitrator, petition to, § 9:23
 - compel arbitration, petition to, §§ 9:13 to 9:21
 - confirm award, petition to, §§ 9:24 to 9:31
 - consolidate, petition to, § 9:22
 - correct award, petition to, §§ 9:28 to 9:32
 - vacate award, petition to, §§ 9:33 to 9:42
- Unconscionability, opposing petition to compel, § 9:61
- Vacate award, petition to
 - generally, §§ 9:33, 9:40
 - careful scrutiny of petition, § 9:39
 - correcting award on petition to vacate, § 9:40
 - disqualification, refusal of arbitrator to disqualify ground, § 9:38
 - evidence, refusal to hear evidence ground, § 9:37
 - exceeding powers ground, § 9:36
 - extreme situations, application to, § 9:33
 - extrinsic fraud ground, § 9:35
 - grounds for vacation, generally, § 9:34
 - rehearing following petition to vacate, § 9:41
- Vacating award on petition to correct, § 9:32
- Waiver of right to arbitrate, § 9:20
- What are arbitration petitions, §§ 9:1 to 9:11
- Writ, review by, § 9:72

ATTITUDES OF JUDGE

- Generally, § 1:6

ATTORNEY FEES

- Clerk's default judgment, § 13:44
- Nonpayment as ground of withdrawal as counsel, § 17:7
- Striking pleadings, §§ 14:26, 14:45

ATTORNEYS

- Consensual substitution. **Withdraw or Be Relieved as Counsel** (this index)
- Disqualification. **Disqualification or Recusal of Opposing Counsel** (this index)
- Fees. **Attorney Fees** (this index)
- Pro hac vice. **Pro Hac Vice Appearance** (this index)
- Recusal. **Disqualification or Recusal of Opposing Counsel** (this index)

INDEX

ATTORNEYS—Cont'd

Relieved of counsel. **Withdraw or Be Relieved as Counsel** (this index)

Withdraw of counsel. **Withdraw or Be Relieved as Counsel** (this index)

BAD FAITH

Discovery motions, interrogatories, motion to compel compliance with, bad faith objections, § 29:56

Disqualification or recusal of opposing counsel, bad faith of moving party, § 18:40

BIFURCATION

Generally, §§ 23:1, 23:2

Affirmative defenses, § 23:5

Appellate challenges, § 23:37

Causes of action, bifurcation within, § 23:7

Challenging ruling, §§ 23:33 to 23:38

Checklists, §§ 23:33 to 23:38

Conference alternatives

generally, § 23:26

economics, § 23:27

ex parte variation, § 23:29

notification, § 23:28

Confusion, potential for, § 23:25

Declarations, § 23:24

Issues, bifurcation within, § 23:7

Judge's perspective, §§ 23:13 to 23:18

Jury, use of different jury, § 23:6

Medical malpractice cases, mandatory bifurcation, § 23:8

Notice of motion, § 23:22

Opposing motion, §§ 23:30 to 23:32

Papers, moving

confusion, potential for, § 23:25

declarations, § 23:24

notice of motion, § 23:22

points and authorities, § 23:23

Points and authorities, § 23:23

Punitive damages, §§ 23:9 to 23:11

Severance, related and distinguished, §§ 22:15, 23:2

Timing for motion

generally, § 23:19

early motion, advantage of, § 23:21

judge, motion by, § 23:20

Trifurcation, § 23:12

Use of motion

affirmative defenses, § 23:5

causes of action, bifurcation within, § 23:7

examples of bifurcation, §§ 23:3, 23:4

issues, bifurcation within, § 23:7

jury, use of different jury, § 23:6

BIFURCATION—Cont’d

- Use of motion—Cont’d
 - medical malpractice cases, mandatory bifurcation, § 23:8
 - punitive damages, §§ 23:9 to 23:11
- Writ, review by, § 23:38

BONDS

- Dismissal for failure to post bond, § 10:40

BURDEN OF PROOF

- Change of venue, § 20:29
- Correction of mistakes, § 28:4
- Summary judgment, burden of proof on moving party, § 8:5

BUSINESS RECORDS

- Summary judgment, evidence supporting motion, § 8:42

CHANGE OF VENUE

- Generally, §§ 20:1 to 20:6
- Appellate challenges, § 20:48
- Branches and municipal judicial districts, confusion with venue, § 20:6
- Burden of proof, § 20:29
- Challenging ruling on motion, §§ 20:46 to 20:48
- Consumer obligations, proper county, § 20:12
- Contract actions
 - proper county, § 20:12
 - selection, contractual venue, § 20:23
- Corporation defendants, proper county, §§ 20:15, 20:17
- Declarations, § 20:42
- Employment discrimination actions, proper county, § 20:16
- Exceptions to venue rules
 - generally, § 20:20
 - main relief rule, § 20:22
- Fees, posting transfer fees, § 20:41
- Foreign corporation defendants, proper county, § 20:17
- Forum non conveniens, confusion with venue, § 20:5
- Governmental entity defendants, proper county, § 20:14
- Grounds for transfer, § 20:25
- Importance, § 20:3
- Interests of justice, discretionary transfer for, § 20:26
- Issues confused with venue, §§ 20:4 to 20:6
- Judge’s perspective, §§ 20:33 to 20:36
- Jurisdiction, confusion with venue, § 20:4
- Local actions, determining proper county, §§ 20:8, 20:9
- Main relief rule, exception to venue rules, § 20:22
- Mandatory or discretionary transfer, procedure, § 20:27
- Mixed action rule, exception to venue rules, § 20:21
- Multiple defendants, proper county, § 20:11
- Necessity of motion, §§ 20:30 to 20:32
- Notice of motion, § 20:40

INDEX

CHANGE OF VENUE—Cont'd

Opposition, §§ **20:44, 20:45**

Papers, moving

declarations, § **20:42**

notice of motion, § **20:40**

pleadings, use of, § **20:43**

points and authorities, § **20:42**

transfer fees, posting, § **20:41**

Partnerships defendants, proper county, § **20:15**

Pleadings, use of, § **20:43**

Points and authorities, § **20:42**

Proper county, determining

generally, §§ **20:7, 20:19**

corporation defendants, §§ **20:15, 20:17**

employment discrimination actions, § **20:16**

exceptions, §§ **20:20 to 20:22**

foreign corporation defendants, § **20:17**

governmental entity defendants, § **20:14**

local actions, §§ **20:8, 20:9**

partnerships defendants, § **20:15**

sham defendants, disregard of, § **20:18**

transitory actions, §§ **20:10 to 20:13**

Rarity, § **20:2**

Sham defendants, disregard of, § **20:18**

Statutory basis, § **20:1**

Timing

convenience of witness motion, § **20:38**

proper court motion, § **20:37**

standard notice, § **20:39**

venue change, timing of, § **20:28**

Tort actions, proper county, § **20:13**

Transfer case, procedure to

generally, § **20:24**

burden of proof, § **20:29**

grounds for transfer, § **20:25**

interests of justice, discretionary transfer for, § **20:26**

mandatory or discretionary, § **20:27**

timing of venue change, § **20:28**

witness convenience, discretionary transfer for, § **20:26**

Transitory actions, determining proper county

generally, § **20:10**

consumer obligations, § **20:12**

contract actions, § **20:12**

multiple defendants, § **20:11**

tort actions, § **20:13**

Witness convenience

discretionary transfer for convenience of witness, § **20:26**

CHANGE OF VENUE—Cont’d

Witness convenience—Cont’d
timing of motion, § 20:38

CITATIONS

Generally, § 2:53

COLLATERAL ESTOPPEL

Default judgments, § 13:6

COLLECTION MATTERS

Summary judgment, § 8:19

COMMUNICATIONS

Disqualification or recusal of opposing counsel, contact with represented party,
§ 18:18

COMPLAINTS

Demurrers. **Demurrers** (this index)
Striking. **Striking Pleadings** (this index)
Supplemental pleading or motion to amend, distinguished from amendment to
complaint, § 15:6

CONFERENCE ALTERNATIVES

Generally, §§ 22:20, 23:26 to 23:29

CONFLICT OF INTEREST, ATTORNEY

Disqualification or Recusal of Opposing Counsel (this index)

CONSERVATION OF PAPER

Generally, § 2:49

CONSOLIDATE OR SEVER

Generally, §§ 22:1 to 22:13
Appeal, severance for appeal of underlying cases, § 22:13
Appellate challenges, §§ 22:43, 22:44
Arbitrations, consolidation and severance of, §§ 22:16, 22:17
Bifurcation, § 22:15
Challenging rulings, §§ 22:39 to 22:44
Conference alternatives, §§ 22:20, 22:21
Consolidation motion, generally
counsel, challenge to opposing counsel, § 22:8
degrees of consolidation, § 22:4
judge, challenge to assigned judge, § 22:7
maturity, consolidation when cases not equally mature, § 22:6
statutory authority, §§ 22:1 to 22:13
stipulations, § 22:5
Consolidation motion, making
declarations, evidentiary, § 22:32
notice, § 22:30
points and authorities, § 22:31
Coordination, § 22:14

INDEX

CONSOLIDATE OR SEVER—Cont’d

Counsel, motion to consolidate and challenge to opposing counsel, § 22:8

Declarations

consolidation motion, § 22:32

severance motion, § 22:35

Defenses, severance and special defenses under section 597, § 22:12

Discretionary motions, § 22:28

Ex parte applications, § 22:29

Global settlement, §§ 22:22, 22:25

Joinder, § 22:18

Judge, motion to consolidate and challenge to assigned judge, § 22:7

Judge’s perspective, §§ 22:23 to 22:26

Making motion to consolidate or sever, §§ 22:30 to 22:35

Maturity, consolidation when cases not equally mature, § 22:6

Notice

consolidation motion, § 22:30

severance motion, § 22:33

Opposing motions to consolidate or sever, §§ 22:36 to 22:38

Points and authorities

consolidation motion, § 22:31

severance motion, § 22:34

Related cases, § 22:19

Related procedures

bifurcation, § 22:15

conference alternatives, §§ 22:20, 22:21

coordination, § 22:14

global settlement, § 22:22

joinder, § 22:18

related cases, § 22:19

Severance motion, generally

appeal, severance for appeal of underlying cases, § 22:13

mandatory severance, § 22:11

special defenses under section 597, § 22:12

Severance motion, making

declarations, § 22:35

notice, § 22:33

points and authorities, § 22:34

Statutory authority

consolidation motion, §§ 22:1 to 22:3

severance motion, §§ 22:9, 22:10

Stipulations to consolidate, § 22:5

Timing of motions, § 22:27

Uninsured motorist arbitrations, consolidation and severance of, § 22:17

Writ, review by, § 22:44

CONSUMER CLASS ACTIONS

Summary judgment, unavailability of, § 8:13

CONSUMER OBLIGATIONS

Venue, § 20:12

CONTEMPT

Reconsideration, misuse of motion for, § 27:14

Sanction, contempt distinguished from, § 3:2

CONTINUANCES

Generally, §§ 25:1 to 25:3

Agreement or nonopposition, § 25:36

Alternative to motions to continue, § 25:16

Arbitration, refusal to grant continuance as ground to vacate award, § 9:37

Avoiding motions to continue, when to avoid

discovery not extended, § 25:19

last-minute continuances, § 25:18

multiple continuances, § 25:17

Balancing equities, § 25:35

Circumstances beyond our control, § 25:14

Costs, offer to pay, § 25:34

Court rules, as legal basis, § 25:2

Declarations, § 25:33

Discovery not extended, avoiding motions to continue, § 25:19

Ex parte motions, § 25:30

Fast-track, impact of, § 25:12

Final status conference, personal injury, Los Angeles, § 25:6

Judge's perspective, §§ 25:20 to 25:28

Judicial discretion, §§ 25:10 to 25:13

Last-minute continuances, avoiding, § 25:18

Legal bases, §§ 25:1, 25:2

Liberal treatment, personal injury, Los Angeles, § 25:5

Los Angeles. Personal Injury, below

Making motion

ex parte motions, § 25:30

formal motion rare, § 25:29

papers, moving, §§ 25:32 to 25:34

time of trial, motion at, § 25:31

Multiple continuances, avoiding, § 25:17

Opposing motion, §§ 25:35, 25:36

Other types of cases, Los Angeles, § 25:8

Papers, moving

costs, offer to pay, § 25:34

declarations, § 25:33

points and authorities, § 25:32

Personal injury, Los Angeles

final status conference, § 25:6

liberal treatment, § 25:5

motion practice other than to continue, § 25:4

other types of cases, § 25:8

INDEX

CONTINUANCES—Cont'd

- Personal injury, Los Angeles—Cont'd
 - sharing a “joint,” difficulties, § 25:7
 - special calendaring, § 25:3
- Points and authorities, § 25:32
- Sharing a “joint,” difficulties, personal injury, Los Angeles, § 25:7
- Short continuance myth, § 25:25
- Special calendaring, personal injury, Los Angeles, § 25:3
- Statutes, as legal basis, § 25:2
- Trailing distinguished, § 25:9
- Uses of motions to continue
 - alternative, § 25:16
 - circumstances beyond our control, § 25:14
 - settlement, aid to, § 25:15

