

Index

ABANDONMENT

Appeal from small claims court,
§ 46:10
Appeal in limited jurisdiction cases,
§§ 45:44, 45:45

ACCESS

Construction-related accessibility
claim
generally, §§ 1:201, 7:78,
10:17.50
answer to, § 10:231

ACCOMMODATIONS REQUESTS

Handicapped persons, fast track,
§ 12:46

ACCORD AND SATISFACTION

Settlement, § 27:65

ACCOUNTING

Demands for relief, §§ 8:63, 8:64

ACKNOWLEDGMENTS

Construction work, defects, notice,
builder, § 1:184
form, § 1:190
Judgments, acknowledgment of sat-
isfaction. **Judgments** (this Index)

ADD-ON CASES

Coordination of Actions (this
Index)

ADDRESS CONFIDENTIALITY PROGRAM

Generally, §§ 1:195-1:200
Applications, §§ 1:196, 1:200
Complaint caption requirement,
§ 1:199

ADDRESS CONFIDENTIALITY PROGRAM—Cont'd

Documents under seal in name
change proceedings, application to
file, Form NC-410, § 1:200
Legislative purpose, § 1:195
Name change proceedings, applica-
tion to file documents under seal
in, Form NC-410, § 1:200
Procedure, § 1:198
Secretary of State responsibility,
§ 1:197

ADMINISTRATIVE REMEDIES

Declaratory relief, failure to exhaust
administrative remedies as
grounds for denial of declaratory
relief, § 17:25

ADMISSIONS

Appellate briefs, effect of admis-
sions, § 40:7
Requests for Admissions (this
Index)

AFFIDAVITS AND DECLARATIONS

Generally, §§ 11:1-11:18, 11:29-
11:32
Checklists
affidavits, § 11:26
declarations, § 11:27
Choosing affiant and declarants
attorney as affiant or declarant,
§ 11:17
competency requirements,
§ 11:16
corporations, § 11:18
partnerships, § 11:18

AFFIDAVITS AND

DECLARATIONS—Cont'd

Ex parte motions and applications,
§ 14:40

Forms

affidavit, § 11:29

declaration, § 11:30

declarations under penalty of
perjury, §§ 11:31, 11:32

Submission of agreed case, declara-
tion of attorneys, form, § 19:13

Substantive requirements

hearsay, § 11:12

information and belief, § 11:11

personal knowledge, § 11:11

ultimate facts, conclusions, and
opinions, § 11:13

Substitute for sworn oral testimony,
§ 11:2

Sufficiency

failure to comply with require-
ments, effect of, § 11:14

objection, necessity of, § 11:15

waiver, § 11:15

Summary Judgment (this Index)

Technical requirements

affidavits

caption, § 11:4

jurat, § 11:9

oath or affirmation, § 11:6

seal, § 11:8

signature of affiant, § 11:7

venue statement, § 11:5

declarations, § 11:10

forms (this group)

Use of verified pleading in lieu of
affidavit, § 11:3

Verified pleading in lieu of affidavit,
use of, § 11:3

AFFIRMATIVE DEFENSES

Answers (this Index)

AGENTS

Service of process, § 6:25

AGREED CASE

Submission of Agreed Case (this
Index)

ALLEGATIONS

Complaints (this Index)

ALTERNATIVE DISPUTE RESOLUTION

Generally, §§ 26:1-26:207

Agreement, reference by. See Refer-
ence (this group)

Appeals

contractual arbitration, appeal-
able orders, § 26:148

Appointment. See Referees (this
group)

Arbitration

ADR features, § 26:48

agreements, sanctions against
drafters of employment and
consumer, SB 707, § 26:68

arbitration costs, § 26:79

arbitrator fees, § 26:79

arbitrators (this group)

award requirements, § 26:131

comparison of judicial and
contractual arbitration, § 26:50

confirmation of award, § 26:145

Congressional control of, § 26:65

contractual. See Contractual
arbitration (this group)

correction of award, §§ 26:142,
26:144

discovery rights, § 26:124

elder abuse, appeal of order
denying petition to compel,
§§ 35:31-35:35

equitable estoppel allowing
nonparty to join, § 26:103

Five Year Rule (this group)

forms (this group)

hearings (this group)

interim awards, § 26:132

judicial. See Judicial arbitration
(this group)

INDEX

ALTERNATIVE DISPUTE RESOLUTION—Cont'd

Arbitration—Cont'd

- mass filing, § **26:67**
- nonsignatories (this group)
- petition to set completion date,
§ **26:206**
- post arbitration issues
 - appealable orders, § **26:148**
 - correction of award,
§§ **26:142, 26:144**
 - vacating and correcting
arbitration awards,
§ **26:143**
- provisional remedies (this group)
- regulation, § **26:49**
- selection of arbitrator (this
group)
- Superior Court powers (this
group)
- trial setting, arbitration status
conference, § **23:17**
- unconscionability (this group)
- uninsured motorist arbitrations
(this group)
- uninsured motorist arbitrations,
arbitrator's powers, § **26:122**
- vacating of award, § **26:143**
- waiver (this group)

Arbitrators

- correction of award, § **26:142**
- disclosures of ethical conflict,
§ **26:135**
- ethical conflicts of arbitrators
(this group)
- hearings, arbitrator's powers,
§ **26:126**
- neutrality of arbitrator, §§ **26:97,**
26:135-26:141
- selection of arbitrator (this
group)
- three arbitrators under contract,
§ **26:96**

Attorney's role, § **26:5**

Certification programs, § **26:3**

ALTERNATIVE DISPUTE RESOLUTION—Cont'd

- Choice of law provisions, §§ **26:74,**
26:75
- Class actions and unconscionability,
§ **26:85**
- Communications, mediation, admis-
sibility, § **26:22**
- Construction cases, § **26:137**
- Consumer arbitration agreements,
sanctions against drafters of, SB
707, § **26:68**
- Contractual arbitration
 - generally, § **26:63**
 - appealable orders, § **26:148**
 - arbitrability, § **26:72**
 - arbitration costs, § **26:79**
 - arbitrator fees, § **26:79**
 - associated proceedings, arbitra-
tion and, § **26:70**
 - choice of law provisions,
§§ **26:74, 26:75**
 - choice of venue, § **26:76**
 - compelling arbitration, §§ **26:71,**
26:73
 - confirming award, § **26:154**
 - correcting award, § **26:156**
 - defenses to petition to compel
arbitration, § **26:73**
 - enforceable arbitration agree-
ments, § **26:66**
 - forms (this group)
 - medical services arbitrations,
§ **26:78**
 - preemption, Federal Arbitration
Act, § **26:64**
 - ending Forced Arbitration of
Sexual Assault and Sexual
Harassment Act of 2021,
§ **26:64.10**
 - procedural checklists
 - confirming award, procedural
matters to consider when
seeking to confirm arbitra-
tion award, § **26:154**

**ALTERNATIVE DISPUTE
RESOLUTION—Cont'd**

Contractual arbitration—Cont'd
 procedural checklists—Cont'd
 correcting award, procedural
 matters to consider when
 seeking to correct arbitra-
 tion award, § **26:156**
 procedural matters to
 consider in contractual
 arbitration proceeding,
 § **26:153**
 vacating award, procedural
 matters to consider when
 seeking to vacate arbitra-
 tion award, § **26:155**
 procedural matters to consider in
 contractual arbitration
 proceeding, checklist,
 § **26:153**
 procedure to compel arbitration,
 § **26:71**
 vacating award, § **26:155**
 Costs and fees
 underinsured motorist case,
 § **26:123**
 uninsured motorist case,
 § **26:123**
 Drafters of employment and
 consumer arbitration agreements,
 sanctions against, SB 707, § **26:68**
 Employment arbitration
 agreements, sanctions against
 drafters of, SB 707, § **26:68**
 mandated predispute arbitration
 agreement, restricting, AB 51,
 § **26:69**
 Ethical conflict of arbitrators
 arbitrators, §§ **26:135-26:141**
 communications with arbitrator,
 § **26:139**
 construction cases, § **26:137**
 disclosures, § **26:137**
 party's waiver of arbitrator's
 conflict for failure to object,
 § **26:136**

**ALTERNATIVE DISPUTE
RESOLUTION—Cont'd**

Ethical conflict of arbitrators
 —Cont'd
 private arbitration company
 (PAC) is involved, § **26:141**
 Five Year Rule
 generally, § **26:94**
 mediation, § **26:18**
 power to dismiss when case in
 arbitration, § **26:95**
 Forms
 arbitration
 contractual arbitration (this
 group)
 judicial arbitration (this
 group)
 contractual arbitration
 notice of motion and support-
 ing declaration for costs
 when trial de novo judg-
 ment is less favorable,
 § **26:196**
 notice of motion and support-
 ing declaration to vacate
 judgment based on
 arbitrator's award,
 § **26:198**
 notice of motion for order
 staying proceedings,
 § **26:202**
 order granting costs,
 § **26:197**
 order vacating judgment,
 § **26:199**
 petition to compel arbitration
 and to appoint neutral
 arbitrator, § **26:201**
 petition to confirm, correct,
 or vacate contractual
 arbitration award, § **26:203**
 self-executing arbitration
 provision, § **26:200**

INDEX

ALTERNATIVE DISPUTE RESOLUTION—Cont'd

Forms—Cont'd

- intervention in cause before
privately compensated referee
declaration in support of
motion by third party for
leave to file complaint in
intervention, § **26:172**
- notice of motion by third
party for leave to file com-
plaint in intervention,
§ **26:171**

judicial arbitration

- demand for disqualification
of arbitrator, § **26:192**
- letter of intent to introduce
documentary evidence,
§ **26:194**
- letter rejecting arbitrator,
§ **26:191**
- notice of motion and support-
ing declaration by cross-
complainant to remove
action from arbitration
hearing list, § **26:183**
- notice of motion and support-
ing declaration to continue
arbitration hearing,
§ **26:188**
- notice of motion and support-
ing declaration to delay
arbitration hearing,
§ **26:185**
- notice of settlement of case in
arbitration, § **26:193**
- order continuing arbitration
hearing, § **26:189**
- order delaying arbitration
hearing, § **26:186**
- order removing action from
arbitration hearing list,
§ **26:184**
- plaintiff's election to submit
action to judicial arbitra-
tion, § **26:181**

ALTERNATIVE DISPUTE RESOLUTION—Cont'd

Forms—Cont'd

judicial arbitration—Cont'd

- request for trial de novo after
arbitration, § **26:195**
- stipulation as to arbitrator,
§ **26:190**
- stipulation for continuance of
arbitration hearing,
§ **26:187**
- stipulation that amount in
controversy exceeds
\$50,000, § **26:182**
- stipulation to judicial arbitra-
tion, § **26:180**

mediation

- disclosure notification and
acknowledgment form,
§ **26:14**

private judging

- intervention in cause before
privately compensated
referee (this group)
- reference (this group)
- temporary judge (this group)

referee

- order appointing, § **26:163**
- report, §§ **26:43, 26:164**
- stipulation or motion for
order appointing, § **26:162**

reference

- accounts, notice of motion
for order directing refer-
ence for examination of
long account, § **26:173**
- declaration in support of
motion to seal records in
cause pending before
privately compensated
referee, § **26:170**
- declaration in support of
motion to withdraw stipu-
lation for appointment of
referee, § **26:168**

**ALTERNATIVE DISPUTE
RESOLUTION—Cont'd**

Forms—Cont'd

reference—Cont'd

declaration objecting to
appointment of referee,
§ 26:174

intervention in cause before
privately compensated
referee (this group)

notice of motion for order
confirming and adopting
special referee's report,
§ 26:176

notice of motion for order
directing reference for
examination of long
account, § 26:173

notice of motion for order
setting aside referee's
report and for new trial,
§ 26:177

notice of motion for order
vacating appointment of
referee and appointing new
referee, § 26:175

notice of motion to seal
records in cause pending
before privately
compensated referee,
§ 26:169

notice of motion to withdraw
stipulation for appointment
of referee, § 26:167

order referring matter to gen-
eral reference, § 26:166

stipulation to general refer-
ence, § 26:165

references, § 26:162

temporary judge, stipulation and
order appointing temporary
judge, § 26:178

Hearings

generally, §§ 26:125-26:132

arbitrator's powers, § 26:126

awards, § 26:131

**ALTERNATIVE DISPUTE
RESOLUTION—Cont'd**

Hearings—Cont'd

prearbitration motions, § 26:127
subpoenas, § 26:129

Institutionalization of ADR, § 26:2

Judicial arbitration

amount in controversy, establish-
ing, § 26:53

award of arbitrator, § 26:59

cases subject to and exempt from
judicial arbitration, §§ 26:51,
26:52

checklist, procedural matters to
consider in judicial arbitration
proceeding, § 26:152

choosing arbitrator, § 26:54

evidence, special rules of,
§ 26:57

exemptions, cases exempt from
judicial arbitration, § 26:52

forms (this group)

hearing, conducting, § 26:58

judgment on award, § 26:60

preparing for hearing, § 26:56

procedural matters to consider in
judicial arbitration proceeding,
checklist, § 26:152

scheduling arbitration hearing,
§ 26:55

trial de novo, requesting,
§§ 26:61, 26:62

Limited jurisdiction cases in the trial
court, § 34:23

Mediation

acknowledgment by client, form,
§ 26:13

checklist, procedural matters to
be considered in mediation,
§ 26:149

civil mediation in California,
§ 26:6

codes and court rules, § 26:8

communications, admissibility,
§ 26:22

INDEX

ALTERNATIVE DISPUTE RESOLUTION—Cont'd

Mediation—Cont'd

- confidentiality requirement,
§ 26:12
- confidentiality rule and court
holdings, § 26:11
- construction work, defects,
§ 1:187
- disclosure notification and
acknowledgment form,
§ 26:14
- disclosure responsibility of
lawyer, not mediator, § 26:15
- duties, mediator, § 26:21
- end of session, § 26:16
- enforcement, settlement agree-
ment, § 26:19
- features of, § 26:7
- five year rule, § 26:18
- forms (this group)
- oral presentation of mediation
agreement in open court,
§ 26:20
- regulation of, § 26:9
- required notification to clients,
§ 26:13
- stages of, § 26:10

Medical services arbitrations, § 26:78

Neutrality of arbitrator, §§ 26:97, 26:135-26:141

Nonsignatories, generally, §§ 26:96- 26:117

Order

- provisional remedies (this group)
- reference by. See Reference (this
group)

Preemption, contractual arbitration, Federal Arbitration Act, § 26:64

- ending Forced Arbitration of
Sexual Assault and Sexual
Harassment Act of 2021,
§ 26:64.10

ALTERNATIVE DISPUTE RESOLUTION—Cont'd

Private Attorney General Act, arbitration and, § 26:86

Private judging

- ADR features, § 26:23
- agreement, reference by. See
Reference (this group)
- checklists

- reference, procedural matters
to be considered in refer-
ring matter to referee,
§ 26:149

- temporary judge, matters to
consider in selecting judge
pro tempore, § 26:151

comparison of referees and temporary judges, § 26:27

exhibits, use of, § 26:26

filing papers, § 26:26

forms (this group)

order, reference by. See Refer- ence (this group)

procedural matters, § 26:23

procedure, § 26:26

reference. See Reference (this group)

regulation, § 26:25

temporary judge

- checklist, matters to consider
in selecting judge pro tem-
pore, § 26:151

- court facilities, court person-
nel, and jurors, use of,
§ 26:46

- disqualification of judge pro
tempore, § 26:45

- intervention, complaint for,
§ 26:47

- seal records, motion to,
§ 26:47

- stipulating to judge pro tem-
pore, §§ 26:44, 26:178

- withdraw stipulation, motion
to, § 26:47

**ALTERNATIVE DISPUTE
RESOLUTION—Cont'd**

Provisional remedies, § 26:119
court-ordered, § 26:118

Referee
discovery, § 26:23
order appointing, § 26:163
report, §§ 26:43, 26:164
stipulation or motion for order
appointing, § 26:162

Reference
agreement, reference by
generally, § 26:35
court facilities and personnel,
use of, § 26:37
disclosures required of ref-
eree, § 26:36
hearing site, order for,
§ 26:37
intervention, complaint for,
§ 26:38
objections to appointment,
§ 26:36
prior relationships of referee,
disclosure, § 26:36
proposed order for reference,
§ 26:35
seal records, motion to,
§ 26:38
withdraw stipulation, motion
to, § 26:38
challenging report of referee,
§ 26:34
checklist, procedural matters to
be considered in referring mat-
ter to referee, § 26:149
forms (this group)
order, reference by
generally, § 26:39
court facilities, use of,
§ 26:41
discovery referees, § 26:42
motion for reference order,
§ 26:39
objection to reference,
§ 26:40