CONTRACT ACTIONS

- Arbitration, contractual, § 9:5
- Default judgments, clerk’s judgment, § 13:40
- Demurrers, inability to ascertain kind of contract on which action based, §§ 6:16 to 6:18
- Venue
 - generally, § 20:12
 - selection, § 20:23

COORDINATION

- Generally, § 22:14

CORPORATIONS

- Counsel, order relieving counsel for corporate clients, § 17:26
- Venue, corporation defendants, §§ 20:15, 20:17

CORRECTION OF MISTAKES

- Generally, §§ 28:1 to 28:4
- Appellate challenges, §§ 28:29, 28:30
- Burden of proof, § 28:4
- Challenging ruling, §§ 28:28 to 28:30
- Deadlines, no extension of critical or jurisdictional deadlines, § 28:10
- Declarations, § 28:23
- Discovery, limitations on correction, § 28:8
- Discretionary relief, § 28:2
- Elements, critical, § 28:3
- Judge’s perspective, §§ 28:11 to 28:14
- Limitations on applicability
 - deadlines, no extension of critical or jurisdictional deadlines, § 28:10
 - discovery, § 28:8
 - reargument of prior proceedings, § 28:9
 - statute of limitations, § 28:7
- Necessity of motion, §§ 28:5 to 28:10
- Notice of motion, § 28:18
- Opposing motion, §§ 28:25 to 28:27

CORRECTION OF MISTAKES—Cont'd

- Points and authorities, §§ 28:19 to 28:22
- Proposed document, § 28:24
- Reargument of prior proceedings, limitations on applicability, § 28:9
- Statute of limitations, limits on correction, § 28:7
- Statutory basis, § 28:1
- Timing of motion, §§ 28:15 to 28:17
- Writ, review by, § 28:30

COSTS

- Arbitration petitions, improper appellate actions, § 9:73
- Continuances, offer to pay costs, § 25:34
- Dismissal for failure to pay costs, § 10:40
- Nonpayment as ground of withdrawal as counsel, § 17:7

COURT REPORTERS

- Transcripts of hearings, § 4:16

CROSS-COMPLAINTS

- Demurrers to cross-complaints, § 6:3

CROSS MOTIONS

- Summary adjudication of issues, appellate challenges, § 16:47
- Summary judgment, §§ 8:25, 8:26

CUT-OFF DATE

- Discovery motions, § 29:35

DATE

- Discovery motions, § 29:35

DECLARATIONS

- Generally, § 2:24
- Amend or supplement pleadings, § 15:38
- Bifurcation, § 23:24
- Certification, form of, § 2:25
- Change of venue, § 20:42
- Consolidation, § 22:32
- Continuances, § 25:33
- Correction of mistakes, § 28:23
- Disqualification or recusal of opposing counsel, §§ 18:31, 18:32
- Exhibits supporting, § 2:32
- Ex parte proceedings, § 31:38
- Hearsay issues, § 2:28
- Judgment on pleadings, § 7:29
- Notaries, lack of need for, § 2:26
- Proof of service, declaration of mailing, § 2:40
- Quash service of summons, § 5:40
- Reconsideration, § 27:27
- References to declarations, § 2:31
- Sanctions, declarations re, § 2:30

INDEX

DECLARATIONS—Cont'd

- Settlement enforcement motions, § 12:35
- Severance, § 22:35
- Striking pleadings, § 14:37
- Summary judgment, §§ 2:29, 8:41, 8:42
- Title block, § 2:27
- Use, generally, § 2:23
- Withdraw or be relieved as counsel, § 17:19

DEFAULTS AND DEFAULT JUDGMENTS

- Generally, §§ 13:1 to 13:9
- Attorney fees, clerk's judgment, § 13:44
- Challenging rulings
 - appellate challenges, §§ 13:54, 13:55
 - trial court challenges, §§ 13:52, 13:53
- Clerk's judgment
 - attorney fees, § 13:44
 - contractual case, § 13:40
 - dismissal of other defendants, § 13:43
 - instrument, § 13:42
 - judgment, § 13:43
 - judicial Council form, § 13:41
 - mandatory section 473 motion setting aside, § 26:20
- Clerk's power and functions, § 13:11
- Collateral estoppel effects, § 13:6
- Court, hearing and judgment by
 - generally, § 13:45
 - declarations, prove-up by, § 13:48
 - documents, § 13:49
 - judicial Council form, § 13:46
 - opposition not allowed, § 13:51
 - publication, service of summons by, § 13:50
 - setting the hearing, § 13:47
- Desirability, when is default judgment desirable, §§ 13:14 to 13:24
- Discovery sanction, default as, § 13:9
- Entry of default, § 13:3
- Judge's perspective, §§ 13:25 to 13:28
- Judgments
 - clerk's judgment, §§ 13:12, 13:40 to 13:44
 - judgment by the court, § 13:13
- Judicial Council's request for entry of default form, § 13:33
- Obtaining default judgment
 - clerk or court, by, § 13:4
 - collateral estoppel effects, § 13:6
 - not true motion, § 13:7
 - res judicata effects, § 13:6
- Papers, §§ 13:32 to 13:39

DEFAULTS AND DEFAULT JUDGMENTS—Cont'd

- Process of entering default judgment
 - clerk's power and functions, § 13:11
 - entry by clerk on register of actions, § 13:10
 - judgments, §§ 13:12, 13:13
- Proof of service, § 13:39
- Punitive damages in statement of damages, § 13:38
- Request for entry of default, § 13:36
- Res judicata effects, § 13:6
- Seeking default and default judgment
 - errors, opportunity to correct, § 13:32
 - judicial council forms, § 13:33
 - papers, §§ 13:32 to 13:39
 - timing, §§ 13:29 to 13:31
- Setting aside. **Setting Aside Default or Dismissal** (this index)
- Statement of damages, §§ 13:37, 13:38
- Statutory bases, § 13:1
- When is default judgment desirable, §§ 13:14 to 13:24
- Why defaults occur, § 13:8

DEFECT OR MISJOINDER OF PARTIES

- Demurrers, § 6:21

DELIVERING MOTIONS

- Court, delivering motion to court
 - fax filing, § 2:82
 - oppositions, filing, § 2:80
 - proof of service, filing, § 2:80
 - replies, filing, § 2:80
 - service versus filing, § 2:78
 - shortened time, § 2:81
 - 16-court-day provision, § 2:79
- Electronic filing, § 2:83
- Parties, delivering motion to other parties
 - double extensions not permitted, § 2:77
 - notice, required amount, § 2:74
 - oppositions, serving, § 2:75
 - replies, serving, § 2:75
 - shortened time, § 2:76

DEMURRERS

- Additional technical grounds
 - attorney conspiracy cases, §§ 6:23 to 6:25
 - pre-filing ADR in construction defect cases, § 6:24
 - prelawsuit government code claim, § 6:25
- Admissions, judicial notice, § 6:32
- Affirmative defense established on complaint's face, §§ 6:10, 6:27
- Alternative tactics, § 6:39
- Amend or Supplement Pleadings** (this index)

INDEX

DEMURRERS—Cont'd

- Answers, demurrers to, §§ 6:3, 6:50
- Attorney conspiracy cases, additional technical grounds, § 6:23
- Bad reasons to demur, § 6:38
- Challenging sustained demurrers, §§ 6:60 to 6:62
- Construction defect cases, prefiling ADR in, § 6:24
- Cross-complaints, demurrers, § 6:3
- Defect or misjoinder of parties, § 6:21
- Demurrer document, § 6:51
- Dismissal after demurrer, § 10:39
- Document interpretation, judicial notice, no place for, § 6:34
- Failure to state cause of action
 - generally, § 6:6
 - affirmative defense established on complaint's face, § 6:10
 - common defects in complaint, § 6:7
 - misidentified cause of action acceptable, § 6:9
 - novel cause of action, § 6:8
- Functions of demurrers, understanding, §§ 6:26 to 6:34
- General demurrers, § 6:4
- Grounds for demurrers
 - another action pending, § 6:20
 - defect or misjoinder of parties, § 6:21
 - failure to state cause of action, §§ 6:6 to 6:10
 - kind of contract on which action based, inability to ascertain, §§ 6:16 to 6:18
 - lack of capacity to sue and standing, § 6:19
 - malpractice cases, missing certificate in certain cases, § 6:22
 - subject matter jurisdiction, §§ 6:11 to 6:14
 - technical grounds, §§ 6:19 to 6:25
 - uncertainty, § 6:15
- Improper purpose, § 6:37
- Judge's perspective, §§ 6:40 to 6:45
- Judicial notice
 - generally, § 6:27
 - admissions, § 6:32
 - conceptual misunderstandings, § 6:31
 - discovery responses, § 6:33
 - document interpretation, no place for, § 6:34
 - existence, not truth, of judicially noted materials, § 6:30
 - mechanical problems important, § 6:29
 - press accounts, § 6:33
- Kind of contract on which action based, inability to ascertain as ground for demurrer
 - statute of fraud issues, § 6:17
 - statute of limitations issues, § 6:18
- Lack of capacity to sue and standing, § 6:19
- Leave to amend, §§ 6:58, 6:59
- Malpractice cases, missing certificate in certain cases as grounds, § 6:22
- Misidentified cause of action acceptable, § 6:9

DEMURRERS—Cont'd

Motion, demurrer as, §§ 2:3, 6:2

Moving papers

demurrer document, § 6:51

notice of hearing, § 6:52

points and authorities, memorandum, § 6:53

proposed order, § 6:54

Necessity, is demurrer necessary, §§ 6:35 to 6:39

Novel cause of action, § 6:8

Opposing demurrer, §§ 6:55, 6:56

Pleading, demurrer as, § 6:2

Points and authorities, memorandum, § 6:53

Proposed order, § 6:54

Special demurrers, § 6:5

Statutory basis and availability, § 6:1

Subject matter jurisdiction, grounds for demurrer

generally, § 6:11

california systems' boundaries, § 6:12

exclusive federal jurisdiction, § 6:13

other states, § 6:14

Sustained demurrers

challenging sustained demurrers, §§ 6:60 to 6:62

demurrer sustained with leave to amend, § 6:58

demurrer sustained without leave to amend, § 6:59

Technical grounds

another action pending, § 6:20

defect or misjoinder of parties, § 6:21

lack of capacity to sue and standing, § 6:19

malpractice cases, missing certificate in certain cases, § 6:22

Timing

answer, demurrer to, § 6:50

meet-and-confer requirements, § 6:46

more than 30 days allowed in some contexts, § 6:47

proceedings by moving party if demurrer overruled, § 6:49

required notice, § 6:48

responsive pleading, demurrer as, § 6:46

Uncertainty as ground for demurrer, § 6:15

DEPOSITIONS

Generally, § 29:5

Informal resolution of disputes, § 29:20

Motions. **Discovery Motions** (this index)

Sanctions, § 3:38

DISCOVERY

Generally, §§ 29:1 to 29:10

Admissions. **Requests for Admissions** (this index)

Arbitration petitions, effect of discovery limitations, § 9:47

INDEX

DISCOVERY—Cont'd

- Continuances, avoiding when discovery not extended, § 25:19
- Correction of mistakes, limitations on, § 28:8
- Demurrers, judicial notice of discovery responses and press accounts, § 6:33
- Depositions, generally. **Depositions** (this index)
- Devices, discovery, §§ 29:4 to 29:10
- Dismissals, discovery, § 10:37
- Disqualification or recusal of opposing counsel, information obtained through inadvertent discovery, § 18:11
- Expert witness exchanges, generally. **Expert Witness Exchanges** (this index)
- Inspection demands, generally. **Inspection Demands** (this index)
- Interrogatories, generally. **Interrogatories** (this index)
- Motions. **Discovery Motions** (this index)
- Physical and mental examinations, generally. **Physical and Mental Examinations** (this index)
- References. **Discovery References** (this index)
- Requests for admissions. **Requests for Admissions** (this index)
- Setting aside default or dismissal. **Setting Aside Default or Dismissal** (this index)
- Summary judgment, discovery responses, § 8:43

DISCOVERY MOTIONS

- Generally, §§ 29:11 to 29:14
- Appellate challenges, §§ 29:96 to 29:98
- Challenging rulings, §§ 29:94 to 29:98
- Cut-off date, motion, § 29:35
- Date, motion cut-off, § 29:35
- Depositions, motion to compel compliance with
 - documentary requirements, § 29:47
 - nonparty witnesses, gaining cooperation of, § 29:40
 - notice issues, §§ 29:41 to 29:45
 - order to Show Cause, § 29:45
 - sanctions in deposition motions, § 29:39
 - timing, § 29:46
 - varied situations, § 29:38
- Depositions, requirements for motions, § 29:20
- Expert witness exchanges, motion to compel compliance with
 - change in scope of experts, motions regarding, § 29:77
 - fee setting, § 29:74
 - informal resolution efforts, § 29:75
 - relief from failure to exchange, § 29:76
 - various motions, § 29:73
- Good faith attempt at informal resolution
 - expert witness information, § 29:25
 - inspection demands, § 29:22
 - interrogatories, § 29:21
 - physical and mental examinations, § 29:24
 - protective orders, motion for, § 29:26

DISCOVERY MOTIONS—Cont’d

- Good faith attempt at informal resolution—Cont’d
 - requests for admissions, § 29:23
- Informal resolutions, efforts at, §§ 29:15 to 29:26
- Interrogatories, motion to compel compliance with
 - generally, § 29:48
 - answers, motion to compel, §§ 29:49 to 29:51
 - bad faith objections, § 29:56
 - further answers, motion to compel, §§ 29:52 to 29:54
 - late objections, § 29:56
 - order compelling response or further response, § 29:55
 - poor compliance objections, § 29:56
 - sanctions, §§ 29:57, 29:58
- Judge’s perspective, §§ 29:27 to 29:31
- Making discovery motions, generally, §§ 29:32 to 29:37
- Meet and confer, §§ 29:17, 29:18
- Motion cut-off date, § 29:35
- Objections
 - bad faith objections, § 29:56
 - late objections, § 29:56
 - poor compliance objections, § 29:56
- Opposing discovery motions, §§ 29:89 to 29:93
- Papers, moving, § 29:37
- Physical and mental examinations, motion to compel compliance with
 - generally, § 29:66
 - demand procedure, § 29:67
 - good cause, § 29:70
 - good faith attempt, § 29:72
 - mental and other physical examinations, § 29:69
 - motions similar to other discovery motions, § 29:68
 - notice of nature of examination, § 29:71
 - protective orders, motions for, § 29:87
- Production and inspection demands, motion to compel compliance with
 - generally, § 29:59
 - agreement to comply, § 29:60
 - disorganized production, § 29:62
 - good cause for production, § 29:61
- Protective orders, motions for, §§ 29:78 to 29:88
- Quashing deposition subpoena, motions for protective orders, § 29:86
- Referees, § 29:33
- References. **Discovery References** (this index)
- Reopening discovery, § 29:35
- Requests for admissions, motion to compel compliance with
 - generally, § 29:63
 - deemed admitted, motion that requested matters be deemed admitted, § 29:64
 - further responses, motion to compel, § 29:65

INDEX

DISCOVERY MOTIONS—Cont'd

- Sanctions
 - protective orders, motions for, § 29:82
- Scope, broad scope of discovery devices, § 29:1
- Separate motions for separate devices, § 29:36
- Timing variances, § 29:34
- Trade secrets protective orders, § 29:84
- Writ, review by, § 29:98

DISCOVERY REFERENCES

- Generally, §§ 30:8 to 30:11
- Advantages of references, §§ 30:18 to 30:25
- Appeal of denied motion to appointment of referee, § 30:36
- Appointment of referee, no appeal of denied motion to, § 30:36
- Appropriateness of references, §§ 30:16 to 30:18
- Attorney misbehavior, appropriateness of references, § 30:17
- Complex and repeat issues, appropriateness of references, § 30:16
- Court facilities, use of, § 30:13
- Court's order on report and recommendations, § 30:32
- Fees, reference
 - ability to pay, §§ 30:18, 30:27
 - allocated in court's order, § 30:26
 - attorney liability, § 30:28
- General versus special references, § 30:3
- Hearing, §§ 30:31, 30:33
- Less formalistic approaches, § 30:35
- Motion by court or party, § 30:9
- Political history, § 30:2
- Public proceedings, § 30:14
- Report and recommendations, § 30:30
- Reporting to court, § 30:4
- Review of referee's decision, §§ 30:29 to 30:36
- Selecting referee, § 30:11
- Stipulation to reference or given referee, § 30:10
- What are references, §§ 30:1 to 30:4

DISCOVERY SANCTIONS

- Admissions, requests for, § 3:33
- Amount, declaration concerning, § 3:31
- Appeal of substantial sanctions, § 3:38
- Appellate antipathy toward sanctions, § 3:40
- Challenge checklist
 - appellate antipathy toward sanctions, § 3:40
 - denial not appealable, § 3:39
 - inconsistency of treatment, § 3:42
 - notice issues, § 3:41
 - opportunity to be heard, § 3:43
 - substantial sanctions appealable, § 3:38

DISCOVERY SANCTIONS—Cont'd

- Challenge checklist—Cont'd
 - trial court challenges, § 3:37
- Denial of sanctions not appealable, § 3:39
- Depositions, § 3:35
- Detailed written order, § 3:36
- Dismissals, § 10:37
- Electronically stored information, § 3:34
- Inconsistency of treatment by appellate court, § 3:42
- Meet and confer requirement, § 3:32
- Notice, § 3:29
- Notice issues, challenging sanctions, § 3:41
- Opportunity to be heard, challenging sanctions, § 3:43
- Order, necessity of detailed written order, § 3:36
- Philosophy of discovery sanctions
 - comparison to other sanctions, § 3:25
 - heavier sanctions, § 3:27
 - judicial attitude on discovery disputes, § 3:28
 - multiple sanction statutes, § 3:26
- Procedure
 - amount, declaration concerning, § 3:31
 - meet and confer requirement, § 3:32
 - notice, § 3:29
 - specification of target, § 3:30
- Requests for admissions, § 3:33
- Setting aside default or dismissal, entered as discovery sanction, mandatory § 473 motion, § 26:21
- Special sanction situations
 - depositions, § 3:35
 - electronically stored information, § 3:34
 - requests for admissions, § 3:33
- Statutes, multiple sanction statutes, § 3:26
- Striking pleadings as sanction for discovery abuses, § 14:12
- Target, specification of, § 3:30
- Trial court challenges, § 3:37

DISMISS, MOTION TO

Dismissals (this index)

DISMISSALS

- Generally, §§ 10:1 to 10:5
- Bond, dismissal for failure to post bond, § 10:40
- Bringing case to trial, dismissal for delay in
 - five-year mandatory statute
 - generally, §§ 10:18 to 10:25
 - Bankruptcy, § 10:23
 - Impossible, impracticable, or futile, § 10:24
 - Judicial arbitration, § 10:20
 - Mediation, court-ordered, § 10:21

INDEX

DISMISSALS—Cont'd

- Bringing case to trial, dismissal for delay in—Cont'd
 - five-year mandatory statute—Cont'd
 - Settlement, § **10:25**
 - Stay, § **10:22**
 - Stipulations, § **10:19**
 - two-year discretionary statute
 - generally, §§ **10:26 to 10:29**
 - Excuse, dismissal mandatory absent, § **10:29**
 - Fast-track, § **10:27**
 - Rule 373(e), § **10:28**
- California Rules of Court Rule 201.7, § **10:5**
- Challenging rulings on motion to dismiss
 - appellate court challenges, §§ **10:65, 10:66**
 - trial court challenges, §§ **10:63, 10:64**
- Costs, dismissal for failure to pay costs, § **10:40**
- Demurrer, dismissal after, § **10:39**
- Discovery dismissals, § **10:37**
- Failure to appear, dismissal for, § **10:38**
- Fast-track rules, §§ **10:4, 10:27**
- Inherent authority of court
 - generally, § **10:35**
 - attorney fault as excuse, § **10:36**
- Judge's perspective, §§ **10:50 to 10:52**
- Mandatory or discretionary dismissals, § **10:2**
- Moving papers
 - consideration of other factors, § **10:56**
 - demonstration of prejudice, § **10:55**
 - discretionary motions, § **10:54**
 - regular noticed motion, § **10:53**
- Nature of motion to dismiss, § **10:1**
- Necessity, is motion necessary, §§ **10:42 to 10:49**
- Opposing motion
 - attorney fault issue, § **10:61**
 - mandatory dismissal motions, § **10:60**
 - merits, policy favoring disposition on merits, § **10:62**
- Own motion of court, § **10:59**
- Retrial, dismissal for delay in
 - applicability of section 583.410 delay dismissal, § **10:32**
 - three-year mandatory statute, § **10:30**
 - two-year discretionary statute, § **10:31**
- Rules violations, dismissal for, §§ **10:33, 10:34**
- Serving plaintiff, dismissal for delay in
 - attorney fault, § **10:6**
 - commencing action, § **10:8**
 - excusable neglect, § **10:15**
 - general appearance, § **10:17**
 - new parties, § **10:9**

DISMISSALS—Cont'd

- Serving plaintiff, dismissal for delay in—Cont'd
 - section 473, applicability of, § 10:6
 - 60 days
 - importance of, § 10:11
 - return of summons, § 10:10
 - three-year mandatory statute, §§ 10:7 to 10:12
 - tolling, § 10:16
- Setting aside. **Setting Aside Default or Dismissal** (this index)
- Settlement enforcement motions, § 12:38
- Strike, dismissal after motion to strike, § 10:39
- Summary judgment, § 8:50
- Timing of motion
 - normal notice provisions, § 10:57
 - special rules for two-year motions, § 10:58
- Voluntary dismissals, § 10:41
- Without prejudice dismissals, § 10:3

DISQUALIFICATION OR RECUSAL OF OPPOSING COUNSEL

- Generally, §§ 18:1 to 18:4
- Advisability of making motion, §§ 18:23 to 18:25
- Bad faith of moving party, § 18:40
- Bases for motion
 - conflict of interest, attorney, §§ 18:5 to 18:13
 - contact with represented party, §§ 18:14 to 18:18
 - witness, attorney as, §§ 18:19, 18:20
- Case law, §§ 18:3, 18:21, 18:22
- Challenging ruling, §§ 18:42 to 18:44
- Conflict of interest, attorney
 - confidential interest, § 18:5
 - consent, § 18:13
 - discovery, information obtained through inadvertent, § 18:11
 - inadvertent discovery, information obtained through, § 18:11
 - information obtained through inadvertent discovery, § 18:11
 - information without relationship, § 18:7
 - mediation, information obtained through, § 18:9
 - personal relationships, § 18:8
 - potential clients, § 18:10
 - substantial relationship, § 18:6
 - vicarious disqualification, § 18:12
- Contact with represented party
 - current employees, § 18:15
 - Any employee, § 18:16
 - experts, contact with, § 18:17
 - political communications, § 18:18
 - social communications, § 18:18
 - transmittal of information required, § 18:14