**ALTERNATIVE DISPUTE
RESOLUTION—Cont'd**

Reference—Cont'd
order, reference by—Cont'd
selecting referee, § 26:40
procedure, §§ 26:32, 26:149
role of referee, § 26:30
types of reference, § 26:31
References, §§ 26:29, 26:150
Rent-a-judge, ADR features of,
§ 26:24

Sanctions against drafters of employ-
ment and consumer arbitration
agreements, SB 707, § 26:68

Selection of arbitrators
parties agree, § 26:90
petitioning court for appoint-
ment, § 26:91

Strategic considerations, § 26:4

Superior Court powers, arbitration
limited powers, § 26:92
powers retained, § 26:93

Temporary judge. See Private judg-
ing (this group)

Trial setting, arbitration status
conference, § 23:17

Unconscionability
generally, §§ 26:80-26:87
class actions, § 26:85
contract's unconscionability,
§ 26:82
duty of court to decide, § 26:81
petition to compel arbitration,
§ 26:80
procedural, § 26:83
proof of unconscionability,
§ 26:87
substantive, § 26:84

Uninsured motorist arbitrations
generally, §§ 26:120-26:123
arbitrator's powers, § 26:122
attorney fees, § 26:123
costs, § 26:123
discovery, § 26:121

INDEX

ALTERNATIVE DISPUTE RESOLUTION—Cont'd

Uninsured motorist arbitrations
—Cont'd
insured goes to arbitration
against own insurer, § **26:120**
underinsured motorist arbitra-
tions, § **26:120**
Waivers
generally, § **26:88**
factors in determining waiver,
§ **26:89**
party's waiver of arbitrator's
conflict for failure to object,
§ **26:136**

AMENDED COMPLAINTS

Complaints (this Index)

AMICUS CURIAE

Appeal (this Index)

ANSWERS

Generally, §§ **9:51-9:120**

Affirmative defenses

all actions, defenses applicable to
all, §§ **9:61, 9:77-9:96**
contract actions, defenses
applicable to, §§ **9:62, 9:97-
9:109**
equitable relief, defenses
applicable to actions seeking,
§§ **9:64, 9:116-9:118**
filling and service of answer,
§ **9:66**
forms (this group)
general requirement as to new
matter constituting affirmative
defenses, § **9:60**
setoff, defense of, § **9:65**
tort actions, defenses applicable
to, §§ **9:63, 9:110-9:115**

Checklist, matters to consider when
answering, § **9:67**

“Conjunctive denials,” avoiding,
§ **9:59**

Contracts. See Forms (this group)

ANSWERS—Cont'd

Declaratory relief, §§ **17:38, 17:50**

Defendant's pleadings, § **9:68**

Defenses. See Affirmative defenses
(this group)

Denials, requirement that answer
contain denials, § **9:54**

Extension of time to answer. See
Forms (this group)

Failure to deny, effect of, § **9:54**

Form and content, § **9:52**

Forms

affirmative defenses

another action pending
between same parties on
same cause of action,
§ **9:82**

bankruptcy discharge, claim
discharged in bankruptcy,
§ **9:90**

bankruptcy stay, claim
subject to automatic stay
issued in pending bank-
ruptcy proceeding, § **9:89**
capacity, person who filed
pleading lacks legal capac-
ity to sue, § **9:81**

cause of action, complaint
insufficient to constitute,
§ **9:85**

compulsory cross-complaint,
failure to assert cause of
action in compulsory
cross-complaint in earlier
action, § **9:88**

contract actions

accord and satisfaction,
§ **9:109**

account stated, § **9:108**

breach by plaintiff,
§ **9:104**

duress, contract executed
as result of, § **9:100**

failure of consideration,
§ **9:98**

fraud, contract executed

ANSWERS—Cont'd

Forms—Cont'd

- affirmative defenses—Cont'd
 - contract actions—Cont'd
 - as result of, § 9:100
 - illegal contract, § 9:102
 - impossibility of performance, § 9:99
 - incompetency of defendant when contract executed, § 9:101
 - lack of consideration, § 9:97
 - minority of defendant when contract executed, § 9:101
 - mistake, contract executed as result of, § 9:100
 - novation, § 9:107
 - rescission, § 9:106
 - statute of frauds, § 9:105
 - tender, § 9:103
 - undue influence, contract executed as result of, § 9:100
 - defect of parties, § 9:83
 - equity actions
 - balancing of conveniences, § 9:118
 - laches, § 9:116
 - unclean hands, § 9:117
 - estoppel, § 9:95
 - incorporation by reference of previous defenses, § 9:93
 - limitations, cause of action barred by statute of limitations, § 9:77
 - misjoinder of parties, § 9:84
 - mitigation of damages, § 9:92
 - payment, defense of payment as to cross-demand for money, § 9:87
 - premature action, § 9:96

ANSWERS—Cont'd

Forms—Cont'd

- affirmative defenses—Cont'd
 - real party in interest, plaintiff is not, § 9:78
 - release of liability, § 9:91
 - res judicata, cause of action barred by former judgment, § 9:79
 - set-offs, defendant's right to set off coexisting cross-demands, § 9:94
 - subject matter jurisdiction, court lacks, § 9:80
- tort actions
 - assumption of risk, §§ 9:112, 9:113
 - comparative negligence, § 9:111
 - express assumption of risk, § 9:112
 - immunity, statutory immunity under Tort Claims Act, § 9:115
 - primary assumption of risk, § 9:113
 - privilege in action alleging intentional tort, § 9:110
 - workers' compensation, exclusive remedy under, § 9:114
- uncertainty, complaint is uncertain, § 9:86
- waiver, § 9:95
- complete answers
 - admissions, § 9:75
 - contract actions, official form answer, § 9:72
 - information and belief, denial on, § 9:76
 - personal injury action, official form answer, § 9:70

INDEX

ANSWERS—Cont'd

Forms—Cont'd

complete answers—Cont'd
property damage action,
official form answer,
§ 9:70

specific denials, § 9:74

unverified complaint, answer
to, § 9:73

verified complaint, answer to,
§ 9:69

wrongful death action,
official form answer,
§ 9:70

contract actions

complete answers, § 9:72

defenses applicable, §§ 9:62,
9:97-9:109

extension of time to answer

ex parte application for
extension to answer,
§ 9:120

stipulation to extend time to
answer, § 9:119

tort actions

affirmative defenses (this
group)

personal injury action,
official form answer,
§ 9:70

property damage action,
official form answer,
§ 9:70

wrongful death action,
official form answer,
§ 9:70

General denials, § 9:55

Judicial Council Forms, § 9:53

“Negative pregnant,” avoiding,
§ 9:58

Plaintiff's answer and demurrer to
cross-complaints, § 7:37

Specific denials, § 9:56

Stating denials, § 9:57

Tort actions. See Forms (this group)

APPEAL

Alternative Dispute Resolution
(this index)

Amicus curiae

briefs. **Appellate Briefs** (this
Index)

Supreme Court of California,
amicus curiae letters, § 43:14

Supreme Court of United States,
amicus curiae as to proceed-
ings on merits, § 44:25

Appeal from Small Claims Court
(this Index)

Briefs. **Appellate Briefs** (this Index)

California supreme court. **Supreme
Court of California** (this Index)

Continuances, appellate review,
§ 23:33

Costs (this Index)

Court of appeal

rehearing. **Rehearing in Court
of Appeal** (this Index)

superior court, appeal from.

Appeal from Superior Court
(this Index)

Dismissal

superior court, appeal from.

**Appeal From Superior
Courts** (this Index)

Supreme Court of California
(this Index)

**Supreme Court of United
States** (this Index)

Disposition. **Appeal From Superior
Courts** (this Index)

Foreign country judgments, appeal in
foreign country, § 30:127

Hearings

superior courts, appeal from.

**Appeal From Superior
Courts** (this Index)

Supreme Court of California,
review by, § 43:22

Supreme Court of United States,
oral argument for proceedings
on merits, § 44:28

APPEAL—Cont'd

Initiation of appeal. **Appeal From Superior courts** (this Index)

Jurisdiction

stay on enforcement of jurisdiction of trial court, effect appeal. **Stay of Enforcement** (this Index)

superior courts, appeal from. **Appeal From Superior Courts** (this Index)

Supreme Court of United States (this Index)

Jury trial, demand for, § 23:37

Notice of appeal or cross-appeal. **Appeal From Superior Court** (this Index)

Parties, Supreme Court of United States, appearance of parties, § 44:4

Preservation of Evidence (this Index)

Record on appeal

superior courts, appeal from. **Appeal From Superior Courts** (this Index)

Supreme Court of United States, transmission or record, § 44:14

Rehearings

court of appeal. **Rehearing in Court of Appeal** (this Index)
Supreme Court of California (this Index)

Supreme Court of United States (this Index)

Remittitur (this Index)

Settlement, procedure and scope of appellate review of good faith settlement, § 27:55

Stays. **Stay of Enforcement** (this Index)

Stipulated judgment, appeal attacking, § 20:26

Summary judgment, appellate review of court's ruling. **Summary Judgment**

APPEAL—Cont'd

ment (this Index)

Superior court, appeal from. **Appeal from Superior Court** (this Index)

Supreme Court of California (this Index)

Supreme Court of United States (this Index)

United States Supreme Court.

Supreme Court of United States (this Index)

Voluntary abandonment or dismissal of appeal. **Appeal From Superior Courts** (this Index)

APPEAL FROM SMALL CLAIMS COURTS

Generally, §§ 46:1-46:22

Abandonment of appeal, § 46:10

Attorney fees, § 46:9

Continuances, § 46:7

Correction

motion to correct clerical error in judgment, § 46:13

motion to correct or cancel clerical error in judgment, forms, § 46:15

Costs, § 46:9

Dismissal of appeal, § 46:10

Fees

notice, filing, § 46:4

writs, filing, § 46:20

Forms

motion to correct or cancel clerical error in judgment, § 46:15

motion to vacate judgment and enter different judgment, § 46:14

notice, § 46:5

Hearings, trial de novo, § 46:8

Jurisdiction, § 46:17

Motion to correct clerical error in judgment, § 46:13

Motion to correct or cancel clerical error in judgment, forms, § 46:15

INDEX

APPEAL FROM SMALL CLAIMS COURTS—Cont'd

Motion to vacate judgment and enter different judgment
defendant, § 46:12
forms, § 46:14
plaintiff, § 46:11
Notice, § 46:3
filing fee, § 46:4
forms, § 46:5
Overview, § 46:1
Petitions, writs, § 46:21
Record of appeal, § 46:6
Right to appeal, § 46:1
Insurer, defendant, § 46:16
Stay of enforcement, § 46:18
appeals, § 46:18
Time, §§ 46:1, 46:2
Trial de novo, § 46:8
Writs, § 46:19
appeal pending, § 46:22
fees, filing, § 46:20
petitions, § 46:21

APPEAL FROM SUPERIOR COURTS

Generally, §§ 35:1-35:28
Abandonment. See Voluntary
abandonment or dismissal of
appeal (this group)
Affirmance of judgment. See Disposition (this group)
Aggrieved parties. See Who may
appeal (this group)
Agreed statement, preparation of.
See Record on appeal (this group)
Appealability. See What is appealable (this group)
Appealable interlocutory judgments,
§ 35:6
Appellate Briefs (this Index)
Appendices in lieu of clerk's
transcript, preparation of. See Record on appeal (this group)

APPEAL FROM SUPERIOR COURTS—Cont'd

Applications for orders. See Motions
and applications for orders (this
group)
Attorney fees
procedural checklist, § 41:71
procedure for recovery, § 41:66
recovery procedure, § 41:66
when awarded, § 41:65
Augmentation of record. See Record
on appeal (this group)
Authority for appellate review
jurisdiction, § 35:1
methods of review, § 35:2
Briefs. **Appellate Briefs** (this Index)
Changes in record after transmittal.
See Record on appeal (this group)
Citation. See Publication and citation
of appellate opinions (this group)
Clerk's transcript, preparation of.
See Record on appeal (this group)
Consent judgments, no appeal by
parties to, § 35:15
Coparties, no appeal by, § 35:17
Correction of record after transmittal,
§§ 38:41, 38:86, 38:91-38:93
Costs on appeal
generally, §§ 41:62-41:64, 41:70
items recoverable, § 41:63
procedural checklist, § 41:70
procedure to recover costs,
§§ 41:64, 41:70
record on appeal, cost of, § 38:4
recoverable items, § 41:63
statutory basis, § 41:62
voluntary abandonment or dismissal,
recovering costs after,
§ 37:29
Cross-appeals
notice. See Notice of appeal or
cross-appeal (this group)
record on appeal, preparation,
§ 38:36

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Default. See Record on appeal (this group)

De novo or independent standard of review, § **41:6**

Depublication of published opinions, § **41:76**

Determination and judgment
generally, §§ **41:12-41:39**
additional evidence
appellate authority to take, § **41:12**
production of, §§ **41:33-41:35**
assignment of cause, request for assignment of appeal to specified division, form, § **41:27**
calendar preference or advancement. See Forms (this group)
consolidation of cases, §§ **41:14, 41:24-41:26**
decision, §§ **41:17, 41:18**
fact-finding
appellate authority, § **41:12**
determination, motion, § **41:32**
power of court, § **41:31**
finality of decision, § **41:18**
forms (this group)
judicial notice, §§ **41:13, 41:36**
opinion, § **41:17**
oral argument, § **41:15**
recusal of justice, motion and supporting declaration for recusal of appellate justice, form, § **41:23**
submission for decision, § **41:16**
transfer of cause. See Forms (this group)

Discretion, abuse of, standard of review, § **41:5**

Dismissal
involuntary. See Involuntary dismissal of appeal (this group)

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Dismissal—Cont'd
voluntary. See Voluntary abandonment or dismissal of appeal (this group)

Disposition
generally, §§ **41:40-41:50**
affirmance of judgment
directions, with, § **41:41**
general or unqualified affirmance, § **41:40**
forms (this group)
modification of judgment
generally, § **41:42**
consent to modification of judgment, form, § **41:48**
types of errors and erroneous judgments modified, § **41:43**
reversal of judgment
general or unqualified reversal, § **41:44**
joint application and stipulation for reversal of judgment, form, § **41:49**
joint declaration of counsel for stipulated reversal of trial court judgment if required by local rules, form, § **41:50**
partial reversal, § **41:45**
restitution, § **41:47**
reversal with directions, § **41:46**

Elder abuse, appeal from order dismissing or denying petition to compel arbitration
applicability, § **35:31**
briefing and argument, § **35:35**
filing, § **35:33**
notice of appeal, § **35:32**
record on appeal, § **35:34**
service, § **35:33**
time to appeal, § **35:32**

INDEX

APPEAL FROM SUPERIOR COURTS—Cont'd

Electronic service
 generally, § 35:29
 by or on court, § 35:30
 proof of service, § 35:29

Evidence
 abuse of discretion standard of review, § 41:5
 standard of review, substantial evidence, § 41:4

Exhibits, record on appeal, §§ 38:40, 38:85

Extension or shortening of time, applications for, § 35:25

Fact-finding. Determination and judgment (this group)

Fees, failure to pay fee as grounds for dismissal, § 39:6

Format of papers filed in reviewing court, § 35:22

Forms
 determination and judgment
 additional evidence
 declaration in support of motion for leave to produce additional evidence on appeal, § 41:34
 motion for leave to produce additional evidence on appeal, § 41:33
 opposition to motion and declaration for production of additional evidence on appeal, § 41:35
 assignment of cause, request for assignment of appeal to specified division, § 41:27
 calendar preference or advancement
 declaration in support of motion for calendar preference, § 41:20

APPEAL FROM SUPERIOR COURTS—Cont'd

Forms—Cont'd
 determination and judgment
 —Cont'd
 calendar preference or advancement—Cont'd
 declaration in support of motion to advance cause on calendar, § 41:22
 motion for calendar preference, § 41:19
 motion to advance cause on calendar, § 41:21
 consolidation of appeals
 declaration in support of motion to consolidate appeals, § 41:25
 motion to consolidate appeals, § 41:24
 stipulation by counsel to consolidate appeals, § 41:26
 factual determination
 declaration in support of motion for factual determination on appeal, § 41:32
 motion for factual determination on appeal, § 41:31
 judicial notice, motion to take, § 41:36
 new trial, motion, reporter's lost notes, § 41:37
 recusal, motion for recusal of appellate justice, § 41:23
 stipulation for dismissal, § 41:39
 stipulation of parties regarding disposition of settlement conference, § 41:38
 transfer of cause
 answer to petition for transfer of appeal to

**APPEAL FROM SUPERIOR
COURTS—Cont’d**

Forms—Cont’d

determination and judgment
—Cont’d

transfer of cause—Cont’d
supreme court, § 41:30

petition for transfer of
appeal to supreme
court, § 41:29

request for transfer of
appeal, § 41:28

disposition

consent to modification of
judgment, § 41:48

joint application and stipula-
tion for reversal of judg-
ment, § 41:49

joint declaration of counsel
for stipulated reversal of
trial court judgment if
required by local rules,
§ 41:50

involuntary dismissal of appeal

declaration opposing motion
to dismiss frivolous appeal
and impose sanctions,
§ 39:38

declaration opposing motion
to dismiss late-filed appeal,
§ 39:34

declaration supporting
motion to dismiss frivolous
appeal and impose sanc-
tions, § 39:36

declaration supporting
motion to dismiss late-filed
appeal, § 39:33

letter to appellant’s counsel
requesting dismissal of
appeal, § 39:37

motion and supporting decla-
ration to dismiss appeal for
default in procuring record,
order, § 39:39

**APPEAL FROM SUPERIOR
COURTS—Cont’d**

Forms—Cont’d

involuntary dismissal of appeal
—Cont’d

motion and supporting decla-
ration to set aside dismissal
and reinstate appeal, order,
§ 39:41

motion to dismiss frivolous
appeal and impose sanc-
tions, § 39:35

motion to dismiss late-filed
appeal, § 39:32

opposition to motion and
declaration to dismiss
appeal for default in
procuring record, order,
§ 39:40

notice of appeal or cross-appeal
civil case information state-
ment, § 37:23

notice of appeal, § 37:22
notice of cross-appeal,
§ 37:22

record on appeal

agreed statements

agreed statement, § 38:75

stipulation to attempt to
prepare agreed state-
ment, § 38:74

appendices

notice of appeal and
notice of election to
proceed under CRC
8.124, § 38:65

notice of election to
proceed under CRC
8.124, § 38:66

notice of motion and dec-
laration to prohibit
proceeding on
appendix in lieu of
clerk’s transcript,
§ 38:67

notice of motion and sup-

INDEX

APPEAL FROM SUPERIOR COURTS—Cont'd

Forms—Cont'd

record on appeal—Cont'd

appendices—Cont'd

porting declaration to
allow filing of notice to
prepare reporter's
transcript without
depositing reporter's
fee, § 38:72

order on election to
proceed on appendix in
lieu of clerk's
transcript, § 38:68

order on motion to allow
filing of notice to
prepare reporter's
transcript without
depositing reporter's
fee, § 38:73

reporter's waiver of
deposit for preparation
of reporter's transcript,
§ 38:71

stipulation for joint
appendix, § 38:69

stipulation to proceed on
superior court file in
lieu of clerk's
transcript, § 38:70

augmentation or correction
motion and supporting
declaration to correct
record on appeal,
order, § 38:92

motion for order
augmenting record,
§ 38:87

notice to prepare and
transmit items
inadvertently omitted
from record on appeal,
§ 38:91

opposition to motion and
declaration to correct

APPEAL FROM SUPERIOR COURTS—Cont'd

Forms—Cont'd

record on appeal—Cont'd

augmentation or correction
—Cont'd

record on appeal,
order, § 38:93

order granting motion to
augment record,
§ 38:89

request for correction of
record, § 38:86

respondent's notice of
request for delivery of
additional copy of rec-
ord, § 38:90

stipulation to augment
record, § 38:88

correction. See augmentation
or correction (this group)

default, relief from

declaration supporting
motion for relief from
default, § 38:97

motion for relief from
default for failure to
deposit reporter's
estimate, § 38:96

exhibits, notice specifying
exhibits to be transmitted
to appellate court, § 38:85

prior records on appeal

notice of request that
clerk obtain prior rec-
ord, § 38:95

notice of request to copy
prior record, § 38:94

settled statements

certification of engrossed
settled statement,
§ 38:83

notice of intention to pre-
sent appeal on settled
agreement, § 38:76

notice of motion and

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Forms—Cont'd

record on appeal—Cont'd

settled statements—Cont'd

motion for leave to
prepare settled state-
ment, § 38:77

order granting leave to
file settled statement,
§ 38:78

order settling statement,
§ 38:81

proposed condensed
statement, § 38:79

respondent's objections to
engrossed settled state-
ment, § 38:82

respondent's proposed
amendments to
proposed narrative
statement, § 38:80

stipulation of parties that
settled statement is
correct in lieu of certi-
fication, § 38:84

transcripts

application and order to
delay deposit of
reporter's estimate,
§ 38:63

application for order to
show cause re
reporter's failure to
timely file transcript,
§ 38:64

cover letter for notice of
appeal and notice to
prepare clerk's and
reporter's transcripts,
§ 38:62

designation of record on
appeal, Second appel-
late district, § 38:54

notice designating addi-
tions to clerk's

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Forms—Cont'd

record on appeal—Cont'd

transcripts—Cont'd

transcripts, § 38:61

notice of appeal and
notice to prepare
complete clerk's
transcript, § 38:53

notice of appeal
combined with notice
designating papers and
records for clerk's
transcript, § 38:55

notice to prepare
complete clerk's and
reporter's transcript,
§ 38:56

notice to prepare
reporter's transcript in
multiple-reporter case,
§ 38:58

notice to prepare selective
reporter's transcript
and designating papers
and records for clerk's
transcript, § 38:57

respondent's
counterdesignation of
reporter's transcript,
§ 38:59

stipulation to omit por-
tions of oral proceed-
ings from reporter's
transcript, § 38:60

remittitur

declaration in support of
motion for stay of issuance
of remittitur, § 41:57

declaration in support of
motion to recall remittitur,
§ 41:60

motion for order staying issue
of remittitur, § 41:56

INDEX

APPEAL FROM SUPERIOR COURTS—Cont'd

Forms—Cont'd

remittitur—Cont'd

motion to recall remittitur,
§ 41:59

stipulation for immediate
issuance of remittitur,
§ 41:55

stipulation for recall of remit-
titure, § 41:61

stipulation for stay of issu-
ance of remittitur, § 41:58

sanctions, motion for order to
show cause for sanctions,
§ 41:73

voluntary abandonment or dis-
missal of appeal, abandonment
of appeal, § 37:32

Frivolous appeals. See Involuntary
dismissal of appeal (this group)

Function and nature of appellate
court, § 41:1

Hearing and determination

generally, §§ 41:1-41:76

limits of review. See Scope and
limit of appellate review

scope of review. See Scope and
limit of appellate review

settlement conference. See
Prehearing settlement confer-
ence (this group)

Improper appeal, remedy, § 35:11

Independent or de novo standard of
review, § 41:6

Initiation. See Notice of appeal or
cross-appeal (this group)

Involuntary dismissal of appeal

generally, §§ 39:1-39:41

effect of dismissal, § 39:29

fee, failure to pay fee as grounds
for dismissal, § 39:6

forms (this group)

frivolous appeals

criteria, objective and subjec-
tive, § 39:23

APPEAL FROM SUPERIOR COURTS—Cont'd

Involuntary dismissal of appeal —Cont'd

frivolous appeals—Cont'd

early dismissal, § 39:22

forms (this group)

sanctions, § 39:24

grounds for dismissal

appellate jurisdiction, lack of
jurisdiction as ground for
dismissal, § 39:3

frivolous appeals (this group)

mootness (this group)

procedural defaults as
grounds for dismissal (this
group)

standing, lack of standing as
ground for dismissal,
§ 39:4

waiver of right to appeal,
§ 39:5

jurisdiction

appellate jurisdiction, lack of
jurisdiction as ground for
dismissal, § 39:3

late appeals, §§ 39:2, 39:32-
39:34

premature appeals, § 39:2

reviewing court's inherent
power, § 39:1

late appeals, §§ 39:2, 39:32-
39:34

local appellate court rules,
noncompliance with local
appellate court rules as
grounds for dismissal, § 39:8

mootness

generally, §§ 39:9, 39:10

denying dismissal, grounds
exoneration, appeal to
exonerate appellant's
name, § 39:20

material question remain-
ing, § 39:18

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Involuntary dismissal of appeal
—Cont'd
mootness—Cont'd
denying dismissal, grounds
—Cont'd
original action moot,
§ 39:21
public interest issues,
§ 39:19
recurring conflict likely,
§ 39:19
granting dismissal, grounds
birth, § 39:17
cessation of challenged
conduct, § 39:12
compromise, § 39:13
controversy extinguished
by subsequent events,
§ 39:11
death, § 39:17
emancipation, § 39:17
intervening judgment,
controversy determined
by, § 39:15
law, change of, § 39:16
performance of act appel-
lant sought to prevent,
§ 39:14
settlement, § 39:13
justiciable controversy
requirement, § 39:9
procedure, § 39:10
motion. See procedure on motion
to dismiss appeal (this group)
opening brief, failure to file
opening brief as grounds for
dismissal, § 39:7
procedural defaults as grounds
for dismissal
fee, failure to pay, § 39:6
local appellate court rules,
noncompliance with,
§ 39:8

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Involuntary dismissal of appeal
—Cont'd
procedural defaults as grounds
for dismissal—Cont'd
opening brief, failure to file,
§ 39:7
record, failure to file,
§§ 39:6, 39:39, 39:40
procedure on motion to dismiss
appeal
before record filed, § 39:25
effect of dismissal, § 39:29
motion practice, § 39:26
motion requiring examination
of record, § 39:27
procedural checklists,
§§ 39:30, 39:31
vacating order of dismissal,
§ 39:28
record, failure to file as grounds
for dismissal, §§ 39:6, 39:39,
39:40
standing, lack of standing as
ground for dismissal, § 39:4
waiver of right to appeal,
grounds for dismissal, § 39:5
Judgment. See Determination and
judgment (this group)
Jurisdiction
generally, § 35:1
dismissal. See Involuntary dis-
missal of appeal (this group)
Late appeals, involuntary dismissal,
§§ 39:2, 39:32-39:34
Limits of review. See Scope and
limit of appellate review
Lost records, effect of, § 38:8
Matters appealable. See What is
appealable (this group)
Methods of review, § 35:2
Mootness. See Involuntary dismissal
of appeal (this group)
Motions and applications for orders
disposition, § 35:28

INDEX

APPEAL FROM SUPERIOR COURTS—Cont'd

Motions and applications for orders
—Cont'd
 extension or shortening of time,
 applications for, § 35:25
 filing, § 35:26
 format of papers filed in review-
 ing court, § 35:22
 notice motions and routine
 applications, § 35:21
 opposition, § 35:27
 procedure
 applications, § 35:24
 noticed motions, § 35:23
Multiple appeals, preparation of rec-
ord. See Record on appeal (this
group)
Nature and function of appellate
court, § 41:1
Nonreviewable issues, § 41:7
Notice of appeal or cross-appeal
 generally, §§ 37:1-37:23
 construction of notice of appeal,
 liberal, § 37:12
 cross-appeal, notice of
 filing of notice of cross-ap-
 peal, § 37:19
 format of notice of cross-
 appeal, §§ 37:19, 37:22
 similarity to appeal, § 37:18
 time for filing notice of cross-
 appeal, § 37:20
 extensions in time for filing
 notice of appeal
 motion for JNOV, § 37:9
 motion for new trial, § 37:7
 motion to vacate judgment,
 § 37:8
 fees, filing, §§ 37:15, 37:16
 filing, form and filing of notice of
 appeal (this group)

APPEAL FROM SUPERIOR COURTS—Cont'd

Notice of appeal or cross-appeal
—Cont'd
 form and filing of notice of
 appeal
 Civil Case Information State-
 ment, § 37:17
 construction of notice of
 appeal, liberal, § 37:12
 exception from filing fee
 requirement, § 37:16
 filing fees, §§ 37:15, 37:16
 filing notice with superior
 court clerk, notification
 and transmittal, § 37:13
 form of notice of appeal,
 §§ 37:11, 37:23
 service of notice of appeal,
 § 37:14
 forms (this group)
 JNOV, motion, § 37:9
 new trial motion, extensions in
 time for filing notice of appeal
 and motion for new trial,
 § 37:7
 procedural checklist, § 37:21
 reconsideration, motion, § 37:10
 service of notice of appeal,
 § 37:14
 time for filing notice of appeal
 generally, §§ 37:1-37:6
 amendment of judgment,
 effect of amendment on
 time to file notice of
 appeal, § 37:5
 calculating time to file notice
 of appeal, § 37:3
 date of entry, § 37:4
 extensions in time for filing
 notice of appeal (this
 group)
 normal time limits, § 37:2
 notice, form of, § 37:4
 premature filing of notice of
 appeal, § 37:6

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Notice of appeal or cross-appeal
—Cont'd
 vacate judgment, extensions in
 time for filing notice of appeal
 and motion to vacate judgment, § **37:8**

One final judgment rule
 generally, § **35:4**
 exceptions, judicial, § **35:7**

Orders, appealability, § **35:10**

Parties. See Who may appeal (this group)

Precedential effect of appellate opinions, § **41:73.50**

Prehearing settlement conference disposition after settlement, § **41:11**
 general rules governing, § **41:9**
 local district procedures, § **41:10**

Presumptions in favor of judgment, § **41:2**

Prevailing parties, no appeal by, § **35:16**

Private judgments, appealability, § **35:9**

Procedure. See Motions and applications for orders (this group)

Publication and citation of appellate opinions
 generally, § **41:74**
 depublication of published opinions, § **41:76**
 unpublished opinion, publication of, § **41:75**

Record on appeal
 generally, §§ **38:1-38:99**
 agreed statement, preparation of contents, § **38:29**
 format, § **38:29**
 forms (this group)
 procedure, §§ **38:30, 38:48**

**APPEAL FROM SUPERIOR
COURTS—Cont'd**

Record on appeal—Cont'd
 appendices in lieu of clerk's transcript, preparation of appendix, augmentation with, with reporters' transcript, § **38:23**
 augmentation of appendix with reporters' transcript, § **38:23**
 contents, § **38:20**
 costs, § **38:22**
 format, § **38:20**
 forms (this group)
 procedure, § **38:21**
 sanctions for improper use, § **38:24**
 when permitted, § **38:19**

augmentation of record
 forms (this group)
 grounds, § **38:42**
 procedure, § **38:43**

changes in record after transmittal
 augmentation of record (this group)
 correction of record, § **38:41**
 procedural checklist, § **38:51**

clerk's transcript, preparation of appeal on judgment roll as variation, § **38:18**

appendix in lieu of clerk's transcript, preparation of (this group)
 contents, § **38:14**
 costs, § **38:17**
 format, § **38:14**
 procedure, §§ **38:16, 38:47**
 superior court file in lieu of clerk's transcript, preparation of (this group)

copy of record for parties, transmission, §§ **38:39, 38:50**

INDEX

APPEAL FROM SUPERIOR COURTS—Cont'd

Record on appeal—Cont'd

correction of record after
transmittal, §§ **38:41, 38:86,**
38:91-38:93

cost of record, § **38:4**

cross-appeals, preparation of
record, § **38:36**

default

dismissal for failure to file
record, § **38:44**

forms (this group)

methods of avoiding, and
remedies for, dismissal,
§ **38:45**

procedural checklist, § **38:52**

duty to furnish record, § **38:1**

exhibits, §§ **38:40, 38:85**

filing procedure, transmission of
record, § **38:38**

format requirements, § **38:5**

forms (this group)

inadequate record, effect of,
§ **38:2**

lost records, effect of, § **38:8**

multiple appeals, preparation of
record

cross-appeals, § **38:36**

successive appeals, § **38:37**

partial record, effect of, § **38:2**

preparation of record

agreed statement, preparation
of (this group)

appendix in lieu of clerks
transcript, preparation of
(this group)

clerk's transcript, preparation
of (this group)

multiple appeals, preparation
of record (this group)

reporter's transcript, prepara-
tion of (this group)

settled statement, preparation
of (this group)