INDEX

DISQUALIFICATION OR RECUSAL OF OPPOSING COUNSEL—Cont'd

Declarations

client, § 18:31

counsel, § 18:32

Discovery, information obtained through inadvertent, § 18:11

Expense, § 18:41

Inadvertent discovery, information obtained through, § 18:11

Information obtained through inadvertent discovery, § 18:11

Judge's perspective, §§ 18:26 to 18:29

Nature of motion, § 18:1

Notice of motion, § 18:30

Opposing motion, §§ 18:36 to 18:41

Papers

declaration of client, § 18:31

declaration of counsel, § 18:32

notice of motion, § 18:30

points and authorities, § 18:33

timing, §§ 18:34, 18:35

Points and authorities, § 18:33

Rules of Professional Conduct, § 18:4

Statutory basis, § 18:2

Timing, §§ 18:34, 18:35

Witness, attorney as

client's permission, change of rule, § 18:20

traditional prohibition, § 18:19

Writ, review by, § 18:44

DISTRACTIONS, AVOIDING

Generally, § 1:3

DOCUMENT INTERPRETATION

Demurrers, judicial notice, § 6:34

DOE DEFENDANTS

Amendment of pleadings to substitute true name, § 15:21

ELECTRONICALLY STORED INFORMATION

Special sanction, § 3:34

ELECTRONIC FILING

Delivering motions, § 2:83

EMAIL, USE OF

Proof of service, § 2:43

EMPLOYMENT DISCRIMINATION ACTIONS

Venue, § 20:16

EVIDENCE

Good faith settlement determinations, § 11:21

Quash. **Quash Service of Summons** (this index)

Reclassification of cases, § 21:28

EVIDENCE—Cont’d

- Sanctions, evidentiary support, § 3:15
- Settlement enforcement motions, § 12:34
- Striking pleadings, § 14:10
- Summary judgment. **Summary Judgment** (this index)

EXHIBITS

- Declarations, exhibits supporting, § 2:32
- Withdraw or be relieved as counsel, § 17:20

EX PARTE PROCEEDINGS

- Generally, §§ 31:1 to 31:5
- Appellate challenges, § 31:47
- Appropriateness of ex parte relief, §§ 31:20 to 31:24
- Challenging ruling, §§ 31:45 to 31:47
- Consolidate or sever, ex parte applications, § 22:29
- Contested applications, major or emergency
 - contested emergency matters, § 31:7
 - schedule conflicts, § 31:8
 - statutory applications, § 31:10
 - witness issues, § 31:9
- Continuances, § 25:30
- Declarations, § 31:38
- Formal applications
 - declarations, § 31:38
 - documents, § 31:37
 - hearing, § 31:36
 - necessity of, §§ 31:32, 31:33
 - notification, § 31:34
 - points and authorities, § 31:39
 - proceeding without notification, § 31:35
 - proposed order, § 31:40
 - underlying motion, § 31:41
- Hearing on formal application, § 31:36
- Innocuous requests
 - clerk, handled by, §§ 31:17, 31:32
 - judicial attention, matters requiring, §§ 31:18, 31:33
 - meaning of innocuous, § 31:16
 - page limits, § 31:19
- Judge’s perspective, §§ 31:25 to 31:31
- Meaning of ex parte, § 31:2
- Nature of ex parte applications
 - emergency or innocuous requests, § 31:1
 - meaning of ex parte, § 31:2
 - no right to be heard, § 31:4
 - notice or notification, § 31:3
 - statutory and rule bases, § 31:5
- No right to be heard, § 31:4

INDEX

EX PARTE PROCEEDINGS—Cont'd

- Notice or notification, § 31:3
- Opposing ex parte application, §§ 31:42 to 31:44
- Order, proposed, § 31:40
- Page limits, § 31:19
- Points and authorities, § 31:39
- Quash service of summons
 - generally, §§ 5:12 to 5:14
 - anomalies in appearance rules, § 5:12
 - cross-actions and consolidated actions, § 5:13
- Repeated ex parte applications, § 31:31
- Schedule conflicts, contested applications, § 31:8
- Shortening time, uncontested applications, § 31:12
- Situations warranting ex parte relief, §§ 31:6 to 31:19
- Statutory and rule bases, § 31:5
- Stays, uncontested applications, § 31:13
- Uncontested applications, major or emergency
 - generally, §§ 31:11, 31:15
 - shortening time, § 31:12
 - stays, § 31:13
- Witness issues, contested applications, § 31:9

EXPERT WITNESS EXCHANGES

- Generally, § 29:10
- Good faith attempt at informal resolution, § 29:25
- Motions. **Discovery Motions** (this index)

EXPRESS MAIL, USE OF

- Proof of service, § 2:43

EXTRA WORK FOR JUDGE, AVOIDING

- Generally, § 1:4

FAILURE TO STATE CAUSE OF ACTION

- Demurrers** (this index)

FAST TRACK

- Continuances, impact of fast track, § 25:12
- Sanctions. **Sanctions** (this index)
- Setting aside default or dismissal, discretionary section 473 motion, § 26:13

FAX, USE OF

- Filing motion with court, § 2:82
- Proof of service, § 2:43

FEES

- Attorney fees. **Attorney Fees** (this index)
- Expert witness exchanges, fee setting, § 29:74
- References. **Discovery References** (this index)

FORMAT OF PAPERS

- Notice of motion, §§ 2:14, 2:18

FORMAT OF PAPERS—Cont'd

Quash service of summons, §§ 5:35, 5:36

Summary judgment, format of documentary evidence, § 8:45

FORUM NON CONVENIENS

Venue, confusion with, § 20:5

FRIVOLOUS SUITS

Summary judgment, strategic considerations, § 8:15

GLOBAL SETTLEMENT

Generally, §§ 22:22, 22:25

GOOD FAITH SETTLEMENT DETERMINATIONS

Generally, §§ 11:1 to 11:10

Anti-settlement motion, § 11:31

Challenging ruling on motion, §§ 11:37 to 11:40

Cross-actions by nonsettling parties, protection against, § 11:1

Cross-complaints, determination does not dismiss, §§ 11:27 to 11:30

Economic analysis, contesting, § 11:36

Elements of good faith settlement, §§ 11:9, 11:10

Evidence, § 11:21

Judge's perspective, §§ 11:13 to 11:16

Making motion, §§ 11:17 to 11:31

Necessity, when is motion necessary, §§ 11:11, 11:12

Opposing motion, §§ 11:32 to 11:36

Oral testimony, § 11:22

Points and authorities, memorandum of, § 11:20

Simplified procedure with section 877.6

generally, § 11:8

contested, procedure when, § 11:25

making motion, §§ 11:23 to 11:26

not contested, procedure when, § 11:26

Timing, §§ 11:17, 11:18

Traditional motion

burden of proof, § 11:6

evidence, § 11:21

making motion, §§ 11:19 to 11:22

moving party, § 11:7

notice, §§ 11:5, 11:19

oral testimony, § 11:22

points and authorities, memorandum of, § 11:20

GUARDIANS AD LITEM

Counsel, limitations on substitution for guardians ad litem, § 17:11

HANDLING OF MOTIONS, GENERALLY

Generally, § 1:1

HEARSAY IN DECLARATIONS

Generally, § 2:28

INDEX

HOMEOWNERS' ASSOCIATIONS

Preference motions, § 24:22

HONESTY IN MOTIONS

Generally, § 1:2

HYBRID

Arbitration, § 9:7

Settlement enforcement motions, § 12:14

INADVERTENT DISCOVERY

Disqualification or recusal of opposing counsel, § 18:11

INCONSISTENCIES

Generally, § 1:7

IN PROPRIA PERSONA REPRESENTATION

Striking pleadings, improper in propria persona representation, § 14:27

INSPECTION DEMANDS

Good faith attempt at informal resolution, § 29:22

Motions. **Discovery Motions** (this index)

Sanctions. **Discovery Sanctions** (this index)

INSULTS TO JUDGE, AVOIDING

Generally, § 1:5

INTEREST

Striking pleadings, § 14:26

INTERJURISDICTIONAL PRACTICE

Pro hac vice appearance, § 19:2

INTERROGATORIES

Generally, § 29:6

Good faith attempt at informal resolution, § 29:21

Motions. **Discovery Motions** (this index)

JOINDER OF ACTIONS

Generally, § 22:18

JUDGES

Extra work for judge, avoiding, § 1:4

Insults to judge, avoiding, § 1:5

Oral argument. **Oral Argument** (this index)

Peremptory challenge of judge. **Oral Argument** (this index)

Persuasion of judges

passion versus rudeness, § 2:62

points and authorities, § 2:63

rudeness, §§ 2:62, 2:64

Threats to judge, avoiding, §§ 1:5, 4:71

Understanding how judge thinks, necessity, § 1:6

JUDGMENT ON PLEADINGS

- Answer, motion may be directed at, § 7:3
- Challenging ruling on motion, §§ 7:38 to 7:41
- Change in counsel, motion following, § 7:13
- Clear change in law, intentional situations, § 7:14
- Codification of motion
 - generally, § 7:6
 - common law motion, effect of statute on, § 7:11
- Common law motion, effect of statute on, § 7:11
- Declarations, inappropriateness of, § 7:29
- Defects on face of pleading, motion as attacking, § 7:2
- Demurrer, motion as late general demurrer, §§ 7:1, 7:4, 7:36
- Different judge issue, §§ 7:22 to 7:26
- Independent review, § 7:40
- Intentional situations, §§ 7:14, 7:15
- Judge's own motion, motion on, § 7:16
- Judge's perspective, §§ 7:19 to 7:26
- Judgment, challenging resulting judgment, § 7:39
- Judicial notice materials, § 7:30
- Liberality where no "miscarriage of justice," § 7:16
- Moving papers
 - declarations, inappropriateness of, § 7:29
 - judicial notice materials, § 7:30
 - notice of motion, § 7:27
 - order, proposed, § 7:31
 - points and authorities, memorandum of, § 7:28
- Multiple attacks on same issue by means of motions for judgments on pleadings, § 7:16
- Necessity, motion as necessary, § 7:5
- Notice of motion, § 7:27
- Opposing motion, §§ 7:36, 7:37
- Order, proposed, § 7:31
- Points and authorities, memorandum of, § 7:28
- Review, independent, § 7:40
- Situations in which motion may be made
 - generally, § 7:7
 - motion after overruled demurrer, change in law, § 7:9
 - motion after prior motion denied, § 7:10
 - motion when no prior demurrer made, § 7:8
- Summary judgment, motion as alternative to, § 7:18
- "Tactical" later challenge, intentional situations, § 7:15
- Timing of motion, §§ 7:34, 7:35
- Timing of opposition, § 7:37
- Trial, motion at time of trial, §§ 7:32, 7:33
- Uses of motion, §§ 7:12 to 7:18
- Writ, review by, § 7:41

INDEX

JUDGMENTS

- Answers, judgment on pleadings directed at answer, § 7:3
- Default judgments. **Defaults and Default Judgments** (this index)
- Pleadings, judgment on. **Judgment on Pleadings** (this index)
- Summary judgment. **Summary Judgment** (this index)
- Void judgment, motion to set aside, §§ 26:46, 26:48, 26:49, 26:66

JUDICIALLY NOTICED MATERIALS

- Demurrers. **Demurrers** (this index)
- Judgment on pleadings, § 7:30
- Striking pleadings, § 14:36
- Summary judgment, § 8:46

JURIES

- Bifurcation, use of different jury, § 23:6

JURISDICTION

- Pro hac vice appearance, interjurisdictional practice, § 19:2
- Quash service of summons, challenging personal jurisdiction, § 5:2
- Reclassification of cases, changing jurisdictional classification, §§ 21:4 to 21:6
- Setting aside default or dismissal, mandatory section 473 motion not applicable to jurisdictional errors, § 26:31
- Settlement enforcement motions, continuing jurisdiction of court, § 12:19
- Subject matter jurisdiction. **Demurrers** (this index)
- Venue, confusion with, § 20:4

LACK OF CAPACITY TO SUE AND STANDING

- Demurrers, § 6:19

LATE OBJECTIONS

- Discovery motions, interrogatories, motion to compel compliance with, § 29:56

LAW CLERKS

- Research Attorneys** (this index)

LITIGATION, MOTION PRACTICE AS

- Generally, § 1:8

LIVE WITNESSES

- Generally, § 2:36

LOCAL RULES, ELIMINATION OF

- Generally, § 2:13

LOS ANGELES

- Continuances** (this index)

MAIL, USE OF

- Proof of service, § 2:43

MALICIOUS, ILLEGAL OR MERITLESS CASE

- Withdraw or be relieved as counsel, § 17:3

MALPRACTICE CASES

- Bifurcation mandatory, medical malpractice cases, § 23:8
- Demurrers, missing certificate in certain cases as grounds for demurrer, § 6:22
- Preference motions, lesser priority for children under age 14 in malpractice cases, § 24:11

MECHANICS

- Preparation and Service of Documents** (this index)

MEMORANDUM OF POINTS AND AUTHORITIES

- Amend or supplement pleadings, § 15:37
- Bifurcation, § 23:23
- Brief, memorandum as brief, § 2:22
- Change of venue, § 20:42
- Consolidation motion, § 22:31
- Contents, § 2:20
- Continuances, § 25:32
- Correction of mistakes, §§ 28:19 to 28:22
- Cramming it in, § 2:23
- Demurrers, § 6:53
- Disqualification or recusal of opposing counsel, § 18:33
- Ex parte proceedings, § 31:39
- Focus of motion, § 2:18
- Font-size requirements, § 2:22
- Good faith settlement determinations, § 11:20
- Length
 - font-size requirements, § 2:22
 - limitations, § 2:21
 - longer briefs, requirements for, § 2:22
- Persuasion of judges, § 2:63
- Quash service of summons. **Quash Service of Summons** (this index)
- Reclassification of cases, § 21:28
- Reconsideration, § 27:26
- Setting aside default or dismissal, § 26:58
- Severance motion, § 22:34
- Striking pleadings, § 14:35
- Summary adjudication of issues, § 16:32
- Summary judgment. **Summary Judgment** (this index)

MENTAL EXAMINATIONS

- Physical and Mental Examinations** (this index)

MISTAKES

- Correction. **Correction of Mistakes** (this index)
- Motions, mistakes in, § 1:2
- Setting aside. **Setting Aside Defaults or Dismissals** (this index)

MOTION CUT-OFF DATE

- Discovery motions, § 29:35

INDEX

MOTION FOR JUDGMENT ON PLEADINGS

Judgment on Pleadings (this index)

MOTION FOR NEW TRIAL

Reconsideration, § 27:19

MOTION FOR RECONSIDERATION

Reconsideration (this index)

MOTION PRACTICE

Personal injury, Los Angeles, § 25:4

MOTION TO CONTINUE TRIAL

Continuance (this index)

MOTION TO CORRECT MISTAKES

Correction of Mistakes (this index)

MOTION TO DISMISS

Dismissals (this index)

MOTION TO QUASH SERVICE OF SUMMONS

Quash Service of Summons (this index)

MOTION TO STRIKE

Striking Pleadings (this index)

NEW TRIAL, MOTION FOR

Reconsideration, § 27:19

NOTICE, MEANINGS OF

Generally, § 2:5

NOTICE OF MOTION

Amend or supplement pleadings, § 15:35

Bifurcation, § 23:22

Change of venue, § 20:40

Contents, required, § 2:6

Correction of mistakes, § 28:18

Court schedule irregularities, § 2:10

Date, time and place of hearing, determining, § 2:8

Designation of accompanying papers, § 2:11

Documents to append, § 2:15

First paragraph of notice, § 2:12

Format of papers, §§ 2:14, 2:18

Internet, use of, § 2:9

Judgment on pleadings, § 7:27

Local rules, elimination of, § 2:13

Notice, meanings of, § 2:5

Reconsideration, § 27:25

Sanction requests, § 2:16

Scheduling motion, §§ 2:8, 2:9

Setting aside default or dismissal, § 26:57

NOTICE OF MOTION—Cont'd

- Signature, § 2:17
- Striking pleadings, § 14:34
- Summary judgment, § 8:37
- Title requirements, § 2:7
- Withdraw or be relieved as counsel, § 17:18

OBJECTIONS

- Discovery motions, § 29:56
- Preparation and service of documents, objections to evidence, § 2:51
- Summary Judgment** (this index)

OPPOSITION TO MOTIONS, GENERALLY

- Sanction requests, § 2:70
- Serving opposition, § 2:75
- Whether or not to oppose, § 2:69

ORAL ARGUMENT

- Addressing participants
 - courtroom staff, § 4:12
 - judge, § 4:40
 - opposing counsel, § 4:41
- Appearance when case called, §§ 4:37 to 4:39
- Appearing, when no one appears, §§ 4:77 to 4:83
- Appellate planning, § 4:72
- Argument allowed, §§ 4:29 to 4:32
- Checking in, § 4:36
- Conduct, courtroom, §§ 4:40 to 4:44
- Continuance, request for, §§ 4:49, 4:50
- Courtroom staff
 - addressing court staff, § 4:12
 - busy staff, dealing with, § 4:14
 - common courtesies, § 4:15
 - importance of staff relations, § 4:10
 - problem staff, dealing with, § 4:13
 - reporter, court, §§ 4:16, 4:17
 - rules and rulings, staff as not making, § 4:11
- Documents, having documents, § 4:39
- End of hearing, §§ 4:45 to 4:47
- Interrupting, § 4:42
- Judges
 - components of job, § 4:1
 - difficult judge, dealing with, § 4:3
 - learning about judge, § 4:2
 - living with a judge, § 4:9
 - peremptory challenge of judge, §§ 4:4 to 4:8
- Making oral argument, §§ 4:68 to 4:76
- Notice of ruling, § 4:46
- Paying attention, § 4:43

INDEX

ORAL ARGUMENT—Cont'd

- Penalties for failing to appear, § 4:82
- Peremptory challenge of judge
 - limitations, § 4:6
 - practical considerations, § 4:7
 - procedure, § 4:4
 - timing, § 4:5
- Personal appearance, §§ 4:33 to 4:36
- Political skills, § 4:44
- Preparing for oral argument, §§ 4:19 to 4:28
- Reporter, court
 - budget cut, § 4:17
 - transcripts of hearings, § 4:16
- Research attorney, § 4:18
- Submitting on tentative rulings, §§ 4:58 to 4:67
- Taking off calendar, §§ 4:77 to 4:79
- Taking under submission, § 4:47
- Tentative rulings
 - continuances, tentative rulings and requests for continuances, §§ 4:51, 4:52
 - impact, § 4:26
 - submitting on tentative rulings, §§ 4:58 to 4:67
 - varying judicial practices, §§ 4:53 to 4:57
- Threats, § 4:71
- Transcripts of hearings, § 4:16
- Unprepared, appearing when unprepared, §§ 4:48 to 4:52

ORDERS

- Approval period, § 2:38
- Demurrers, proposed order, § 6:54
- Discovery references, court's order on report and recommendations, § 30:32
- Ex parte proceedings, proposed orders, § 31:40
- Judgment on pleadings, proposed orders, § 7:31
- Preparing orders after ruling, § 2:38
- Proposed order, no requirement for, § 2:37
- Protective orders. **Discovery Motions** (this index)
- Summary adjudication of issues, preparation of order, § 16:33
- Summary judgment. **Summary Judgment** (this index)

PARTNERSHIPS

- Venue, partnerships defendants, § 20:15

PEREMPTORY CHALLENGE OF JUDGE

- Oral Argument** (this index)

PERSONAL INJURY

- Continuances** (this index)

PERSUASION OF JUDGES

- Judges** (this index)

PHYSICAL AND MENTAL EXAMINATIONS

Generally, § 29:9

Good faith attempt at informal resolution, § 29:24

Motions. **Discovery Motions** (this index)

POINTS AND AUTHORITIES

Memorandum of Points and Authorities (this index)

POLITICAL COMMUNICATIONS

Disqualification or recusal of opposing counsel, § 18:18

POOR COMPLIANCE OBJECTIONS

Discovery motions, interrogatories, motion to compel compliance with, § 29:56

PREFERENCE MOTIONS

Generally, §§ 24:1 to 24:23

Additional considerations, dismissal avoidance, § 24:39

Appellate challenges, §§ 24:43, 24:44

Challenging rulings, §§ 24:41 to 24:44

Children under age 14, preference for
dismissal statutes, relationship to, § 24:12
malpractice, lesser priority for, § 24:11
mandatory priority, § 24:9
opposing, § 24:37
statutes seemingly inconsistent, § 24:10

Contractual arbitration, § 24:20

Declarations, § 24:34

Declaratory relief, § 24:16

Dismissal avoidance
additional considerations, § 24:39
interests of justice preference, § 24:14
opposing motion, § 24:40

Elderly and ill persons, preference for
age, triggering, § 24:3
arbitration, § 24:8
common motion, § 24:4
health problems, nature of, § 24:5
not mandatory, § 24:2
opposing old-age cases, § 24:38
substantial interest in action test, § 24:7
terminal illness, potentially, § 24:6

Eminent domain, § 24:18

Family law case injunctions, § 24:15

Felony victims, § 24:21

Homeowners' associations, § 24:22

Interests of justice, preferences in
discretionary, § 24:13
five-year dismissal, avoiding, § 24:14
Judge's perspective, §§ 24:27 to 24:30

INDEX

PREFERENCE MOTIONS—Cont'd

- Judicial arbitration, § 24:19
- Judicial notice materials, § 24:35
- Necessity of motion, §§ 24:24 to 24:26
- Notice of motion, § 24:32
- Obscure priorities, § 24:23
- Opposing motions, §§ 24:36 to 24:40
- Papers, moving
 - declarations, § 24:34
 - judicial notice materials, § 24:35
 - notice of motion, § 24:32
 - points and authorities, § 24:33
- Points and authorities, § 24:33
- Statutory bases, § 24:1
- Timing, § 24:31
- Unlawful detainer cases, § 24:17
- Writ, review by, § 24:44

PREPARATION AND SERVICE OF DOCUMENTS

- Appearance, §§ 1:3, 2:54
- Binding, § 2:54
- Blanks, filling in blanks, § 2:55
- Cases
 - out-of-state cases, § 2:48
 - recent cases, § 2:50
- Citations, § 2:53
- Conservation of paper, § 2:49
- Declarations. **Declarations** (this index)
- Delivery. **Delivering Motions** (this index)
- Demurrers as motions, § 2:3
- Discovery documents, supporting and opposing motions, § 2:34
- Evidentiary materials supporting and opposing motions
 - generally, § 2:33
 - discovery documents, § 2:34
 - judicially noticeable materials, § 2:35
 - live witnesses, § 2:36
- Exhibits. **Exhibits** (this index)
- Filing under seal
 - history, § 2:56
 - lodging confidential records, § 2:59
 - motion practice, §§ 2:60, 2:61
 - no seal, confidential records filed without moving to seal, § 2:58
 - record sealing procedure, § 2:57
 - unseal, motion to, § 2:60
- Filling in blanks, § 2:55
- Going by the book, § 2:66
- Judicially noticeable materials, supporting and opposing motions, § 2:35
- Lodging confidential records, § 2:59

PREPARATION AND SERVICE OF DOCUMENTS—Cont'd

Mechanics

- binding, § 2:54
- citations, § 2:53
- filling in blanks, § 2:55
- importance of mechanics, § 2:2
- physical quality, § 2:54
- recycled paper, § 2:52
- research attorney's role, § 2:68

Memorandum of points and authorities. **Memorandum of Points and Authorities** (this index)

Motion, what is

- demurrers as motions, § 2:3
- mechanics, importance of, § 2:2
- statutory requirements for motion, § 2:1

Motion practice

- filing under seal, § 2:61

Notice of motion. **Notice of Motion** (this index)

Objections to evidence, § 2:51

Opposition. **Opposition to Motions** (this index)

Orders. **Orders** (this index)

Out-of-state cases and other materials, § 2:48

Parts to motions, § 2:4

Persuasion of judges. **Judges** (this index)

Points and authorities. **Memorandum of Points and Authorities** (this index)

Procedure for sealing records, § 2:57

Proof of service. **Proof of Service** (this index)

Proposed order, no requirement for, § 2:37

Recycled paper, § 2:52

Replies. **Replies to Motions** (this index)

Research attorneys. **Research Attorneys** (this index)

Review of motion evidence by research attorneys, § 2:67

Sealed documents. Filing under seal, above

Situationally required papers

- generally, § 2:47
- conservation of paper, § 2:49
- objections to evidence, § 2:51
- out-of-state cases and other materials, § 2:48
- recent cases, § 2:50