APPEAL FROM SUPERIOR COURTS—Cont'd

Record on appeal—Cont'd

preparation of record—Cont'd
superior court file in lieu of

clerk's transcript, prepara-
tion of (this group)

prior records on appeal. See
Forms (this group)

procedural checklists, §§ **38:46-**
38:52

reporter's transcript, preparation
of

contents, § **38:9**

electronic recording,
transcription of, § **38:11**

format, § **38:9**

payment for reporter's
transcript, § **38:12**

procedure, §§ **38:10, 38:47**

unavailable transcript,
§ **38:13**

sanctions relating to production
of record, delay, § **38:7**

settled statement, preparation of
format, § **38:35**

forms (this group)

motion procedure, § **38:32**

preparation process and fil-
ing, § **38:34**

procedure, § **38:49**

ruling on motion, § **38:33**

when permitted, § **38:31**

successive appeals, preparation
of record, § **38:37**

superior court file in lieu of
clerk's transcript, preparation
of

contents, § **38:26**

costs, § **38:28**

format, § **38:26**

procedure, § **38:27**

when permitted, § **38:25**

time limits and extensions,
§ **38:6**

**APPEAL FROM SUPERIOR
COURTS—Cont’d**

Record on appeal—Cont’d

- transcripts
 - clerk’s transcript, preparation of (this group)
 - forms (this group)
 - reporter’s transcript, preparation of (this group)
- transmission of record
 - copy of record for parties, § 38:39
 - exhibits, § 38:40
 - filing procedure, § 38:38
- types of materials used in record, effect of, § 38:3

Rehearing in Court of Appeal (this Index)

Remittitur

- generally, §§ 41:51-41:61
- forms (this group)
- issuance of remittitur, § 41:52
- recall, § 41:54
- stay of remittitur, § 41:53

Reporter’s transcript, preparation of.
See Record on appeal (this group)

Representative capacity, no appeal by parties in, § 35:18

Respondents, no appeal by, § 35:19

Reversal of judgment. See Disposition (this group)

Reversible or prejudicial error rule, § 41:8

Sanctions

- amount, § 41:69
- basis, § 41:67
- motion for order to show cause for sanctions, form, § 41:73
- order, § 41:69
- procedural checklist, § 41:72
- procedure, §§ 41:69, 41:72
- record, sanctions relating to production of record, § 38:7
- standards for imposition, § 41:68

**APPEAL FROM SUPERIOR
COURTS—Cont’d**

Scope and limit of appellate review

- abuse of discretion standard of review, § 41:5
- de novo or independent standard of review, § 41:6
- function and nature of appellate court, § 41:1
- nonreviewable issues, § 41:7
- presumptions in favor of judgment, § 41:2
- reversible or prejudicial error rule, § 41:8
- standards of review, § 41:3
- substantial evidence standard of review, § 41:4

Service of process

- electronic service (this group)
- motions and applications for orders, § 35:26
- notice of appeal or cross-appeal, § 37:14

Settled statement, preparation of. See
Record on appeal (this group)

Settlement conference. See Prehearing settlement conference (this group)

Special proceedings, appealability, § 35:8

Standards of review, §§ 41:3-41:6

Statutes, appealability pursuant to.
See What is appealable (this group)

Stays. Stay of Enforcement (this Index)

Successive appeals, preparation of record, § 38:37

Superior court file in lieu of clerk’s transcript, preparation of. See Record on appeal (this group)

Transcripts. See Record on appeal (this group)

Transmission of record. See Record on appeal (this group)

INDEX

APPEAL FROM SUPERIOR COURTS—Cont'd

Unpublished opinion, publication of,
§ 41:75

Vacating abandonment of appeal,
§ 37:26

Vacating dismissal of appeal,
§ 37:28

Voluntary abandonment or dismissal
of appeal

generally, §§ 37:24-37:32

after filing appellate record, vol-
untary dismissal, §§ 37:27,
37:31

costs, recovering costs after
abandonment or dismissal,
sanctions, § 37:29

forms (this group)

prior to filing appellate record,
voluntary abandonment,
§§ 37:25, 37:30

sanctions, recovering costs after
abandonment or dismissal,
§ 37:29

vacating abandonment, § 37:26

vacating dismissal, § 37:28

Waiver, parties waiving right to
appeal, § 35:20

What is appealable

appealable interlocutory judg-
ments, § 35:6

improper appeal, remedy,
§ 35:11

one final judgment rule. See One
final judgment rule (this
group)

orders, § 35:10

private judgments, § 35:9

special proceedings, § 35:8

statutes, appealability pursuant to
basis for appealability, statu-
tory, § 35:3

judgments not appealable
under statute, § 35:5

APPEAL FROM SUPERIOR COURTS—Cont'd

Who may appeal

aggrieved parties

definition of “aggrieved,”
§ 35:14

definition of party, § 35:13
statutory rule, § 35:12

consent judgments, no appeal by
parties to, § 35:15

coparties, no appeal by, § 35:17

parties who may not appeal
consent judgments, parties to,
§ 35:15

coparties, § 35:17

prevailing parties, § 35:16

representative capacity,
§ 35:18

respondents, § 35:19

waiver, parties waiving right,
§ 35:20

prevailing parties, no appeal by,
§ 35:16

representative capacity, no
appeal by parties in, § 35:18

respondents, no appeal by,
§ 35:19

waiver, parties waiving right to
appeal, § 35:20

APPEAL IN LIMITED JURISDICTION CASES

Generally, §§ 45:1-45:69

Abandonment, §§ 45:44, 45:45

Appealable judgments and orders,
§ 45:2

Attorney fees, § 45:53

Briefs

contents, § 45:34

extension of time to file, § 45:37
form, § 45:38

failure to file, § 45:35

filing, § 45:35

form, § 45:33

serving, § 45:35

time, § 45:32

**APPEAL IN LIMITED
JURISDICTION CASES**

—Cont’d

Contact information, filing, § 45:12

Costs

award, § 45:50

claiming costs, § 45:51

recoverable costs, § 45:52

sanctions, § 45:54

writs, § 45:63

waiver, §§ 45:68, 45:69

Court of appeal

right of appeal, § 45:6

transfer to, § 45:5

Decisions, § 45:47

Designating record on appeal, notice,
§§ 45:28, 45:31

Election to use appendix designating
record on appeal, § 45:26

Electronic service, proof of,
§ 45:7.50

Entry of judgment or order, § 45:4

Extended time, § 45:9

Fees

filing, § 45:15

waiver

information sheet, § 45:16

writs, §§ 45:68, 45:69

Filing, § 45:11

contact information, § 45:12

fees, § 45:15

information of appeal
procedures, § 45:13

record of appeal, § 45:27.50

Finality of judgment, § 45:48

writs, § 45:62

Forms

abandonment, § 45:45

briefs, extension of time to file,
§ 45:38

designating record on appeal,
notice, §§ 45:28, 45:31

fees, waiver

information sheet, § 45:16

writs, request, § 45:69

**APPEAL IN LIMITED
JURISDICTION CASES**

—Cont’d

Forms—Cont’d

information

appeal procedures, § 45:13

fees, waiver, § 45:16

notice, appeal or cross-appeal,
§ 45:14

proof of service, § 45:7

proposed statement on appeal,
§ 45:29

order concerning, § 45:30

writs

information sheet on writ
proceedings, § 45:65

petitions, § 45:65

waiver, fees, § 45:69

Information

appeal procedures, § 45:13

fees, waiver, § 45:16

Jurisdiction, § 45:1

Late notice, § 45:10

Motions

augmenting record, § 45:40

extensions of time, § 45:39

Notice

designating record on appeal,
§§ 45:28, 45:31

filing, § 45:11

form, § 45:14

premature or late, § 45:10

writs, trial judge, § 45:61

Oral argument

calendar, § 45:41

conduct of argument, § 45:43

videoconferencing, § 45:42

Petitions, writs, § 45:56

forms, § 45:65

Premature notice, § 45:10

Proof of service, forms, §§ 45:7,
45:7.50

Record on appeal, § 45:17

agreed statement instead of
transcript, § 45:24

INDEX

APPEAL IN LIMITED JURISDICTION CASES

—Cont'd

Record on appeal, § 45:17—Cont'd
 clerk's transcript, § 45:18
 payment, § 45:19
 election to use appendix
 designating record on appeal,
 § 45:26
 electrolytically recorded record,
 § 45:23
 failure to procure record, § 45:27
 filing, § 45:27.50
 notice designating record on
 appeal, §§ 45:28, 45:31
 reporter's transcript, § 45:21
 payment, § 45:22
 statement on appeal, § 45:25
 proposed statement
 form, § 45:29
 order concerning, § 45:30
 trial court transcript, § 45:20
 writs, § 45:57
Rehearing, § 45:49
Right to appeal, § 45:1
 court of appeal, § 45:6
Rules, differences, § 45:3
Sanctions, costs, § 45:54
Service
 briefs, § 45:35
 writs, § 45:58
Settlement, § 45:44
Statement on appeal. Record on
 appeal (this group)
Stay of enforcement, writs, § 45:66
 opposition, § 45:67
Submission of cause, § 45:46
Time, § 45:8
 Extended time, § 45:9
 Premature or late notice, § 45:10
Transcripts. Record on appeal (this
 group)
Transfer to court of appeal, § 45:5
Videoconferencing, oral argument,
 § 45:42

APPEAL IN LIMITED JURISDICTION CASES

—Cont'd

Waiver, fees, information sheet,
 § 45:16
Writs
 costs, § 45:63
 waiver, §§ 45:68, 45:69
 extraordinary relief granted by
 appellate division, § 45:55
 fees, waiver, § 45:68
 finality, § 45:62
 information, proceedings,
 § 45:64
 notice, trial judge, § 45:61
 petition, § 45:56
 forms, § 45:65
 preliminary opposition to petition
 and reply, § 45:59
 record, § 45:57
 response to petition and reply,
 § 45:60
 service, § 45:58
 stay of enforcement, § 45:66
 opposition, § 45:67

APPEARANCE, PERSONAL

Court requirement, § 14:111
 in-person, § 14:114
Remote electronic appearances gen-
 erally, § 14:112
Telephone, § 14:107
 changed circumstances, § 14:110
 ex parte hearings, § 14:109
 notice, § 14:108
What may be conducted remotely,
 § 14:113

APPEARANCES

Trial Setting (this Index)

APPELLATE BRIEFS

Generally, §§ 40:1-40:28
Admissions, effect, § 40:7
Amicus curiae briefs
 generally, § 40:3

APPELLATE BRIEFS—Cont'd

Amicus curiae briefs—Cont'd
application and filing rules,
§ 40:17

**Appeal from Limited Jurisdiction
Cases (this Index)**

Argument, legal, § 40:5
Citation of authority, § 40:6
Contents required, § 40:4
Defective briefs, penalties, § 40:20
Definition, § 40:1
Dismissal, failure to file opening
brief as grounds for dismissal,
§ 39:7
Elder abuse, appeal of order denying
petition to compel arbitration,
§ 35:35
Electronically filed, § 40:12
Extensions of time to file brief,
§§ 40:15, 40:24, 40:25
Failure to file briefs
appellant's brief, § 40:18
dismissal, failure to file opening
brief as grounds for dismissal,
§ 39:7
respondent's brief, § 40:19
Filing, § 40:16
Format of briefs
covers, § 40:26
electronically filed, § 40:12
index, § 40:27
length of briefs, § 40:13
paper form briefs, § 40:13
required components, § 40:11
table, § 40:28
Forms
application for extension of time
to file brief, § 40:25
application to file brief exceeding
page limit, § 40:23
cover, § 40:26
stipulation extending time for
filing brief, § 40:24
table of authorities, § 40:28
table of contents, § 40:27

APPELLATE BRIEFS—Cont'd

Index, § 40:27
Length of briefs, § 40:13
Page limit, application to file brief
exceeding page limit, form,
§ 40:23
Paper form briefs, form of, § 40:13
Parties' briefs, § 40:2
Post-briefing issues or authority,
§ 40:10
Procedural checklists, §§ 40:21,
40:22
Procedure
amicus curiae, application and
filing rules, § 40:17
defective briefs, penalties,
§ 40:20
extension of time, §§ 40:15,
40:24, 40:25
failure to file appellant's brief,
§ 40:18
failure to file respondent's brief,
§ 40:19
filing, § 40:16
procedural checklist, §§ 40:21,
40:22
service, § 40:16
time for filing, § 40:14
Reference to record, § 40:6
Service, § 40:16
**Supreme Court of California (this
Index)**
**Supreme Court of United States
(this Index)**
Table, § 40:28
Theory, change of, § 40:9
Time for filing, § 40:14
Waiver of issues, § 40:8

APPLICATIONS

Address confidentiality program,
§§ 1:196, 1:200
Earnings withholding order, enforce-
ment of judgments, § 30:58
Evaluation conferences, §§ 10:232,
10:236

INDEX

APPOINTMENT

Referees. **Alternative Dispute Resolution** (this index)

ARBITRATION

Alternative Dispute Resolution
(this Index)

ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

Certificates of merit

- generally, §§ **1:9-1:28**
- consultation, privilege regarding disclosure of contents, § **1:15**
- contents, §§ **1:10-1:12**
- failure to inform, reliance on, § **1:14**
- forms (this group)
- identity, disclosure of, §§ **1:15, 1:16**
- noncompliance, effect of, § **1:17**
- number of certificates required, § **1:13**
- privilege regarding disclosure of identity, § **1:15**
- procedural checklist, § **1:18**
- requirement for certificate of merit, § **1:9**
- res ipsa loquitur, reliance on, § **1:14**

Forms, certificates of merit

- generally, §§ **1:19-1:21**
- declaration of plaintiff's attorney-no consultation and good faith attempts, § **1:23**
- declaration of plaintiff's attorney-no consultation and statute of limitations, § **1:22**
- declaration of plaintiff's attorney-res ipsa and failure to inform of consequences, § **1:24**
- disclosure of consultant, §§ **1:25, 1:26**
- good faith attempts, declaration of plaintiff's attorney-no consultation and good faith

ARCHITECTS, ENGINEERS, AND LAND SURVEYORS —Cont'd

Forms, certificates of merit—Cont'd attempts, § **1:23**

- no consultation and good faith attempts, declaration of plaintiff's attorney, § **1:23**
- no consultation and statute of limitations, declaration of plaintiff's attorney, § **1:22**
- noncompliance, §§ **1:27, 1:28**
- notice of motion and supporting declaration for order awarding sanctions for noncompliance, § **1:27**
- notice of motion and supporting declaration for order requiring disclosure of consultant, § **1:25**
- order awarding sanctions for noncompliance, § **1:28**
- order requiring disclosure of consultant, § **1:26**
- statute of limitations, declaration of plaintiff's attorney-no consultation and statute of limitations, § **1:22**

ASSOCIATIONS

Service of process, § **6:32**

AT-ISSUE MEMORANDUM

Trial Setting (this Index)

ATTACHMENT

Generally, §§ **16:1-16:68**

Appeal, stay of enforcement. **Stay of Enforcement** (this Index)

- Ex parte hearing procedure for obtaining writ of attachment
 - affidavit in support of application for ex parte order and writ, § **16:25**
 - application for ex parte order and writ, § **16:25**

ATTACHMENT—Cont'd

Ex parte hearing procedure for obtaining writ of attachment—Cont'd
 defendant's claim of exemption, § 16:27
 great or irreparable injury, requirement of, § 16:24
 issuance of ex parte order and writ, § 16:26
 plaintiff's application to obtain additional writs based on ex parte right to attach order, § 16:29
 procedural checklist, § 16:53
 setting aside ex parte right to attach order and quashing writ, § 16:28

Forms

garnishees, memorandum of garnishee, § 16:77
 levies on property, forms respecting
 ex parte application or notice of motion re perishable property, § 16:71
 notice of attachment, § 16:70
 order appointing receiver or direction action re perishable property, § 16:72
 writ of attachment, § 16:69
 liens in pending actions
 declaration in support of defendant's motion to claim exemption from lien, § 16:81
 motion for creation of lien in pending action or proceeding, § 16:78
 notice of lien in pending action or proceeding, § 16:80
 order determining exemption and terminating lien or attaching judgment or satisfying lien in pending

ATTACHMENT—Cont'd

Forms—Cont'd

liens in pending actions—Cont'd
 action or proceeding, § 16:82
 order permitting creation of lien, § 16:79
 memorandum of garnishee, § 16:77
 third parties, application and order for appearance and examination of third person, § 16:76
 undertaking by sureties, forms respecting
 application to substitute defendant's undertaking, increase plaintiff's undertaking, determine sufficiency of plaintiff's sureties, or release attached property, § 16:74
 order to substitute defendant's undertaking, increase plaintiff's undertaking, determine sufficiency of plaintiff's sureties, or release attached property, § 16:75
 undertaking by personal sureties, § 16:73
 writs of attachment, forms respecting
 application and notice of hearing for order to terminate, modify or vacate temporary protective order, § 16:64
 application for right to attach order, writ of attachment, and temporary protective order, § 16:57
 application to set aside initial ex parte right to attach order and writ of attachment, § 16:67