Statutory requirements for motion, § 2:1

PRESS ACCOUNTS

Demurrers, judicial notice, § 6:33

PRESUMPTIONS

Proof of service, presumption of receipt, § 2:42

PRO HAC VICE APPEARANCE

Generally, §§ 19:1 to 19:7

INDEX

PRO HAC VICE APPEARANCE—Cont'd

- Application, § 19:14
- Challenging ruling, §§ 19:19, 19:20
- Interjurisdictional practice, § 19:2
- Judge's perspective, § 19:12
- Necessity, is application necessary, §§ 19:8 to 19:11
- Opposition rare, § 19:18
- Out-of-state lawyers
 - appellate matters, § 19:5
 - business activities, § 19:4
 - extent of foreign attorney's involvement in case, § 19:6
 - legitimate visitors, § 19:3
- Papers
 - application, § 19:14
 - notice of hearing, § 19:13
 - proof of service, § 19:15
- Payments, receiving, § 19:11
- Permission to appear, § 19:1
- Proof of service, § 19:15
- Quash service of summons, pro hac vice appearance, § 5:8
- Registered foreign legal consultant, § 19:7
- Service
 - proof of service, § 19:15
 - whom to serve, § 19:16
- Timing, § 19:17

PROOF OF SERVICE

- Convenience of opposing counsel, § 2:46
- Declaration of mailing, § 2:40
- Email, use of, § 2:43
- Express mail, use of, § 2:43
- Fax, use of, § 2:43
- Filing with court, § 2:80
- Mailing practices, modern, § 2:41
- Parties, service on all, § 2:44
- Personal service to lawyer's office, § 2:45
- Presumption of receipt, § 2:42
- Pro hac vice application, § 19:15
- Receipt, presumption of, § 2:43
- Trouble, potential source of, § 2:39

PROTECTIVE ORDERS

- Discovery Motions** (this index)

PUNITIVE DAMAGES

- Bifurcation, §§ 23:9 to 23:11
- Striking pleadings, §§ 14:21 to 14:25, 14:45
- Summary adjudication of issues, meaning of claim for punitive damages, § 16:9

QUASH SERVICE OF SUMMONS

Applicability

- challenge by appeal, § 5:18
- collateral attack, § 5:19
- default judgment, following, § 5:16
- direct attack, § 5:17
- nonresident defendant, for, § 5:15

Burden of proof, §§ 5:38, 5:42

Challenging order on motion

- appellate remedies, § 5:49
- collateral attack, § 5:48
- trial court challenges, § 5:47

Contents, required, § 5:36

Declarations, § 5:40

Discovery responses, evidence in support of motion, § 5:41

Dismissal likely, necessity of motion where, §§ 5:24 to 5:26

Evidence

- opposing the motion, § 5:46

Evidence in support of motion

- declarations, § 5:40
- discovery responses, § 5:41

Ex parte proceedings

- generally, §§ 5:12 to 5:14
- anomalies in appearance rules, § 5:12
- cross-actions and consolidated actions, § 5:13

Format of motion

- required contents, § 5:36
- special appearance, § 5:35

General appearances

- acts constituting general appearance, § 5:9
- inadvertent general appearance, § 5:11
- waiver of rights, § 5:10

In-state defendant improperly served

- motion as unnecessary, §§ 5:20 to 5:23

Jurisdiction, challenging personal jurisdiction, § 5:2

Making the motion

- evidence, §§ 5:40, 5:41
- format, §§ 5:35, 5:36
- points and authorities, §§ 5:37 to 5:39
- timing, §§ 5:32 to 5:34

Nonresident defendant, motion on behalf of

- applicability, § 5:15
- judge's perspective, §§ 5:27 to 5:31
- points and authorities, § 5:37

Opposing the motion

- points and authorities, §§ 5:42 to 5:46

Personal jurisdiction, challenging, § 5:2

INDEX

QUASH SERVICE OF SUMMONS—Cont'd

Points and authorities

- opposing the motion, §§ 5:42 to 5:46
- supporting the motion, §§ 5:37 to 5:39

Pro hac vice appearance, § 5:8

Service of process, § 5:39

Special appearances

- challenge to judge permitted, § 5:5
- format of motion, § 5:35
- motion to quash as special appearance, § 5:4
- physical presence not an appearance, § 5:6
- pro hac vice appearance, § 5:8
- service during physical presence, § 5:7

Timing

- extension of time on denial, § 5:34
- notice and calendaring, § 5:33
- statutory requirements, § 5:32

Unlawful detainer practice, § 5:3

Unnecessary motion, where motion unnecessary, §§ 5:20 to 5:23

Uses, statutory basis and uses, § 5:1

Waiver of rights, general appearance as, § 5:10

RECLASSIFICATION OF CASES

Generally, §§ 21:1 to 21:3

Calculating \$25,000 ceiling

- interest, attorney fees and costs, § 21:12
- multiple parties, § 21:11
- prayer as determinative, § 21:10
- punitive damages, § 21:13

Challenging rulings, §§ 21:34, 21:35

Checklists, §§ 21:34, 21:35

Documentation, standard, § 21:25

Evidence, § 21:28

Judge's perspective, §§ 21:23, 21:24

Judicial assignment cases, changing jurisdictional classification, § 21:5

Jurisdictional classification, changing

- generally, § 21:4
- differing civil procedure, § 21:6
- judicial assignment cases, § 21:5

Making motion, §§ 21:25 to 21:30

Memorandum of points and authorities, § 21:28

Necessity of motion, §§ 21:20 to 21:22

New classification motions, §§ 21:27, 21:28

Old transfer motion and new reclassification motion, §§ 21:2, 21:3

Opposing motions, §§ 21:31 to 21:33

Points and authorities, § 21:28

Similarity of reclassification and transfer statutes, § 21:26

Timing, §§ 21:29, 21:30

RECLASSIFICATION OF CASES—Cont'd

- Transfer statutes almost identical to reclassification statutes, § 21:26
- Unification of trial courts, § 21:1
- Unified counties, reclassification motion in
 - calculating \$25,000, §§ 21:10 to 21:13
 - close calls, § 21:16
 - events likely to necessitate transfer or reclassification, §§ 21:17 to 21:19
 - indicia of value outside pleadings, §§ 21:14, 21:15
 - jurisdictional classification, changing, §§ 21:4 to 21:6
 - limited jurisdiction, §§ 21:8, 21:9
 - where will motions arise, § 21:7

RECONSIDERATION

- Generally, §§ 27:1 to 27:5
- Appellate challenges, §§ 27:32 to 27:36
- Challenging rulings, §§ 27:32 to 27:36
- Circumstances, new, § 27:8
- Contempt, misuse of motion, § 27:14
- Declarations, § 27:27
- Deterrents, statutory
 - contempt, § 27:14
 - reaffirming earlier ruling, § 27:17
 - revocation of prior favorable ruling, § 27:16
 - sanctions, § 27:15
- Duty to defend cases, § 27:9
- Facts, new, §§ 27:7, 27:30, 27:31
- Judge's perspective, § 27:21
- Law, new, § 27:6
- Limited options to reconsideration, §§ 27:18, 27:20
- Motion for new trial, § 27:19
- New trial, motion for, § 27:19
- Notice of motion, § 27:25
- Opposing motion, §§ 27:29 to 27:31
- Papers, moving
 - declarations, § 27:27
 - notice of motion, § 27:25
 - points and authorities, § 27:26
- Points and authorities, § 27:26
- Procedural requirements, §§ 27:10 to 27:12
- Reaffirming earlier ruling, § 27:17
- Renewal motions, §§ 27:4, 27:5
- Revocation of prior favorable ruling, misuse of motion, § 27:16
- Rulings subject to motion, § 27:13
- Sanctions, misuse of motion, § 27:15
- Statute, applicability of
 - deterrents, §§ 27:14 to 27:17
 - duty to defend cases, § 27:9
 - limited options to reconsideration, §§ 27:18, 27:20

INDEX

RECONSIDERATION—Cont'd

- Statute, applicability of—Cont'd
 - motion for new trial, § 27:19
 - new circumstances, § 27:8
 - new facts, § 27:7
 - new law, § 27:6
 - new trial, motion for, § 27:19
 - procedural requirements, §§ 27:10 to 27:12
 - rulings subject to motion, § 27:13
 - trial, motion for new, § 27:19
- Statutory basis, § 27:1
- Sua sponte, urging court to proceed, § 27:28
- Sua sponte reconsideration, § 27:3
- Timing of motion, §§ 27:22 to 27:24
- Trial, motion for new, § 27:19
- Writ, review by, § 27:36

RECYCLED PAPER

- Generally, § 2:52

REFERENCES

- Accounting references, § 30:6
- Declarations, references to, § 2:31
- Discovery. **Discovery References** (this index)
- Special proceedings, § 30:7
- Trial by reference to private judge, § 30:5

REOPENING DISCOVERY

- Discovery motions, § 29:35

REPLIES TO MOTIONS

- Courtesy copies, § 2:73
- Filing reply with court, § 2:80
- Serving opposition, § 2:75
- Timing, § 2:72
- Whether on not to reply, § 2:71

REQUESTS FOR ADMISSIONS

- Generally, § 29:8
- Discovery sanctions, § 3:35
- Good faith attempt at informal resolution, § 29:23
- Motions. **Discovery Motions** (this index)
- Summary judgment, § 8:44

RESEARCH ATTORNEYS

- Additional consumer, § 2:65
- Going by the book, § 2:66
- Mechanics, § 2:68
- Oral argument, § 4:18
- Review of motion evidence, § 2:67

RES JUDICATA

Default judgments, § 13:6

RETRIAL

Dismissal for delay in retrial. **Dismissals** (this index)

RULES OF PROFESSIONAL CONDUCT

Disqualification or recusal of opposing counsel, § 18:4

SANCTIONS

Generally, §§ 3:1 to 3:4

Amend or supplement pleadings, caution regarding sanctions, § 15:44

Arbitration petitions, improper appellate actions, § 9:73

Attorney certification of merit, § 3:7

Attorneys and law firms, sanctions against, § 3:10

Boundaries of sanction awards, § 3:13

Contempt distinguished, § 3:2

Court, sanctions in favor of court itself under statutes and rules other than sections 128:5 and 128:7

interference with proceedings, § 3:23

notice, § 3:22

protection of judicial process, § 3:21

reimbursement of county, unlimited, § 3:24

Declarations re sanction requests, § 2:30

Discovery. **Discovery Sanctions** (this index)

Ethical considerations, § 3:4

Evidentiary support, § 3:15

Fast-track rules

development of local rules, § 3:18

dramatic change in responsibilities, § 3:17

Federal-style sanction system (section 128:7)

attorney certificate of merit, § 3:7

attorneys, law firms and parties, sanctions against, § 3:10

boundaries of sanction awards, § 3:13

cases covered, § 3:5

conversion to federal system, § 3:5

evidentiary support, § 3:15

experience under federal rule 11, § 3:11

greater lawyer responsibility, § 3:12

major change in law, § 3:5

procedural guarantees, § 3:14

safe harbor provision, § 3:8

sanctions under section 128:7, § 3:6

separate motion, § 3:9

similarities between sections old and new 128:5 and 128:7, §§ 3:13 to 3:15

Interference with proceedings, § 3:23

Nature of sanctions, § 3:1

Notice of motion, sanction requests, § 2:16

INDEX

SANCTIONS—Cont'd

- Opposing party, sanctions in favor of opposing party under statutes and rules other than sections 128:5 and 128:7, §§ **3:19, 3:20**
- Parties, sanctions against, § **3:10**
- Procedural guarantees, § **3:14**
- Protection of judicial process, § **3:21**
- Reconsideration, misuse of motion for, § **27:15**
- Reimbursement of county, unlimited, § **3:24**
- Requests in opposition to motion, § **2:70**
- Safe harbor provision, § **3:8**
- Sanctions under section 128:7, § **3:6**
- Separate motion for sanctions, § **3:9**
- Statutes and rules other than sections 128:5 and 128:7
 - court, sanctions in favor of court itself, §§ **3:21 to 3:24**
 - fast-track rules, §§ **3:17, 3:18**
 - opposing party, sanctions in favor of, §§ **3:19, 3:20**
 - what other provisions continue to exist, § **3:16**
- Summary judgment, sanctions for frivolous motions, § **8:60**
- Types of sanctions, § **3:3**