INDEX

ATTACHMENT—Cont'd

Forms—Cont'd

writs of attachment, forms

respecting—Cont'd

declaration opposing right to
attach order or claim of
exemption, § 16:66

declaration regarding great or
irreparable injury in sup-
port of ex parte application
for writ of attachment,
§ 16:60

ex parte right to attach order
and order for issuance of
writ of attachment

nonresident defendants,
§ 16:62

resident defendants,
§ 16:61

notice of application and
hearing for right to attach
order and writ of attach-
ment, § 16:58

notice of opposition to right
to attach order or claim of
exemption, § 16:65

order to set aside initial ex
parte right to attach order
and writ of attachment,
§ 16:68

order to terminate, modify or
vacate temporary protec-
tive order, § 16:64

right to attach order after
hearing and order for iss-
uance of writ of attachment,
§ 16:59

temporary protective order,
§ 16:63

Nature of remedy

actions in which attachment
authorized, § 16:5

amount secured by attachment,
§ 16:10

defensive strategies, § 16:4

election of remedies, § 16:6

ATTACHMENT—Cont'd

Nature of remedy—Cont'd

Judicial Council Forms, use of,
§ 16:11

other provision remedies
compared, § 16:1

procedure, overview of attach-
ment procedure, § 16:3

property exempt from attach-
ment, § 16:9

property subject to attachment,
§ 16:8

strategy for choosing attachment,
§ 16:2

waiver, § 16:7

Nonresident attachment, § 16:37

Noticed hearing procedure for attachment

additional writs, ex parte proce-
dure for obtaining, §§ 16:23,
16:52

continuances, effect on protective
order, § 16:19

defendant's claim of exemption,
§§ 16:17, 16:50

defendant's notice of opposition
and supporting affidavit,
§ 16:16

exemption, determination of
claim of exemption, §§ 16:21,
16:27

hearing on application, § 16:20

issuance of additional writs after
noticed right to attach order,
§ 16:22

issuance of right to attach order
and writ of attachment,
§ 16:21

merits of underlying claim,
showing of, § 16:13

plaintiff's application for writ of
attachment, § 16:12

plaintiff's notice of application
and hearing, § 16:14

plaintiff's response to
defendant's opposition or

ATTACHMENT—Cont'd

Noticed hearing procedure for attachment—Cont'd

- claim of exemption, § 16:18
- procedural checklist, § 16:49
- service on defendant, § 16:15

Procedural checklists

- additional writs of attachment, § 16:52
- application for ex parte writ of attachment, § 16:51
- application for temporary protective order, § 16:54
- defendant's claim of exemption, § 16:50
- ex parte writ of attachment against nonresident and motion to quash, § 16:53
- motion to modify temporary protective order, § 16:54
- motion to quash, § 16:51
- notice of attachment, § 16:55
- release of excess attached property, § 16:56
- temporary protective order, § 16:54
- writ of attachment, § 16:55
- writ of attachment with noticed hearing and opposition, § 16:49

Temporary protective orders

- duration of temporary protective order, § 16:35
- effect of temporary protective order on transfers, § 16:33
- issuance of temporary protective order, § 16:31
- lien created by service of temporary protective order, § 16:34
- modification of temporary protective order, § 16:36
- plaintiff's application for temporary protective order, § 16:30

ATTACHMENT—Cont'd

Temporary protective orders—Cont'd

- temporary protective order in lieu of writ of attachment, § 16:32
- vacation of temporary protective order, § 16:36

Undertaking, security for attachment, § 16:38

Writ and lien of attachment

- assignment to creditors, effect of, § 16:48
- bankruptcy, effect of, § 16:48
- contents, § 16:39
- enforcement procedures, §§ 16:40-16:42
- levy by process server, § 16:41
- lien of attachment, § 16:44
- management and disposition of attached property, § 16:43
- postlevy claim of exemption, § 16:45
- release of attachment and return of property, § 16:46
- wrongful attachment, liability for, § 16:47

ATTACKING JUDGMENTS

Generally, §§ 29:1-29:91

Equitable Relief from Judgments (this Index)

Inadvertence. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

Judgment notwithstanding verdict. **Motion for Judgment Notwithstanding Verdict** (this Index)

Mistake. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

Neglect. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or**

INDEX

ATTACKING JUDGMENTS

—Cont'd

Excusable Neglect (this Index)

New trial motions. **Motions for New Trial** (this Index)

Notice, lack of actual. **Relief From Default for Lack of Actual Notice** (this Index)

Surprise. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

Vacate judgment. **Motion to Vacate Judgment and Enter Different Judgment** (this Index)

Void judgment. **Motion to Set Aside Void Judgment or Order** (this Index)

ATTORNEY-CLIENT CIVIL CONSPIRACY

Forms, order prior to action against attorney

order granting petition to allow action to be filed against attorney for civil conspiracy, § 1:51

petition for order allowing filing of pleading containing cause of action against attorney, § 1:50

Order prior to action against attorney
checklist of matters to be considered in requesting leave to file action against attorney for, § 1:49

forms (this group)

procedure for obtaining court order, §§ 1:48, 1:49

requirement of prior court order, § 1:47

ATTORNEY FEES

Generally, §§ 33:25-33:47

Alternative dispute resolution, uninsured motorist arbitrations, § 26:123

ATTORNEY FEES—Cont'd

Appeal from small claims court, § 46:9

Appeal from superior courts. **Appeal From Superior Courts** (this Index)

Appeal in limited jurisdiction cases, § 45:53

Calculation, lodestar, § 33:27.30

CC § 1021.5, recovery under. See Recovery of attorney fees (this group)

CC § 1717, recovery pursuant to contract under. See Recovery of attorney fees (this group)

Class actions, § 32:20

Common fund, recovery in actions based on. See Recovery of attorney fees (this group)

Contempt as enforcement of nonmoney judgments, recovery of attorney fees, § 30:81

Contract, recovery pursuant to. See Recovery of attorney fees (this group)

Default and default judgments, entry of default judgment by clerk, § 18:27

Demands for Relief (this Index)

Forms

notice of motion for order awarding attorney fees based on common fund or substantial benefit theory, § 33:44

notice of motion for order awarding attorney fees based on private attorney general theory, § 33:46

notice of motion to determine prevailing party and to fix amount of attorney fees as costs in contract action, § 33:47

sanctions under CCP §§ 128.5, order granting motion for pay-

ATTORNEY FEES—Cont'd

Forms—Cont'd

ment of attorney fees and costs, § 15:26

supporting declaration for order awarding attorney fees based on common fund or substantial benefit theory, § 33:45

Interpleader, § 3:84

Lis pendens, expungement of notice, § 1:159

Lodestar calculation, § 33:27.30

Private attorney general theory, recovery in actions based on. See Recovery of attorney fees (this group)

Recovery of attorney fees

generally, §§ 33:25-33:47

CC § 1717, recovery pursuant to contract under

generally, § 33:28

amount of award, § 33:32

non-signatory, recovery by party not signatory to contract, § 33:30

prevailing party, determination, § 33:29

procedure for obtaining contractual fees, § 33:31

CCP § 1021.5, recovery under

award, determination of attorney fee award, common fund recovery, substantial benefit recovery or private attorney general theories, § 33:43

benefit, importance of right and significance of benefit, § 33:39

common fund recovery, determination of attorney fee award based on, § 33:43

Lodestar and enhancements, § 33:43

ATTORNEY FEES—Cont'd

Recovery of attorney fees—Cont'd

CCP § 1021.5, recovery under —Cont'd

necessity and financial burden of private enforcement, § 33:40

private attorney general, § 33:41

private attorney general theories, determination of attorney fee award based on, § 33:43

procedure, § 33:42

substantial benefit recovery, determination of attorney fee award based on, § 33:43

“successful party,” determination of, § 33:38

common fund, substantial benefit, or private attorney general theories, recovery in actions based on

generally, § 33:34

CC § 1021.5, recovery under (this group)

common fund theory, §§ 33:35, 33:44, 33:45

forms (this group)

private attorney general rule, §§ 33:37, 33:46

substantial benefit theory, §§ 33:36, 33:44, 33:45

contingent fees, § 33:27.70

contract. See Statute or contract, recovery pursuant to (this group)

forms (this group)

jurisdiction, limited and unlimited cases, § 4:44

private attorney general. See common fund, substantial benefit, or private attorney general theories, recovery in actions based on (this group)

INDEX

ATTORNEY FEES—Cont'd

Recovery of attorney fees—Cont'd
statute or contract, recovery pursuant to
generally, § 33:25
CC § 1717, recovery pursuant to contract under (this group)
damages, award of attorney fees as damages, noncontractual, § 33:27
notice of motion to determine prevailing party and to fix amount of attorney fees as costs in contract action, form, § 33:47
offer of compromise, recoverability of attorney fees after offer to compromise is made, § 33:33
statutes, specific types of actions, § 33:26
substantial benefit. See common fund, substantial benefit, or private attorney general theories, recovery in actions based on (this group)
Requests for admissions, denial not proven, § 13:171.50
Sanctions under CCP §§ 128.5, order granting motion for payment of attorney fees and costs, form, § 15:26
Sanctions under CCP §§ 128.7, award of expenses and attorney fees in bringing or opposing motion for sanctions, § 15:36
Security for costs in derivative suits, effect on right to recover attorney fees, § 10:177
Sister-state judgments, enforcement, § 30:108
Statute or contract, recovery pursuant to. See Recovery of attorney fees (this group)

ATTORNEY FEES—Cont'd

Substantial benefit theory, recovery in actions based on. See Recovery of attorney fees (this group)
Time limited demands, § 33:11.10
Voluntary dismissals, § 22:6

ATTORNEYS

Childhood sexual abuse, attorney's certificate of merit, §§ 1:30, 1:32
Conspiracy with client. **Attorney-Client Civil Conspiracy** (this Index)
Fees. **Attorney Fees** (this Index)
Format of court papers, attorney identification information, § 2:11
Guardians ad litem, attorney for. **Guardians Ad Litem** (this Index)
Judgment pursuant to stipulation, attorney's authority to bind client, § 20:11
Sanctions under CCP §§ 128.5, attorney of party as subject to sanctions, § 15:4
Settlement (this Index)
State bar court review. **Supreme Court of California** (this Index)
Substitutions, law and motion rules as to format of court papers, § 2:23
Verification of pleadings by party's attorney, form, § 11:34

BILL OF PARTICULARS

Generally, §§ 10:143-10:163
Actions in which procedure available, § 10:144
Discovery compared, § 10:145
Effect of bill of particulars, § 10:146
Forms
demands and motions for bill of particulars
bill of particulars, § 10:155
declaration in opposition to motion for further bill of particulars, § 10:158

BILL OF PARTICULARS

—Cont’d

Forms—Cont’d

demands and motions for bill of particulars—Cont’d
 declaration in support of motion for further bill of particulars, § 10:157
 demand for bill of particulars, § 10:154
 notice of motion for further bill of particulars, § 10:156
 order on motion for further bill of particulars, § 10:159
 preclusion of evidence at trial
 declaration in opposition to motion to preclude introduction of evidence at trial, § 10:162
 declaration in support of motion to preclude introduction of evidence at trial, § 10:161
 notice of motion to preclude introduction of evidence at trial, § 10:160
 order precluding introduction of evidence at trial, § 10:163

Limits on evidence, § 10:146

Nature and purpose of bill of particulars, § 10:143

Procedural checklists, §§ 10:152, 10:153

Procedure

checklists, §§ 10:152, 10:153
 demand for bill of particulars, §§ 10:147, 10:154
 form and contents of bill of particulars, §§ 10:148, 10:155
 forms (this group)
 motion for further bill of particulars, § 10:149
 preclusion of evidence for failure to comply with demand, §§ 10:150, 10:160-10:163

BILL OF PARTICULARS

—Cont’d

Procedure—Cont’d

review of orders regarding preclusion of evidence, § 10:151

BONDS AND UNDERTAKINGS

Generally, §§ 16:200-16:215

Approval, § 16:204

Bond, form, § 16:215

Contents, § 16:203

Decreasing amount of bond, § 16:207

Defensive strategies, § 16:212

Definitions, § 16:200

Duration, § 16:204

Enforcement liens for benefit of state, § 16:211

Enforcement of liability on bond, § 16:210

Filing, § 16:203

Hearing on objections, § 16:206

Increasing amount of bond, § 16:207

Lis pendens, notice of motion to require undertaking, form, § 1:167

New, additional or supplemental bonds, § 16:209

Objections to bonds, § 16:205

Procedural checklists, §§ 16:213, 16:214

Release of sureties on litigation bond, § 16:208

Service, § 16:203

State as beneficiary, § 16:201

Substitution of sureties on litigation bond, § 16:208

BRIEFS

Appellate Briefs (this Index)

BURDEN OF PROOF

Foreign country judgments, enforcement, § 30:126

Jurisdiction, challenges to personal jurisdiction, § 4:25

Summary Judgment (this Index)

INDEX

BURDEN OF PROOF—Cont'd

Tribal court judgments, enforcement,
§ 30:209

CALIFORNIA SUPREME COURT

Supreme Court of California (this Index)

CANDIDATES FOR PUBLIC OFFICE

Service of process, § 6:28

CAPACITY

Parties (this Index)

CAPTIONS

Complaints (this Index)

CASE MANAGEMENT CONFERENCE

Fast Track (this Index)

Trial Setting (this Index)

CAUSES OF ACTION

Complaints (this Index)

CERTIFICATES OF MERIT

Architects, Engineers, and Land Surveyors (this Index)

Childhood Sexual Abuse (this Index)

CERTIFIED ACCESS SPECIALIST

Construction-related accessibility claim, § 7:78

CERTIORARI

Extraordinary Writs (this Index)

CHILD CUSTODY

Appellate review, stay of enforcement by discretionary court order, § 36:40

CHILDHOOD SEXUAL ABUSE

Amendment to name true names of defendants
forms (this group)

CHILDHOOD SEXUAL ABUSE —Cont'd

Amendment to name true names of defendants—Cont'd
procedural checklist of matters to consider in seeking court order for amendment, § 1:39

Certificates of merit

generally, §§ 1:29-1:46

attorney's certificate, contents of certificates of merit executed by attorney, §§ 1:30, 1:32

contents of certificates of merit, §§ 1:29-1:32

disclosure of identity of mental health professional, § 1:36

forms (this group)

mental health professional's certificate, contents of certificates of merit executed by mental health professional, § 1:31

naming, when defendants may be named, § 1:34

nondisclosure, effect of, § 1:37

number of certificates required, § 1:33

procedural checklist, § 1:38

requirement for certificate of merit, § 1:29

service, when complaint may be served on defendants, § 1:35

Disclosure of identity of consultant
forms (this group)
mental health professional,
§ 1:36

Failure to file certificate in adult action for, § 9:43

Forms

amendment to name true names of defendants

application for permission to amend complaint alleging childhood sexual abuse to substitute name of defendant for fictitious designation, § 1:43

CHILDHOOD SEXUAL ABUSE
—Cont'd

Forms—Cont'd

- amendment to name true names of defendants—Cont'd
- certificate of corroborative fact in support of application, § 1:44
- certificates of merit
 - generally, §§ 1:40-1:42
 - amendment to name true names of defendants (this group)
 - disclosure of identity of consultant (this group)
- disclosure of identity of consultant
 - notice of motion and supporting declaration for order requiring disclosure of consultant, § 1:45
 - order requiring disclosure of consultant, § 1:46

Physical or mental examinations, § 13:245.80

CIVIL HARASSMENT
RESTRAINING ORDERS

- Notice of court hearing, § 16:149
- Order after hearing, § 16:151
- Reissuance of temporary restraining order, § 16:152
- Request, § 16:148
- Response to request, § 16:150

CIVIL SUBPOENAE

- Service of process and other papers, form, § 6:101

CLAIM AND DELIVERY OF PERSONAL PROPERTY

- Generally, §§ 16:83-16:93
- Application for writ, §§ 16:84, 16:93, 16:97
- Defensive strategies, §§ 16:4, 16:88

CLAIM AND DELIVERY OF PERSONAL PROPERTY

—Cont'd

Forms

- application and notice to quash ex parte writ of possession, § 16:97
- application for writ of possession and temporary restraining order, § 16:93
- declaration for ex parte writ of possession, § 16:96
- declaration for temporary restraining order for claim and delivery, § 16:99
- hearing on justification of sureties, § 16:102
- notice of application for writ of possession and hearing, § 16:94
- notice of exception of sureties and hearing on justification of sureties, § 16:102
- notice of exception to sureties, § 16:102
- order for release and redelivery of property, § 16:98
- order for writ of possession, § 16:95
- temporary restraining order for claim and delivery, § 16:100
- undertaking by personal sureties, § 16:101
- writ of possession, § 16:95
- Hearing, writ, and order, § 16:87
- Levy and custody, § 16:89
- Papers to be served and filed, § 16:86
- Procedural checklist
 - application for and opposition to writ of possession, § 16:91
 - levy of writ of possession, §§ 16:89, 16:92
- Temporary restraining order, § 16:85
- Undertakings, §§ 16:84, 16:101

INDEX

CLAIM AND DELIVERY OF PERSONAL PROPERTY —Cont'd

Use of Judicial Council Forms,
§ 16:90

CLAIMS OF EXEMPTION

Current dollar amounts, § 30:41.50
Enforcement of judgments, form,
§ 30:41.50

Notice of filing, § 30:64

Notice of hearing, § 30:66

Notice of opposition, § 30:65

Order determining, § 30:67

Wage garnishment, § 30:62.50 et
seq.