SCHEDULE CONFLICTS

- Ex parte proceedings, § **31:8**

SCHEDULING MOTION

- Generally, §§ **2:8, 2:9**

SEALING DOCUMENTS

- Preparation and Service of Documents** (this index)

SERVICE

- Amendment of pleadings, § **15:39**
- Preparation and Service of Documents** (this index)
- Pro hac vice application, §§ **19:15, 19:16**
- Proof of service. **Proof of Service** (this index)
- Quash. **Quash Service of Summons, Motion to** (this index)
- Serving plaintiff, dismissal for delay in. **Dismissals** (this index)
- Withdraw or be relieved as counsel, motion to. **Withdraw or Be Relieved as Counsel** (this index)

SETTING ASIDE DEFAULT OR DISMISSAL

- Generally, §§ **26:1, 26:3**
- Affidavit of fault, attorney's, § **26:59**
- Appellate challenges, § **26:73**
- Applicability
 - entered as discovery sanction, mandatory § 473 motion, § **26:21**
 - not applicable to mandatory section 473 motion, §§ **26:30 to 26:36**
- Challenging ruling, §§ **26:72, 26:73**
- Consumer defaults, motion to set aside, §§ **26:50, 26:67**
- Declarations, §§ **26:59, 26:60**
- "Default" means default, § **26:2**

SETTING ASIDE DEFAULT OR DISMISSAL—Cont’d

Discovery

- attorney fault issue, § 26:27
- sanction, applicability to dismissals entered as, § 26:21

Discretionary section 473 motion

- attorney errors in discretionary motions, § 26:10
- client errors, § 26:11
- excusable neglect or inadvertence, § 26:4
- fast track, relationship to, § 26:13
- fraud, § 26:8
- implied grounds, §§ 26:8 to 26:12
- legal representatives, assignees, § 26:12
- mistake, § 26:6
- orders or other proceedings, § 26:5
- personal emergencies, § 26:9
- surprise, § 26:7
- terms as may be just, § 26:14

Inherent equity power of court, motion based on

- burden of proof, § 26:43
- court’s own mistakes, correction, § 26:46
- extrinsic fraud or mistake, § 26:42
- independent action, § 26:47
- mega-mistakes, § 26:45
- three-prong test, § 26:44
- void judgment, motion on, §§ 26:46, 26:48, 26:49

Judge’s perspective, §§ 26:55, 26:56

Making motion, §§ 26:57 to 26:67

Mandatory section 473 motion

- applicability, above
- attorney fault, §§ 26:15 to 26:24, 26:27
- causal relationship demonstration, § 26:18
- clerk-entered defaults, § 26:20
- credibility, § 26:19
- denial of motion, mandatory finding, § 26:29
- discovery, above
- discretionary dismissal, motion not applicable to, § 26:32
- excusable mistake, § 26:22
- failure to tax costs, motion not applicable to, § 26:34
- fees and costs, mandatory imposition of, § 26:25
- finding on denial of motion, mandatory, § 26:29
- five-year mandatory dismissal, motion not applicable to, § 26:30
- future of dismissals to which motion not applicable, § 26:36
- house counsel, § 26:17
- judgment after judicial arbitration, § 26:24
- jurisdictional errors, motion not applicable to, § 26:31
- mistake of law, attorney fault, § 26:23
- out-of-state counsel, § 26:16

INDEX

SETTING ASIDE DEFAULT OR DISMISSAL—Cont'd

- Mandatory section 473 motion—Cont'd
 - payment of fees, motion not applicable to, § 26:25
 - procedural issues, §§ 26:27 to 26:29
 - sanctions, § 26:26
 - sequential motions, § 26:28
 - statutes of limitations, § 26:31
 - summary judgment, § 26:35
 - voluntary dismissal, motion not applicable to, § 26:33
- Mega-mistakes, § 26:45
- Necessity of making motion, §§ 26:51 to 26:54
- Notice, motion based on lack of actual notice of action, §§ 26:37 to 26:41, 26:64
- Notice of motion, § 26:57
- Opposing motion, §§ 26:68 to 26:71
- Points and authorities, § 26:58
- Responsive pleading, proposed, § 26:61
- Statutes of limitations, § 26:31
- Statutory basis, § 26:1
- Timing of motion, §§ 26:62, 26:63
- Variety of motions, § 26:3
- Void judgment, motion on, §§ 26:46, 26:48, 26:49, 26:66

SETTLEMENT

- Enforcement. **Settlement Enforcement Motions** (this index)
- Global settlement, §§ 22:22, 22:25
- Good faith determinations. **Good Faith Settlement Determinations** (this index)

SETTLEMENT ENFORCEMENT MOTIONS

- Generally, §§ 12:1 to 12:19
- Agreements
 - arbitration award, § 12:12
 - oral stipulation regarding later written agreement, § 12:13
 - uncertain, § 12:37
 - writing signed by parties
 - Preliminary written agreement, § 12:7
- Arbitration award, § 12:12
- Challenging ruling on motion
 - appellate challenges
 - generally, §§ 12:41 to 12:43
 - Waiver, § 12:43
 - Writ, § 12:42
 - trial court challenges
 - Reconsideration, § 12:39
 - Section 473 relief, § 12:40
- Comfortable motions, judge's perspective, § 12:29
- Context of motion, judge's perspective, § 12:30
- Continuing jurisdiction of court, § 12:19
- Declarations, § 12:35
- Discretionary motion, § 12:20

SETTLEMENT ENFORCEMENT MOTIONS—Cont'd

- Dismissal of case, § 12:38
- Elements of settlement, § 12:15
- Evidentiary material, § 12:34
- Factual disputes, resolution of, §§ 12:16 to 12:18
- Hybrid settlement, § 12:14
- Illegal subject matter, § 12:28
- Judge's perspective
 - comfortable motions, § 12:29
 - context of motion, § 12:30
- Moving papers
 - declarations, § 12:35
 - evidentiary material, § 12:34
 - standard documentation, § 12:33
- Necessity, is motion necessary
 - generally, §§ 12:21 to 12:28
 - enforcement
 - Benefits of procedure, § 12:21
 - Judicial discretion, § 12:22
 - settlement does not qualify
 - generally, § 12:25
 - Illegal subject matter, § 12:28
 - Options when motion inapplicable, § 12:26
 - Summary judgment unsatisfactory, § 12:27
 - settlement no longer desirable
 - generally, § 12:23
 - Defendant's financial condition, § 12:24
- Notice, timing, § 12:31
- Opposition
 - dismissal of case, § 12:38
 - statutory requirements unmet, § 12:36
 - uncertain agreement, § 12:37
- Orally before court
 - generally, § 12:8
 - attorney presence, § 12:9
 - court, defined, § 12:10
 - orally, defined, § 12:11
- Oral stipulation regarding later written agreement, § 12:13
- Pending litigation, § 12:2
- Statutory basis, § 12:1
- Summary judgment unsatisfactory, § 12:27
- Timing
 - five-year statute, § 12:32
 - notice, § 12:31
- Uncertain agreement, § 12:37
- Waiver, appellate challenges, § 12:43
- Writ, review by, § 12:42

INDEX

SETTLEMENT ENFORCEMENT MOTIONS—Cont'd

- Writing signed by parties
 - generally, § 12:3
 - insurance exception, § 12:4
 - outside presence of court, § 12:6
 - preliminary written agreement, § 12:7
 - residential construction defect exception, § 12:5

SEVER

- Consolidate or Sever** (this index)

SHAM COMPLAINT

- Striking pleadings, § 14:28

SHORTENING TIME

- Delivering motion to court, § 2:81
- Ex parte proceedings, § 31:12

SIGNATURES

- Certification, form of, § 2:25
- Notice of motion, § 2:17
- Out-of state signature, form of certification, § 2:25

SIMILARITY

- Reclassification statutes and transfer statutes, § 21:26

SLAPP LAWSUITS

- Striking pleadings** (this index)

SOCIAL COMMUNICATIONS

- Disqualification or recusal of opposing counsel, § 18:18

STATEWIDE UNIFORMITY

- Generally, § 1:9

STATUTE OF LIMITATIONS

- Correction of mistakes, limits on, § 28:7
- Setting aside default or dismissal, § 26:31

STATUTORY REQUIREMENTS FOR MOTIONS, GENERALLY

- Generally, § 2:1

STAYS

- Arbitration petitions, § 9:16
- Ex parte proceedings, § 31:13

STIPULATIONS

- Amendment of pleadings, stipulating to, § 15:40
- Consolidation, stipulations to consolidate, § 22:5
- Discovery references, stipulation to reference or given referee, § 30:10
- Summary judgment, stipulated facts, § 8:26

STORYTELLING IN MOTION PRACTICE

- Generally, § 1:10

STRIKING PLEADINGS

- Generally, §§ **14:1, 14:2**
- Affirmative request for relief, § **14:49**
- Amendment of pleading if motion granted, §§ **14:51, 14:52**
- Attempted legislative limitation, § **14:17**
- Attorney fees, §§ **14:26, 14:45**
- Availability in federal court, SLAPP lawsuits, § **14:15**
- Challenging rulings, §§ **14:53 to 14:56**
- Complaint, motion to strike
 - answer allowed after denial, § **14:6**
 - demurrer, distinction from, § **14:4**
 - demurrer, similarity to, § **14:3**
 - demurrer, use with, § **14:5**
 - dismissal if grant without leave to amend, § **14:7**
 - sham complaint, § **14:28**
 - timing, § **14:41**
- Construction, pleadings to be liberally construed, § **14:48**
- Court's own motion, §§ **14:18, 14:19**
- Declarations, § **14:37**
- Demurrer
 - motion to strike, § **14:9**
 - use with, §§ **14:9, 14:39, 14:40**
- Discovery abuses, motion to strike as sanction for, § **14:12**
- Evidence, motion to strike, § **14:10**
- In propria persona representation, improper, § **14:27**
- Interest, § **14:26**
- Judge's perspective, §§ **14:30 to 14:33**
- Judicial notice material, § **14:36**
- Limitations in particular actions, § **14:20**
- Notice of motion, § **14:34**
- Opposing motion, §§ **14:44 to 14:50**
- Papers
 - declarations, § **14:37**
 - notice, § **14:34**
 - points and authorities, § **14:35**
 - proposed order, § **14:38**
- Pleadings other than complaint, motion to strike, §§ **14:8, 14:9**
- Points and authorities, § **14:35**
- Principal thrust of a case, § **14:14**
- Proposed order, § **14:38**
- Punitive damages, §§ **14:21 to 14:25, 14:45**
- Sham complaint, § **14:28**
- SLAPP lawsuits
 - anti-SLAPP lawsuits, motion to strike, § **14:13**
 - availability in federal court, § **14:15**
 - complexity, § **14:16**
 - opposing anti-SLAPP motions, § **14:50**

INDEX

STRIKING PLEADINGS—Cont'd

- Statutory authority, § 14:2
- Subjects of motions to strike
 - attorney fees, § 14:26
 - in propria persona representation, improper, § 14:27
 - interest, § 14:26
 - punitive damages, §§ 14:21 to 14:25
 - sham complaint, § 14:28
 - verification, lack of, § 14:29
- Timing, §§ 14:41 to 14:43
- Verification, lack of, § 14:29
- Violation of local rule, motion to strike for, § 14:11

SUBJECT MATTER JURISDICTION

- Demurrers. **Demurrers** (this index)

SUBSTITUTION OF COUNSEL

- Withdraw or Be Relieved as Counsel** (this index)