CLASS ACTIONS

Generally, §§ 32:1-32:27

Amendment of class, § 32:8

Arbration, § 26:85

Attorney fees, § 32:20

Bifurcation of liability issues, § 32:3

Case conferences, § 32:7

Certification of class, §§ 32:8,
32:8.50

Communication with class members,
§ 32:5

Costs, § 32:20

Decertification of class

motion to decertify a class and
hearing thereon, § 32:19

notice of motion and supporting
declaration to decertify class,
form, § 32:25

order decertifying class, form,
§ 32:26

Discovery, § 32:14

Dismissal, § 32:18

Distribution of recovery

generally, § 32:21

amended judgment directing pay-
ment of unpaid residue, form,
§ 32:27

Evidence requirements for class cer-
tification, § 32:8.50

CLASS ACTIONS—Cont'd

Final approval hearing and judg-
ment, § 32:17

Five year rule, § 32:2.70

Forms

amended judgment directing pay-
ment of unpaid residue,
§ 32:27

notice of motion, supporting dec-
laration, and points and
authorities for certification of
class action, § 32:22

notice of motion and supporting
declaration to decertify class,
§ 32:25

notice of pendency of class
action, proposed settlement,
and settlement hearing,
§ 32:24

order decertifying class, § 32:26

order granting or denying class
certification, § 32:23

Hearings, final approval, § 32:17

Hearings on motions to decertify,
§ 32:19

Judgments, § 32:17

Law governing, § 32:1

Modification of class, § 32:8

Motion to certify, amend, or modify
a class, § 32:8

Motion to decertify a class and hear-
ing thereon, § 32:19

Notice to class members

costs associated with notice,
§ 32:12

duties associated with notice,
§ 32:12

form and content of notice,
§§ 32:9, 32:24, 32:25

manner of notice, § 32:9

settlement, notice of, § 32:16

Option, right to opt in or out of class,
§ 32:13

Order, § 32:10

Order granting or denying class cer-
tification, form, § 32:23

CLASS ACTIONS—Cont'd

Parties (this Index)
Pleadings, § 32:6
Provisional relief, § 32:4
Settlement, §§ 32:15, 32:16, 32:24
Statute of limitations, § 32:2.50
Venue, § 32:2

CLASSIFICATION

Limited jurisdiction cases in the trial court, § 34:2

CLERKS OF COURT

Default and Default Judgments
(this Index)

COLLECTION AND SALE

Enforcement of Judgments (this Index)

COMITY

Foreign country judgments, § 30:124

COMMON FUND

Attorney Fees (this Index)

COMPLAINTS

Generally, §§ 7:1-7:24, 7:41-7:62

Allegations

alternative pleading, § 7:19
direct allegations, § 7:17
election of remedies, § 7:21
incorporation by reference, § 7:20
information and belief, allegations on, § 7:18
party status, § 7:15
ultimate facts, § 7:16
venue, § 7:15

Amending complaints

checklist, § 7:40
default, amendment after entry of default, § 18:11

Demurrers (this index)

demurrer sustained with leave to amend, amended complaint or amendment when, § 7:39
effect of amendment, § 7:32

COMPLAINTS—Cont'd

Amending complaints—Cont'd

form of amendment, §§ 7:30, 7:63-7:67
procedural checklist, § 7:40
procedure for obtaining leave to amend, § 7:29
reasons for denial, § 7:28
time to amend, § 7:31
types of amendments allowed, § 7:27
with leave of court, § 7:26
without leave of court, § 7:25
Anti-SLAPP complaint, § 10:110
Body of complaint
contents, § 7:6
numbering causes of action and paragraphs, § 7:7
prayer or demand for relief, § 7:8
subscription, § 7:9
verification, § 7:10

Captions

contents, § 7:3
defects in caption, § 7:5
descriptions of parties, § 7:4
fictitious names, § 7:4
forms (this group)

Causes of action

generally, § 7:11
joinder, § 7:13
separately stating, § 7:12
splitting causes of action, rule prohibiting, § 7:14

Content of complaint

nature of pleading, § 7:1
required components, § 7:2

Declaratory relief, §§ 17:36, 17:48, 17:49

Equitable relief from judgments, complaint for equitable relief from default and default judgment, form, § 29:90

Filing

facsimile filing, § 7:24
traditional filing, § 7:23

INDEX

COMPLAINTS—Cont'd

Foreign country judgments, enforcement, § 30:125

Forms

amended complaints

errors, amendment to complaint to correct errors, § 7:65

ex parte application for order to amend complaint, § 7:63

general form, § 7:66

notice of motion for leave to file an amendment to or amended complaint, § 7:64

order allowing amendment after stipulation, § 7:76

order permitting amendment after hearing on noticed motion, § 7:75

stipulation by parties to amendment of complaint and order allowing amendment, § 7:67

assault and battery and false imprisonment, sample complaint, § 7:49

attorney-drafted complaint (including first page format), sample, § 7:47

breach of contract

Judicial Council Form cause of action, § 7:60

sample complaint, § 7:50

captions

incompetent party, § 7:45

individual plaintiff and corporate and unknown defendants, § 7:42

minor party, § 7:44

multiple parties, § 7:41

partnership as plaintiff and partnership and partners individually as defendants, § 7:43

COMPLAINTS—Cont'd

Forms—Cont'd

captions—Cont'd

unified court limited civil case, § 7:46

civil case cover sheet, Judicial Council Form, § 7:52

class actions, general form of complaint in class action, § 3:54

common counts, Judicial Council Form cause of action, § 7:61

complaint—personal injury, property damage, wrongful death, § 7:51

contract actions, Judicial Council Form complaint and cross-complaint, § 7:59

exemplary damages attachment, Judicial Council Form, § 7:58

fraud, Judicial Council Form cause of action, § 7:62

general negligence, Judicial Council Form cause of action, § 7:54

intentional tort, Judicial Council Form cause of action, § 7:55

interpleader, complaint by interpleader, §§ 3:90-3:92

intervention, complaint in intervention, § 3:73

Judicial Council Forms

breach of contract, official form cause of action, § 7:60

civil case cover sheet, § 7:52

common counts, official form cause of action, § 7:61

complaint—personal injury, property damage, wrongful death, § 7:51

contract actions, official form complaint and cross-complaint, § 7:59

exemplary damages attachment, official form, § 7:58

COMPLAINTS—Cont'd

Forms—Cont'd

Judicial Council Forms—Cont'd

fraud, official form cause of action, § 7:62

general negligence, official form cause of action, § 7:54

intentional tort, official form cause of action, § 7:55

motor vehicle, official form cause of action, § 7:53

premises liability, official form cause of action, § 7:56

products liability, official form cause of action, § 7:57

motor vehicle, Judicial Council Form cause of action, § 7:53

multiple causes of action against multiple parties, sample complaint, § 7:48

premises liability, Judicial Council Form cause of action, § 7:56

products liability, Judicial Council Form cause of action, § 7:57

stipulation by parties to amendment of complaint and order allowing amendment, § 7:67

supplemental complaints

notice of motion for leave to file a supplemental complaint and for order permitting filing, § 7:68

order permitting filing of supplemental complaint after hearing on notice motion, § 7:77

sample supplemental complaint, § 7:69

Interpleader, complaint by interpleader, §§ 3:79, 3:90-3:92

COMPLAINTS—Cont'd

Judicial Council Forms

generally, § 7:22

forms (this group)

Preprinted forms, Judicial Council Forms, § 7:22

Supplemental complaints

forms (this group)

nature of pleading, § 7:33

procedure, § 7:35

relation back, § 7:34

CONFERENCES

Fast Track (this index)

CONFESSION OF JUDGMENT WITHOUT ACTION

Judgments (this Index)

CONFESSIONS OF JUDGMENT

Judgment pursuant to stipulation,

confession of judgment

distinguished, § 20:9

CONSENT

Jurisdiction, consent as basis for

personal jurisdiction, § 4:21

Venue, effect of consent, § 4:69

CONSENT ORDER

Fast track, § 12:40

CONSERVATORS

Settlement, appointment of guardian

ad litem or conservator to approve

compromise of minor's or

incompetent's claim, § 27:58

CONSOLIDATION OF ACTIONS

Generally, §§ 25:1-25:16

Alternatives, § 25:4

Court's motion, consolidation by, § 25:6

Defensive strategies, § 25:10

Forms

declaration in opposition to

motion to consolidate, § 25:15

INDEX

CONSOLIDATION OF ACTIONS—Cont'd

Forms—Cont'd

declaration in opposition to
motion to consolidate actions,
§ 25:14

declaration in support of motion
to consolidate actions, § 25:13

notice of motion for order to con-
solidate actions, § 25:13

order for consolidation, § 25:16
stipulation to consolidate,
§ 25:12

Hearing, § 25:8

Noticed motion, consolidation by,
§§ 25:7, 25:13-25:16

Order, §§ 25:8, 25:16

Procedural checklist, § 25:11

Review of order, § 25:9

Statutory consolidations, §§ 25:1,
25:2

Stipulation, consolidation by,
§§ 25:5, 25:12

Strategy, §§ 25:3, 25:10

CONSPIRACY

Attorney-Client Civil Conspiracy
(this Index)

CONSTRUCTION CASES

Alternative dispute resolution,
§ 26:137

CONSTRUCTION WORK

Accessibility claim, construction-
related

generally, §§ 1:201, 7:78,
10:17.50

answer to, § 10:231

Certified access specialist, § 7:78

Defects, §§ 1:181-1:190

commencement of action,
§ 1:185

definitions, builder, § 1:183

mediation, § 1:187

CONSTRUCTION WORK —Cont'd

Defects, §§ 1:181-1:190—Cont'd
notice

builder, § 1:182

acknowledgments,
§ 1:184

form, § 1:190

form, § 1:189

prelitigation requirement,
purpose, §§ 1:181-1:190

statute of limitations, extension,
§ 1:186

stay of enforcement, builder,
§ 1:188

Discrimination in pricing claim

generally, § 1:191 *et seq.*

advisory notice to defendant,
§ 1:193

informational materials, § 1:194

prelitigation demand letter for
claim, § 1:192

CONTEMPT

Nonmoney judgments, enforcement
of. **Enforcement of Judgments**
(this Index)

CONTINUANCES

Appeal from small claims court,
§ 46:7

Trial Setting (this Index)

CONTRACT ACTIONS

Answers (this Index)

Cross-complaints (this Index)

Declaratory Relief (this Index)

Demands for Relief (this Index)

Jurisdiction, act outside state causing
effect in state as basis of personal
jurisdiction over individual in
contract action, § 4:10

Venue, effect of contract, § 4:69

**CONTRACTUAL
ARBITRATION**

Alternative Dispute Resolution
(this Index)

COORDINATION OF ACTIONS

Generally, §§ 25:35-25:73

Add-on cases

notice of opposition to add-on
petitions, form, § 25:73
petition to coordinate add-on
case, form, § 25:72
trial of actions, § 25:55

Alternatives, § 25:36

Defensive strategies

generally, § 25:57
opposition to petition to coordi-
nate, § 25:59
preliminary hearing on issues,
§ 25:63
recuse judge, motion to, § 25:58
remand of action, § 25:61
stay orders, defensive aspects of,
§ 25:60
termination of action, § 25:64
transfer of action or claim,
§ 25:62

Extension of time, § 25:39

Forms

declaration in opposition to peti-
tion for coordination, § 25:70
notice of hearing on petition for
coordination of complex
actions, § 25:71
notice of motion for order grant-
ing permission to submit peti-
tion for coordination, and
application for stay, § 25:66
notice of opposition to add-on
petitions, § 25:73
notice of submission of petition
for coordination, § 25:69
order granting permission to
submit petition for coordina-
tion of complex actions,
§ 25:67

COORDINATION OF ACTIONS

—Cont'd

Forms—Cont'd

petition for coordination, § 25:68

Judges

assignment of trial judge, § 25:52
powers and duty of trial judge,
§ 25:53
recusal of judge, defensive strate-
gies, § 25:58

Law, applicable, § 25:37

Local rules, § 25:37

Opposition to petition to coordinate
declaration in opposition to peti-
tion for coordination, form,
§ 25:70
defensive strategies, § 25:59

Petitions to coordinate

affidavits, supporting, § 25:42
assignment of motion judge,
§ 25:45
forms (this group)
hearing on petition, § 25:48
liaison counsel, § 25:46
motion for permission to petition
for coordination, § 25:41
notice of hearing on petition,
§ 25:47
notice of petition, § 25:44
orders following hearing on peti-
tion, § 25:50
petition for coordination, § 25:42
points and authorities, support-
ing, § 25:43
response to order, § 25:51
standards for coordination,
§ 25:49

Preliminary hearing on issues,
defensive strategies, § 25:63

Pretrial conference, § 25:54

Procedural checklist, § 25:65

Recusal of judge, defensive strate-
gies, § 25:58

Remand of action, defensive strate-
gies, § 25:61

INDEX

COORDINATION OF ACTIONS

—Cont'd

Service of papers in coordination proceeding, § 25:38

Shortening of time, § 25:39

Statute, § 25:35

Stay orders

generally, § 25:40

defensive aspects, § 25:60

notice of motion for order granting permission to submit petition for coordination, and application for stay, form, § 25:66

Time, extension or shortening, § 25:39

Trial of actions

add-on cases, § 25:55

administration, § 25:56

assignment of trial judge, § 25:52
powers and duty of trial judge, § 25:53

pretrial conference, § 25:54

CORPORATIONS

Jurisdiction, personal jurisdiction over foreign corporations. **Jurisdiction** (this Index)

Records inspection, usurpation of office, nuisance, § 36:41

Service of process, §§ 6:29, 6:30

Usurpation of office, inspection of corporate records, nuisance, § 36:41

Venue, actions against corporations, § 4:78

CORRECTION

Small claims courts, motion to correct clerical error in judgment, § 46:13

COSTS

Generally, §§ 33:17-33:24

Alternative dispute resolution underinsured motorist case, § 26:123

COSTS—Cont'd

Alternative dispute resolution

—Cont'd

uninsured motorist case, § 26:123

Alternative dispute resolution, uninsured motorist arbitrations, § 26:123

Appeal

stay of enforcement by appeal alone on judgments for costs, § 36:12

superior courts, appeal from.

Appeal From Superior Courts (this Index)

Supreme Court of United States, proceedings on merits, § 44:30

Appeal from small claims court, § 46:9

Appeal in Limited Jurisdiction Cases (this Index)

Burden of proof, recovery of costs, § 33:9

Demands for Relief (this Index)

Discretionary costs by order, §§ 33:1, 33:14

Enforcement of judgments. **Enforcement of Judgments** (this Index)

Forms

recovery of costs

memorandum of costs (worksheet), § 33:19

memorandum of costs (summary) and proof of service, § 33:18

notice of motion for order granting relief from failure to file timely memorandum of costs, § 33:23

notice of motion for order striking memorandum of costs, permitting filing of amended memorandum, vacating judgment for costs and entering new judgment, § 33:24

COSTS—Cont'd

Forms—Cont'd

recovery of costs—Cont'd

notice of motion for order
taxing costs, § 33:20

order granting motion for
taxing costs and striking or
reducing items of costs,
§ 33:22

supporting declaration for
order taxing costs, § 33:21

security for costs

declaration in opposition to
motion for order requiring
security, § 10:199

declaration in support of
motion for order requiring
security in action against
professional, § 10:198

declaration in support of
motion for order requiring
security in action by non-
resident plaintiff, § 10:196

declaration in support of
motion for order requiring
security in derivative suit,
§ 10:197

notice of filing security for
costs, § 10:202

notice of motion for order
requiring security,
§ 10:195

order requiring security,
§ 10:200

undertaking, § 10:201

Items of cost not covered by CCP

§ 1033.5, recovery of, § 33:10

Joinder of parties, recovery of costs,
§ 33:12

Limited jurisdiction cases in the trial
court, § 34:37

Mandatory award of costs to prevail-
ing party, § 33:2

Memorandum of costs by prevailing
party. See Recovery of costs (this
group)

COSTS—Cont'd

Objection. See Recovery of costs
(this group)

Procedural checklists, recovery of
costs, §§ 33:14-33:17

Recovery of costs

generally, §§ 33:17-33:24

burden of proof, § 33:9

discretionary costs by order,
§§ 33:1, 33:14

forms (this group)

items of cost not covered by CCP
§ 1033.5, § 33:10

joinder of parties, § 33:12

mandatory award of costs to
prevailing party, § 33:2

memorandum of costs by prevail-
ing party

generally, § 33:3

amending memorandum of
costs, § 33:4

forms (this group)

procedural checklists,
§ 33:15

relief from untimely filing of
memorandum of costs,
§ 33:5

objection

basis for objecting to costs,
§ 33:6

forms (this group)

notice of motion to tax costs,
§§ 33:7, 33:16, 33:17

relief from failure to object
on time, § 33:8

prejudgment interest, costs, and
other expenses, § 33:11

procedural checklists, §§ 33:14-
33:17

statutes affecting award of costs
in specific circumstances,
§ 33:13

taxing costs. See objection (this
group)

Requests for admissions, denial not
proven, § 13:171.50

INDEX

COSTS—Cont'd

Security for costs

- generally, §§ **10:164-10:202**
- actions in which security available, § **10:165**
- bonds, general bond and undertaking law, § **10:166**
- building or construction professionals, actions against order for security, § **10:185**
- procedure to obtain security, § **10:184**
- scope of security provisions, § **10:183**
- derivative suits
 - anticipatory posting of security, § **10:182**
 - applicability of security provisions, § **10:176**
 - dismissal for failure to post security, § **10:181**
 - effect on security on right to recover attorney fees, § **10:177**
 - motion for security, § **10:178**
 - order for security, § **10:180**
 - showing required, § **10:179**
- due process requirements, § **10:167**
- forms (this group)
 - general bond and undertaking law, § **10:166**
- injunctive relief, actions for, § **10:190**
- insurance, actions against nonadmitted foreign or alien insurer, § **10:192**
- medical care professionals, actions against
 - order for security, § **10:188**
 - procedure to obtain security, § **10:187**
 - scope of security provisions, § **10:186**
- modification of amount of security, § **10:168**

COSTS—Cont'd

Security for costs—Cont'd

- nonresident plaintiff, action brought by
 - dismissal for failure to post security, § **10:175**
 - furnishing security, § **10:173**
 - motion for discretionary stay, § **10:170**
 - motion for security and supporting papers, § **10:169**
 - objection to and modification of security, § **10:174**
 - opposition to motion for security, § **10:171**
 - order requiring security, § **10:172**
 - politics, actions to enforce fair political practices, § **10:191**
 - procedural checklists, §§ **10:193, 10:194**
 - procedure
 - building or construction professionals, actions against (this group)
 - checklists, §§ **10:193, 10:194**
 - derivative suits (this group)
 - medical care professionals, actions against (this group)
 - nonresident plaintiff, action brought by (this group)
 - vexatious litigants, § **10:189**
 - Statutes affecting award of costs in specific circumstances, § **33:13**
 - Taxing costs. See Recovery of costs (this group)
 - Time limited demands, § **33:11.10**
- ### **COURT OF APPEAL**
- Appeal from Superior Court** (this Index)
 - Rehearing in Court of Appeal** (this Index)

COVENANTS

Declaratory relief, covenants as subjects of declaratory relief, § 17:9

CREDITOR'S SUIT

Enforcement of Judgments (this Index)

CRIMINAL LAW

Declaratory relief, § 17:14

CROSS-COMPLAINTS

Generally, §§ 9:121-9:149

Automobile accident actions. See Forms (this group)

Compulsory cross-complaints, §§ 9:126, 9:133, 9:134, 9:140, 9:146

Contract actions. See Forms (this group)

Contribution, form, § 9:144

Declaratory relief, §§ 9:144, 17:39

Defendant's pleadings, supplemental cross-complaints or answers, § 9:156

Equitable indemnity cross-complaints, § 9:127

Filing of cross-complaint and other papers, §§ 9:128, 9:129

Form and content, § 9:122

Forms

 automobile accident actions
 permissive cross-complaint against third-party automobile repair shop, § 9:148

 permissive cross-complaint against tow-truck operator, § 9:149

 contract actions
 compulsory cross-complaint in breach of contract actions, § 9:146
 permissive cross-complaint against third-party defendant manufacturer in

CROSS-COMPLAINTS—Cont'd

Forms—Cont'd

 contract actions—Cont'd
 breach of contract actions, § 9:147

 contribution, cross-complaint for, § 9:144

 declaratory relief, cross-complaint for, § 9:144

 indemnity, cross-complaint for, § 9:144

 motions and supporting declarations

 declaration in support of motion for order granting leave to file untimely compulsory cross-complaint, § 9:134

 declaration in support of motion for order granting leave to file untimely permissive cross-complaint against person other than plaintiff, § 9:138

 declaration in support of motion for order granting leave to file untimely permissive cross-complaint against plaintiff, § 9:136

 notice of motion for order granting leave to file untimely compulsory cross-complaint, § 9:133

 notice of motion for order granting leave to file untimely permissive cross-complaint against person other than plaintiff, § 9:137

 notice of motion for order granting leave to file untimely permissive cross-complaint against plaintiff, § 9:135

INDEX

CROSS-COMPLAINTS—Cont'd

Forms—Cont'd

motions and supporting declarations—Cont'd

opposition to motion to file permissive cross-complaint, § 9:139

orders

granting leave to file untimely compulsory cross-complaint, § 9:140

granting leave to file untimely permissive cross-complaint against person other than plaintiff, § 9:142

granting leave to file untimely permissive cross-complaint against plaintiff, § 9:141

personal injury, official form cross-complaint, § 9:145

property damage, official form cross-complaint, § 9:145

skeletal cross-complaint (against existing or new party), § 9:143

Indemnity, form, § 9:144

Joinder of parties and causes of action in permissive cross-complaints, § 9:124

Jurisdiction, proceedings where court lacks jurisdiction to determine matters raised in cross-complaint, § 9:125

Permissive cross-complaints, §§ 9:123, 9:135-9:139, 9:141, 9:142, 9:147-9:149

Personal injury, form, § 9:145

Procedural checklists, §§ 9:131, 9:132

Property damage, form, § 9:145

Responding to cross-complaint, § 9:130

Sanctions under CCP §§ 128.5, § 15:12

CROSS-COMPLAINTS—Cont'd

Service of cross-complaint and other papers, § 9:129

Service of process and other papers, form, § 6:64.50

Special answer of third-party defendant, § 9:130

Statute of limitations, § 9:121

Time for filing cross-complaints, § 9:128

DAMAGES

Compensatory damages. **Demands for relief** (this Index)

Default, statement of damages for entry of default, § 18:16

DECEDENTS' ESTATES

Claims

allowance or rejection of claims court, allowance or rejection by, § 1:95

filing suit after rejection of claim, § 1:100

personal representative, allowance or rejection by, §§ 1:94, 1:96, 1:97

amended claims, § 1:90

bringing action, claim as prerequisite, § 1:83

checklists of matters to be considered in filing claim against decedent's estate, § 1:101

contest of allowed claims, § 1:99

contest of approved claims, § 1:99

continuing action, claim as prerequisite, § 1:84

creditor's claim, form, § 1:102

documentary support of claim, § 1:92

failure of personal representative or court to allow or reject claims, § 1:98

DECEDENTS' ESTATES

—Cont'd

Claims—Cont'd

- filing claim
 - amended or revised claims, § 1:90
 - late claims, § 1:89
 - manner of filing, § 1:87
 - time for filing, § 1:88
- form and content of claims
 - documentary support of claim, § 1:92
 - form of claim, § 1:91
 - written instrument, claim based on, § 1:93
- late claims, § 1:89
- no claim required, litigation where, § 1:85
- procedural checklist, § 1:101
- rejection of claims. See allowance or rejection of claims (this group)
- revised claims, § 1:90
- statutes of limitations, effect of, § 1:86
- suit, filing suit after rejection of claim, § 1:100
- written instrument, form and content of claim based on, § 1:93

DECISIONS

- Appeal in limited jurisdiction cases, § 45:47

DECLARATIONS

Affidavits and Declarations (this Index)

DECLARATORY RELIEF

- Generally, §§ 17:1-17:52
- Actual controversy, existence of, § 17:16
- Administrative agencies, challenges to, § 17:11
- Administrative remedies, failure to exhaust administrative remedies as

DECLARATORY RELIEF

—Cont'd

- grounds for denial of declaratory relief, § 17:25
- Alternative remedy, availability of alternative remedy as grounds for denial of declaratory relief, § 17:21
- Answer, §§ 17:38, 17:50
- Civil action, declaratory relief treated as, § 17:3
- Classification, equitable or sui generis, § 17:4
- Complaints, §§ 17:36, 17:48, 17:49
- Contracts
 - forms (this group)
 - subject of declaratory relief, contracts as, § 17:7
- Covenants, subject of declaratory relief, § 17:9
- Criminal liability, declarations on, § 17:14
- Cross-complaints, §§ 9:144, 17:39
- Cumulative nature of action, § 17:5
- Deeds, subject of declaratory relief, § 17:9
- Demurrer, §§ 17:3, 17:37
- Denial of relief, grounds for
 - administrative remedies, failure to exhaust, § 17:25
 - alternative remedy, availability of, § 17:21
 - discretion of trial court, § 17:20
 - laches, § 17:26
 - limitations, statute of, § 17:26
 - moot case, § 17:28
 - pending action, § 17:27
 - res judicata, § 17:29
 - statutory prohibition on mandamus and injunction, circumvention of, § 17:24
 - statutory remedy, availability of specific, § 17:22
 - statutory right, circumvention of, § 17:23

INDEX

DECLARATORY RELIEF

—Cont'd

Discretion of trial court, grounds for denial of declaratory relief, § 17:20

Forms

answer to complaint for declaratory relief regarding validity or interpretation of ordinance, § 17:50

complaint for declaratory relief on contract, § 17:48

complaint for declaratory relief regarding validity or interpretation of ordinance or statute, § 17:49

contracts

complaint for declaratory relief on contract, § 17:48

judgment for declaratory relief on contract, § 17:51

judgment for declaratory relief on contract, § 17:51

sample paragraph ordering declaratory relief regarding statute or ordinance, § 17:52

statutes or ordinances

answer to complaint for declaratory relief regarding validity or interpretation of ordinance, § 17:50

complaint for declaratory relief regarding validity or interpretation of ordinance or statute, § 17:49

sample paragraph ordering declaratory relief regarding statute or ordinance, § 17:52

Future controversy, effect of, § 17:18

Government bodies, challenges to government bodies as subject to declaratory relief, § 17:10

Indispensable parties, requirement of joinder, § 17:35

DECLARATORY RELIEF

—Cont'd

Injunctions, circumvention of statutory prohibition on mandamus and injunction as grounds for denial of declaratory judgment, § 17:24

Insurance contracts, subject of declaratory relief, § 17:8

Interest in controversy, standing, § 17:18

Judgments

conclusive and complete, judgment should be, § 17:44

form and contents, §§ 17:45, 17:51

plaintiff states cause of action but is not entitled to declaratory relief, procedure when, § 17:46

Jurisdiction, §§ 17:30-17:32, 17:34

Jury trial, right to, § 17:43

Laches, grounds for denial of declaratory relief, § 17:26

Limitations, statute of limitations as grounds for denial of declaratory relief, § 17:26

Mandamus, circumvention of statutory prohibition on mandamus and injunction as grounds for denial of declaratory judgment, § 17:24

Moot case, grounds for denial of declaratory relief, § 17:28

Motions

judgment on pleadings, motion for, § 17:40

summary judgment, motion for, § 17:41

Nature and purpose

civil action, declaratory relief treated as, § 17:3

civil action, demurrer, § 17:3

classification, equitable or sui generis, § 17:4

cumulative nature of action, § 17:5

purpose of action, § 17:2

DECLARATORY RELIEF

—Cont'd

Nature and purpose—Cont'd
 statutory authority, § 17:1
 Ordinances. See Statutes or ordinances (this group)
 Parties
 joinder of indispensable parties, § 17:35
 standing, § 17:19
 Past controversy, effect of, § 17:17
 Pending action, grounds for denial of declaratory relief, § 17:27
 Pleadings
 answer, §§ 17:38, 17:50
 complaints, §§ 17:36, 17:48, 17:49
 cross-complaint, § 17:39
 demurrer, § 17:37
 Procedure
 checklist, matters to be considered when bringing action for declaratory relief, § 17:47
 forms. See Forms (this group)
 indispensable parties, requirement of joinder, § 17:35
 judgments. See Judgments (this group)
 jurisdiction, §§ 17:30-17:32, 17:34
 motions. See Motions (this group)
 pleadings. See Pleadings (this group)
 trial. See Trial (this group)
 venue, § 17:33
 Purpose of action, § 17:2
 Regulations, subject of declaratory relief, § 17:12
 Requirements to bring action
 actual controversy, existence of, § 17:16
 future controversy, effect of, § 17:18

DECLARATORY RELIEF

—Cont'd

Requirements to bring action
 —Cont'd
 interest in controversy, standing, § 17:18
 past controversy, effect of, § 17:17
 standing, § 17:19
 Res judicata, grounds for denial of declaratory relief, § 17:29
 Servitudes, subject of declaratory relief, § 17:9
 Standing, § 17:19
 Statutes or ordinances
 forms (this group)
 subject of declaratory relief, statutes and ordinances as, § 17:12
 Statutory authority for declaratory relief, §§ 17:1, 17:6, 17:15
 Statutory remedy, availability of specific statutory remedy as grounds for denial of declaratory judgment, § 17:22
 Statutory right, circumvention of statutory right as grounds for denial of declaratory judgment, § 17:23
 Subjects of declaratory relief
 generally, §§ 17:6, 17:15
 administrative agencies, challenges to, § 17:11
 contracts, § 17:7
 covenants, § 17:9
 criminal liability, declarations on, § 17:14
 deeds, § 17:9
 government bodies, challenges to, § 17:10
 insurance contracts, § 17:8
 ordinances, § 17:12
 regulations, § 17:12
 servitudes, § 17:9
 statutes, § 17:12
 taxation, § 17:13

INDEX

DECLARATORY RELIEF

—Cont'd

Submission of agreed case, declaratory relief distinguished, § **19:3**

Summary judgment, motion for, § **17:41**

Taxation, subject of declaratory relief, § **17:13**

Trial

jury trial, right to, § **17:43**

statutory precedence, § **17:42**

Venue, § **17:33**

DEEDS

Declaratory relief, § **17:9**

DEFAULT AND DEFAULT JUDGMENTS

Generally, §§ **18:1-18:19, 18:22-18:45**

Amendment of complaint after entry of default, § **18:11**

Clerks of court

entry of default, clerk's duties, § **18:17**

entry of default judgment by clerk. See Judgment of default (this group)

Court, entry of default judgment by. See Judgment on default (this group)

Cross-complaint, failure to respond, § **18:10**

Damages, statement of damages for entry of default, § **18:16**

Default, what constitutes

amendment of complaint after entry of default, § **18:11**

cross-complaint, failure to respond, § **18:10**

further response, failure of defendant further respond after initial response, § **18:9**

response, failure of defendant to file proper response, § **18:8**

DEFAULT AND DEFAULT JUDGMENTS—Cont'd

Defendants, restrictions and limitations on default judgments, §§ **18:23, 18:24**

Demands for relief, § **8:5**

Discovery sanction, default as, § **18:5**

Entry of default

generally, §§ **18:1-18:7**

clerk's duties, § **18:17**

damages, statement of, § **18:16**

default. See Default, what constitutes (this group)

discovery sanction, default as, § **18:5**

effects, § **18:2**

expiration of time to respond, § **18:15**

forms (this group)