SUMMARY ADJUDICATION OF ISSUES

- Generally, §§ 16:1 to 16:14
- Affirmative defense, meaning of, § 16:8
- Alternative motions, § 16:4
- Appellate challenges, §§ 16:44 to 16:46
- Cause of action, meaning of, § 16:7
- Challenging ruling
 - appellate challenges, §§ 16:44, 16:45
 - trial court challenges, §§ 16:42, 16:43
- Checklists, §§ 16:42 to 16:46
- Claim for punitive damages, meaning of, § 16:9
- Cross-motions, appellate challenges, § 16:47
- Defendant's duty, meaning of, § 16:10
- Documentation requirements
 - generally, § 16:30
 - order, preparation of, § 16:33
 - points and authorities, § 16:32
 - separate statement of undisputed facts, § 16:31
- Issues common to summary judgment motion, § 16:5
- Judge's perspective, §§ 16:24 to 16:28
- Nature of motion, §§ 16:2 to 16:5
- Necessity, is summary judgment necessary, §§ 16:15 to 16:23
- No merit, meaning of, § 16:6
- Notice, special notice requirements, § 16:29
- Opposing motion, §§ 16:35 to 16:41
- Order, preparation of, § 16:33
- Partial summary judgment, § 16:3
- Points and authorities, § 16:32
- Separate statement of undisputed facts, § 16:31
- Special notice requirements, § 16:29

SUMMARY ADJUDICATION OF ISSUES—Cont'd

- Statutory basis, § 16:1
- Statutory terms, meaning of
 - affirmative defense, § 16:8
 - cause of action, § 16:7
 - claim for punitive damages, § 16:9
 - defendant's duty, § 16:10
 - no merit, § 16:6
- Stipulated adjudication of less than entire cause of action, § 16:15
- Summary judgment contrasted, § 16:2
- Timing, § 16:34
- Trial court challenges, §§ 16:42, 16:43
- Varieties of summary adjudication motions, §§ 16:11 to 16:14
- Writs, § 16:46

SUMMARY JUDGMENT

- Generally, §§ 8:1 to 8:5
- Admissions, § 8:44
- Amendment, curative amendment occasionally allowed, § 8:65
- Appellate court's perspective, §§ 8:30, 8:31
- Arbitration, petition to compel, § 8:12
- Burden of proof on moving party, § 8:5
- Business records, § 8:42
- Challenging ruling on motion
 - appellate court challenges, §§ 8:68, 8:69
 - trial court challenges, §§ 8:66, 8:67
- Collection matters, conducive to summary judgment, § 8:19
- Consumer class actions, unavailability of summary judgment, § 8:13
- Cross-motions
 - trial on stipulated facts, § 8:26
 - undisputed facts, § 8:25
- Curative amendment occasionally allowed, § 8:65
- Declarations, §§ 2:30, 8:41, 8:42
- Development of motion's importance, § 8:4
- Discovery responses, § 8:43
- Dismissal as tactic, § 8:50
- Documentary evidence, format of, § 8:45
- Document-driven cases, conducive to summary judgment, §§ 8:20 to 8:22
- Educating opponent, risk of, § 8:17
- Evidence opposing motion, § 8:57
- Evidence supporting motion
 - admissibility, § 8:40
 - admissions, § 8:44
 - business records, § 8:42
 - declarations, §§ 8:41, 8:42
 - discovery responses, § 8:43
 - documentary evidence, format of, § 8:45
 - expert declarations, § 8:42

INDEX

SUMMARY JUDGMENT—Cont'd

- Expert declarations, § 8:42
- Facts, trial on stipulated, § 8:26
- Facts not disputed, § 8:25
- Factual dispute, lack of, § 8:2
- Final judgment, prevailing on motion as resulting in, § 8:3
- Frivolous suits, strategic considerations, § 8:15
- Hearing, § 8:62
- How to make objections, § 8:59
- Judge's perspective
 - appellate court's, §§ 8:30, 8:31
 - trial court's, §§ 8:27 to 8:29
- Judgment, § 8:64
- Judgment on pleadings, motion as alternative to summary judgment, § 7:18
- Judicially noticed material, § 8:46
- Limitations on use, §§ 8:13, 8:14
- Making the motion
 - evidence supporting motion, §§ 8:40 to 8:44
 - judicially noticed material, § 8:46
 - moving papers, §§ 8:37, 8:38
 - notice, special notice requirements, §§ 8:34 to 8:36
 - proposed order, § 8:48
 - reply memorandum, § 8:47
 - separate statement of undisputed facts, § 8:39
 - 60-day hold, § 8:32
 - 30-day cutoff before trial, § 8:33
 - timing, §§ 8:32, 8:33, 8:35, 8:36
- Moving papers
 - notice of motion, § 8:37
 - points and authorities, memorandum of, § 8:38
- Notice, special notice requirements, §§ 8:34 to 8:36
- Notice of motion, § 8:37
- Objections
 - evidence, to, § 8:58
 - how to make, § 8:59
- Opposing the motion
 - documents in opposition, §§ 8:53 to 8:56
 - evidence supporting opposition, § 8:57
 - points and authorities, memorandum of, § 8:56
 - proposed orders, § 8:61
 - sanctions for frivolous motions, § 8:60
 - separate statement in opposition, § 8:55
 - tactical considerations, §§ 8:49 to 8:52
- Orders
 - order granting summary judgment, § 8:63
 - proposed orders, §§ 8:48, 8:61
- Petition to compel arbitration, § 8:12

SUMMARY JUDGMENT—Cont'd

- Points and authorities, memorandum of
 - opposing motion, § 8:56
 - supporting motion, § 8:38
- Proposed orders, §§ 8:48, 8:61
- Relationship to other motions
 - arbitration, petition to compel, § 8:12
 - judgment on pleadings, motion for, § 8:11
 - motion to strike, § 8:10
 - petition to compel arbitration, § 8:12
 - summary adjudication, motion for, § 8:9
- Reply memorandum, § 8:47
- Ruling on motion
 - curative amendment occasionally allowed, § 8:65
 - hearing, § 8:62
 - judgment, § 8:64
 - order granting summary judgment, § 8:63
- Sanctions for frivolous motions, § 8:60
- Separate statement requirement
 - discovery motions distinguished, § 8:8
 - moving party, §§ 8:6, 8:39
 - opposing party, §§ 8:7, 8:55
- Statutory basis, § 8:1
- Stipulated facts, trial on, § 8:26
- Strategic considerations
 - cross-motions, above
 - educating opponent, risk of, § 8:17
 - frivolous suits, § 8:15
 - summary judgment not appropriate, §§ 8:23, 8:24
 - wrongly named party, § 8:16
- Subject matter conducive to summary judgment
 - collection matters, § 8:19
 - document-driven cases, §§ 8:20 to 8:22
 - subject matter not conducive, § 8:24
- Summary adjudication, relationship to motion for summary adjudication, § 8:9
- Timing, §§ 8:32, 8:33, 8:35, 8:36
- Trial on stipulated facts, § 8:26
- Undisputed facts, § 8:25
- Wrongly named party, strategic considerations, § 8:16

SUMMONS, QUASH

- Quash Service of Summons, Motion to** (this index)

SUPPLEMENT PLEADINGS

- Amend or Supplement Pleadings** (this index)

TENTATIVE RULINGS

- Oral Argument** (this index)

INDEX

THREATS TO JUDGE, AVOIDING

Generally, § 1:5

TITLE REQUIREMENTS

Notice of motion, § 2:7

TORT ACTIONS

Venue, § 20:13

TRANSCRIPTS OF HEARINGS

Generally, § 4:16

TRIAL

Bringing case to trial, dismissal for delay in. **Dismissals** (this index)

Continuance. **Continuance** (this index)

Discovery sanctions, court sanctions, § 3:37

Judgment on pleadings, motion at time of trial, §§ 7:32, 7:33

Preferences. **Preference Motions** (this index)

Reconsideration, motion for new trial, § 27:19

Reference, trial by reference to private judge, § 30:5

Setting specially. **Preference Motions** (this index)

Summary judgment, stipulated facts, § 8:26

TRIFURCATION

Generally, § 23:12

UNCERTAINTY

Demurrers, uncertainty as ground for demurrer, § 6:15

UNCONSCIONABILITY

Arbitration, unconscionability as ground for opposing petition to compel, § 9:61

UNDISPUTED FACTS

Summary judgment, § 8:25

UNINSURED MOTORIST ARBITRATIONS

Consolidation and severance, § 22:17

VENUE

Change of Venue (this index)

VERIFICATION

Striking pleadings, lack of verification, § 14:29

VOLUNTARY DISMISSALS

Generally, § 10:41

WAIVER

Arbitration, waiver of right to arbitrate, § 9:20

General appearance as waiver of rights, § 5:10

WITHDRAW OR BE RELIEVED AS COUNSEL

Generally, §§ 17:1, 17:2

Abandonment, consensual substitution of counsel, § 17:12

Availability, motion as available or necessary, §§ 17:9 to 17:14

WITHDRAW OR BE RELIEVED AS COUNSEL—Cont'd

- Breakdown of relationship, permissive grounds, § 17:8
- Challenging ruling, §§ 17:34, 17:35
- Client, motion brought against own client, § 17:1
- Client's motion, removal of client on, § 17:13
- Consensual substitution of counsel
 - generally, § 17:9
 - abandonment, § 17:12
 - absolute right, § 17:10
 - guardians ad litem, limitations for, § 17:11
- Corporate clients, order relieving counsel, § 17:26
- Declarations, § 17:19
- Exhibits, § 17:20
- Grounds for motion
 - breakdown of relationship, permissive grounds, § 17:8
 - inability to proceed, mandatory grounds, § 17:4
 - malicious, illegal or meritless case, mandatory grounds, § 17:3
 - mandatory withdrawal, §§ 17:3 to 17:5
 - meritless claim, permissive grounds, § 17:6
 - missing client, mandatory grounds, § 17:5
 - nonpayment of fees or expenses, permissive grounds, § 17:7
 - permissive withdrawal, §§ 17:6 to 17:8
- Guardians ad litem, limitations on substitution for, § 17:11
- Inability to proceed, § 17:4
- Judge's perspective, §§ 17:15, 17:16
- Last resort, motion as, § 17:14
- Late motions, § 17:30
- Mandatory withdrawal grounds
 - inability to proceed, § 17:4
 - malicious, illegal or meritless case, § 17:3
 - missing client, § 17:5
- Meritless claim
 - mandatory grounds, § 17:3
 - permissive grounds, § 17:6
- Missing client, § 17:5
- Nature of motion, §§ 17:1, 17:2
- Necessity, motion as available or necessary, §§ 17:9 to 17:14
- Nonpayment of fees or expenses, permissive grounds, § 17:7
- Notice, § 17:18
- Opposing motion
 - client opposition, § 17:32
 - other party opposition, § 17:33
- Order relieving counsel
 - generally, § 17:25
 - corporate clients, § 17:26
 - effectiveness, § 17:27

INDEX

WITHDRAW OR BE RELIEVED AS COUNSEL—Cont'd

- Papers required
 - generally, § 17:17
 - declarations, § 17:19
 - exhibits, § 17:20
 - notice, § 17:18
- Permissive withdrawal grounds
 - breakdown of relationship, § 17:8
 - meritless claim, § 17:6
 - nonpayment of fees or expenses, § 17:7
- Service of motion
 - generally, § 17:21
 - address confirmation, § 17:23
 - explanation of efforts to notify client, § 17:24
 - mail, service by, § 17:22
 - timing, § 17:31
- Statutory authority, § 17:2
- Timing
 - early motion, § 17:28
 - ex parte, proceeding, § 17:29
 - late motions, § 17:30
 - service, § 17:31

WITHOUT PREJUDICE DISMISSALS

- Generally, § 10:3

WITNESSES

- Attorney as witness. **Disqualification or Recusal of Opposing Counsel** (this index)
- Ex parte proceedings, witness issues, § 31:9
- Live witnesses, § 2:36
- Venue, discretionary transfer for convenience of witness, §§ 20:26, 20:38

WRITS

- Amend or supplement pleadings, review of, § 15:47
- Arbitration petitions, review by writ, § 9:72
- Arbitration petitions, writ review, § 9:72
- Bifurcation, review by writ, § 23:38
- Consolidation, review by writs, § 22:44
- Correction of mistakes, review of, § 28:30
- Discovery motions, review of, § 29:98
- Disqualification or recusal of opposing counsel, writ by review, § 18:44
- Judgment on pleadings, review by writ, § 7:41
- Judgment on pleadings, writs challenging ruling, § 7:41
- Preference motions, review by writ, § 24:44
- Reconsideration, review of, § 27:36
- Settlement enforcement motions, review by writ, § 12:42
- Severance, review by writs, § 22:44
- Summary adjudication of issues, § 16:46