Judicial Council Form, use of, § **18:18**

less than all defendants, default of, § **18:4**

notice to defaulting party of application, § **18:14**

procedural checklist, § **18:19**

requirements and procedures

generally, § **18:12**

clerk's duties, § **18:17**

damages, statement of, § **18:16**

expiration of time to respond, § **18:15**

Judicial Council Form, use of, § **18:18**

notice to defaulting party of application, § **18:14**

procedural checklist, § **18:19**

service of process, § **18:13**

service of process, § **18:13**

Trial Court Delay Reduction Act, effect of, § **18:7**

waiver of right to default, § **18:3**

**DEFAULT AND DEFAULT
JUDGMENTS—Cont'd**

Entry of default—Cont'd
 what constitutes default. See
 Default, what constitutes (this
 group)

Ethical considerations, entry of
 default, § 18:6

Expiration of time to respond, entry
 of default, § 18:15

Extent of relief available, judgment
 on default, § 18:25

Forms
 court, default judgment by
 cross-complaint, default
 judgment by court on,
 § 18:41
 plaintiff lacks proof of
 defendant's military status,
 § 18:40
 service by publication,
 § 18:39
 service other than by publica-
 tion, § 18:38

entry of default
 request for entry of default,
 § 18:20
 stipulation that defendant's
 answer to plaintiff's origi-
 nal complaint is answer to
 amended complaint,
 § 18:21

judgment on default
 court, default judgment by
 (this group)
 declaration regarding military
 status, § 18:44
 default judgment by clerk,
 § 18:37
 default judgment by court.
 See court, default judg-
 ment by (this group)
 ex parte application for order
 appointing attorney for
 defendant under Soldiers'

**DEFAULT AND DEFAULT
JUDGMENTS—Cont'd**

Forms—Cont'd
 judgment on default—Cont'd
 and Sailors' Civil Relief
 Act, § 18:45
 notice shortening time for
 relief in real or personal
 property action, § 18:42
 request to fix attorney fees,
 § 18:43

military status
 declaration regarding military
 status, § 18:44
 default judgment by court,
 plaintiff lacks proof of
 defendant's military status,
 § 18:40
 ex parte application for order
 appointing attorney for
 defendant under Soldiers'
 and Sailors' Civil Relief
 Act, § 18:45

notice shortening time for relief
 in real or personal property
 action, judgment on default,
 § 18:42

request for entry of default,
 § 18:20

stipulation that defendant's
 answer to plaintiff's original
 complaint is answer to
 amended complaint, § 18:21

Further response, failure of
 defendant further respond after
 initial response, § 18:9

Inadvertence. **Relief From Judg-
 ment on Grounds of Mistake,
 Inadvertence, Surprise, or
 Excusable Neglect** (this Index)

Judgment on default
 clerk, entry of default judgment
 by
 attorney fees, § 18:27
 multiple causes of action,
 § 18:28

INDEX

DEFAULT AND DEFAULT JUDGMENTS—Cont'd

Judgment on default—Cont'd
clerk, entry of default judgment by—Cont'd
procedures, § 18:30
several liability of defendant, § 18:29
when clerk may act, § 18:26
court, entry of default judgment by
documentation, § 18:32
hearing on default, § 18:33
procedures, § 18:32
service by publication on defendant, § 18:34
when court must act, § 18:31
defendants, restrictions and limitations, §§ 18:23, 18:24
extent of relief available, § 18:25
forms (this group)
military status of defendant
default judgment, restrictions on, § 18:24
forms (this group)
procedural checklists
declaration in lieu of testimony, § 18:36
entry of default judgment, § 18:35
proceedings, restrictions and limitations, § 18:22
restrictions and limitations
defendants, §§ 18:23, 18:24
extent of relief available, § 18:25
military status of defendant, § 18:24
proceedings, § 18:22
Military status of defendant. See Judgment on default
Mistake. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

DEFAULT AND DEFAULT JUDGMENTS—Cont'd

Neglect. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)
Notice to defaulting party of application for entry of default, § 18:14
Procedural checklists
entry of default, § 18:19
judgments. See Judgment on default (this group)
Proceedings, restrictions and limitations on default judgments, § 18:22
Relief from Defaults and Default Judgments (this Index)
Request for entry of default, form, § 18:20
Response, failure of defendant to file proper response, § 18:8
Service of process, entry of default, § 18:13
Stipulation that defendant's answer to plaintiff's original complaint is answer to amended complaint, form, § 18:21
Surprise. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)
Trial Court Delay Reduction Act, effect on entry of default, § 18:7
Waiver of right to default, § 18:3

DEFECTS

Construction Work (this index)

DEFENDANT'S PLEADINGS

Generally, §§ 9:1-9:170
Amended and supplemental responses
generally, §§ 9:150-9:170
checklists, §§ 9:157, 9:158
filing and service of amended pleadings, § 9:154

DEFENDANT'S PLEADINGS

—Cont'd

Amended and supplemental responses—Cont'd

Forms

motions and supporting declarations

declaration in support of motion for order granting leave to file amended answer or amendment to answer, **§ 9:160**

declaration in support of motion for order granting leave to file amended compulsory cross-complaint or amendment to compulsory cross-complaint, **§ 9:164**

declaration in support of motion for order granting leave to file amended permissive cross-complaint or amendment to permissive cross-complaint, **§ 9:162**

declaration in support of motion for order granting leave to file supplemental, **§ 9:166**

notice of motion for order granting leave to file amended answer or amendment to answer, **§ 9:159**

notice of motion for order granting leave to file amended compulsory cross-complaint or amendment to compulsory cross-complaint, **§ 9:163**

notice of motion for order

DEFENDANT'S PLEADINGS

—Cont'd

Amended and supplemental responses—Cont'd

Forms—Cont'd

motions and supporting declarations—Cont'd

granting leave to file amended permissive cross-complaint or amendment to permissive cross-complaint, **§ 9:161**

notice of motion for order granting leave to file supplemental answer, **§ 9:165**

orders

granting leave to file amended answer or amendment to answer, **§ 9:167**

granting leave to file amended compulsory cross-complaint or amendment to compulsory cross-complaint, **§ 9:169**

granting leave to file amended permissive cross-complaint or amendment to permissive cross-complaint, **§ 9:168**

granting leave to file supplemental answer, **§§ 9:165, 9:170**

permission of court, **§§ 9:151, 9:152**

procedural checklists, **§§ 9:157, 9:158**

responding to amended pleadings, **§ 9:154**

stipulation, amending responsive pleadings by, **§ 9:153**

INDEX

DEFENDANT'S PLEADINGS

—Cont'd

Amended and supplemental responses—Cont'd

supplemental answers, §§ 9:156, 9:165, 9:166, 9:170

supplemental cross-complaints or answers, § 9:156

Answers (this Index)

Cross-complaints (this Index)

Demurrers (this Index)

General denial, form, § 9:71

Supplemental responses. See
Amended and supplemental
responses (this group)

DEFENSES

Answers (this Index)

Laches (this Index)

DELAY IN PROSECUTION, DISMISSALS BASED ON

Generally, §§ 22:21-22:86

Discretionary dismissal for delay

generally, §§ 22:70-22:86

declaration in support of motion
to dismiss for delay under
discretionary statute, form,
§ 22:85

diligence, plaintiff's diligence in
prosecuting action, § 22:73

exceptions, § 22:74

excuses, § 22:74

extensions, § 22:74

factors relevant to determination
of motion, § 22:72

forms (this group)

notice of motion to dismiss for
delay under discretionary statute,
form, § 22:84

opposition to motion to dismiss
for delay under discretionary
statute, form, § 22:86

DELAY IN PROSECUTION, DISMISSALS BASED ON

—Cont'd

Discretionary dismissal for delay

—Cont'd

procedural checklists

party moving for dismissal,
matters to be considered
by, § 22:82

party opposing dismissal,
matters to be considered
by, § 22:83

procedure

court's own motion, procedure
for dismissal on,
§ 22:76

effect of dismissal, § 22:80

moving papers and time
requirements, § 22:75

order on motion for
discretionary dismissal,
§ 22:79

Procedural Checklists (this
group)

review of orders granting or
denying discretionary dismissal,
§ 22:81

showing in opposition to
motion, § 22:78

showing required to grant
motion, § 22:77

settle, failure to conditionally
settle case within 2 years after
commencement, § 22:71

statutory provisions, § 22:70

Forms

discretionary dismissal for delay

declaration in support of
motion to dismiss for delay
under discretionary statute,
§ 22:85

notice of motion to dismiss
for delay under discretionary
statute, § 22:84

**DELAY IN PROSECUTION,
DISMISSALS BASED ON**

—Cont'd

Forms—Cont'd

discretionary dismissal for delay

—Cont'd

opposition to motion to
dismiss for delay under
discretionary statute,
§ 22:86

new trial, notice of motion to
dismiss for delay in bring
action to retrial, § 22:69

service, mandatory dismissal for
delay in service

declaration in opposition to
motion to dismiss for delay
in service or return of sum-
mons, § 22:38

declaration in support of
motion to dismiss for delay
in service or return of sum-
mons, § 22:37

notice of entry of dismissal,
§ 22:40

notice of motion to dismiss
for delay in service or
return of summons,
§ 22:36

order on motion to dismiss
for delay in service or
return of summons,
§ 22:39

trial, mandatory dismissal for
delay in bring case to trial
declaration in opposition to
motion to dismiss for fail-
ure to bring action to trial,
§ 22:63

declaration in support of
motion to dismiss for fail-
ure to bring action to trial,
§ 22:62

notice of motion to dismiss
for failure to bring action
to trial, § 22:61

**DELAY IN PROSECUTION,
DISMISSALS BASED ON**

—Cont'd

Forms—Cont'd

trial, mandatory dismissal for
delay in bring case to trial

—Cont'd

order on motion to dismiss
for failure to bring action
to trial, § 22:64

New trial, mandatory dismissal for
delay in bringing new trial
generally, §§ 22:65-22:69

excuses, extensions, and tolling
of 3-year retrial period,
§ 22:68

5-year dismissal statute,
applicability, § 22:66

notice of motion to dismiss for
delay in bring action to retrial,
form, § 22:69

statutory provisions, § 22:65

when time begins to run, § 22:67

Retrial. See New trial, mandatory
dismissal for delay in bringing
new trial (this group)

Service, mandatory dismissal for
delay in service

generally, §§ 22:21-22:40

declaration in opposition to
motion to dismiss for delay in
service or return of summons,
form, § 22:38

declaration in support of motion
to dismiss for delay in service
or return of summons, form,
§ 22:37

effect of dismissal, § 22:32

estoppel to seek dismissal,
§ 22:29

exceptions. See Extensions,
exceptions, and excuses (this
group)

excuses. See Extensions, excep-
tions, and excuses (this group)

INDEX

DELAY IN PROSECUTION, DISMISSALS BASED ON —Cont'd

Service, mandatory dismissal for delay in service—Cont'd
 extensions, exceptions, and excuses
 estoppel to seek dismissal, § 22:29
 general appearance by defendant, § 22:26
 stipulation extending time for service, § 22:27
 suspension of period, § 22:28
 tolling of period, § 22:28
fast track, effect of, § 22:25
forms (this group)
 general appearance by defendant, § 22:26
 mandatory dismissal, procedure, § 22:31
 motion procedure, § 22:30
 notice of entry of dismissal, form, § 22:40
 notice of motion to dismiss for delay in service or return of summons, form, § 22:36
 order on motion to dismiss for delay in service or return of summons, form, § 22:39
 procedural checklists
 party moving for dismissal, matters to be considered by, § 22:34
 party opposing dismissal, matters to be considered by, § 22:35
 procedure
 mandatory dismissal, § 22:31
 motion procedure, § 22:30
 Procedural Checklists (this group)
 review, § 22:33
 review, § 22:33
 statutory provisions, § 22:21

DELAY IN PROSECUTION, DISMISSALS BASED ON —Cont'd

Service, mandatory dismissal for delay in service—Cont'd
 stipulation extending time for service, § 22:27
 suspension of period, § 22:28
 time for service, §§ 22:22, 22:23
 tolling of period, § 22:28
 what constitutes service and return of summons, § 22:24
 when time for service begins to run, § 22:23
Trial, mandatory dismissal for delay in bringing case to trial
 generally, §§ 22:41-22:64
 declaration in opposition to motion to dismiss for failure to bring action to trial, form, § 22:63
 declaration in support of motion to dismiss for failure to bring action to trial, form, § 22:62
 effect of dismissal, § 22:57
 estoppel to seek dismissal, § 22:54
 exceptions. See Extensions, exceptions, and excuses (this group)
 excuses. See Extensions, exceptions, and excuses (this group)
 extensions, exceptions, and excuses
 estoppel to seek dismissal, § 22:54
 excusing statute, specific matters, §§ 22:51, 22:52
 futility, tolling based on, § 22:49
 impossibility, tolling based on, § 22:49
 impracticality, tolling based on, § 22:49

**DELAY IN PROSECUTION,
DISMISSALS BASED ON
—Cont’d**

Trial, mandatory dismissal for delay in bringing case to trial—Cont’d extensions, exceptions, and excuses—Cont’d
 statutory extension where less than 6 months remain after tolling, § 22:53
 stay of action, tolling based on, § 22:48
 stipulation extending time, § 22:45
 suspension of court’s jurisdiction, tolling based on, § 22:47
 suspension of period, § 22:46
 tolling of period, §§ 22:46-22:53
 forms (this group)
 futility, tolling based on, § 22:49
 impossibility, tolling based on, § 22:49
 impracticality, tolling based on, § 22:49
 mandatory dismissal, procedure, § 22:56
 matters constituting bringing case to trial, § 22:43
 motion procedure, § 22:55
 notice of motion to dismiss for failure to bring action to trial, form, § 22:61
 order on motion to dismiss for failure to bring action to trial, form, § 22:64
 procedural checklists
 matters to be considered by party opposing dismissal, § 22:60
 party moving for dismissal, matters to be considered by, § 22:59

**DELAY IN PROSECUTION,
DISMISSALS BASED ON
—Cont’d**

Trial, mandatory dismissal for delay in bringing case to trial—Cont’d procedural checklists—Cont’d
 party opposing dismissal, matters to be considered by, § 22:64
 procedure
 effect of dismissal, § 22:57
 mandatory dismissal, § 22:56
 motion procedure, § 22:55
 Procedural Checklists (this group)
 review, § 22:58
 request, plaintiff’s duty to request trial date within 5-year period, § 22:44
 review, § 22:58
 statutory extension where less than 6 months remain after tolling, § 22:53
 statutory provisions, § 22:41
 stay of action, tolling based on, § 22:48
 stipulation extending time, § 22:45
 suspension of court’s jurisdiction, tolling based on, § 22:47
 suspension of period, § 22:46
 time for bringing action to trial, § 22:42
 tolling of period, §§ 22:46-22:53

DELAY REDUCTION

Fast Track (this Index)

DEMANDS FOR RELIEF

Generally, §§ 7:8, 8:1-8:74
 Accounting, action for, §§ 8:63, 8:64
 Attorney fees. See Contents of demand (this group)
 Checklist of matters to be considered in recovering costs, § 8:69
 Clarification of complaint, § 8:4

INDEX

DEMANDS FOR RELIEF

—Cont'd

Compensatory damages. See
Contents of demand (this group)
Contents of demand
attorney fees
amended CC § 1033.5, effect
of, § 8:42
bases for attorney fees other
than contract or statute,
§ 8:48
book accounts, actions on,
§ 8:46
contracts, attorney fees
authorized by contract
under CC § 1717, §§ 8:41-
8:45
pleading, § 8:49
procedure for obtaining
attorney fees allowed as
costs by statute, § 8:40
statutory authorization,
§ 8:39
subject matter jurisdiction,
attorney fees as affecting
determination of, § 8:47
compensatory damages
general damages, § 8:8
relief available, § 8:7
special damages, § 8:9
statutory damages, § 8:10
costs (this group)
interest
contract actions, § 8:53
damages, interest as, § 8:50
demands, § 8:54
effect of CCP § 685.010(a),
§ 8:52
prejudgment, recoverable,
§ 8:19.50
tort actions, § 8:51
prejudgment interest, § 8:19.50
punitive damages
amended pleadings, require-
ment of amended pleading
to recover punitive dam-

DEMANDS FOR RELIEF

—Cont'd

Contents of demand—Cont'd
punitive damages—Cont'd
ages in particular actions,
§ 8:15
amount, prohibition against
statement of, § 8:14
availability, § 8:12
definition, § 8:11
requirements for recovery,
§ 8:13
Contested cases, § 8:6
Contract actions
Forms, §§ 8:72, 8:73
interest, § 8:53
special considerations, § 8:60
Costs
appeal. See Procedure and appeal
(this group)
bad faith proceedings, defense
costs in, § 8:28
court of lesser jurisdiction, judg-
ment that could have been
rendered in, § 8:21
cross-complaints, actions involv-
ing, § 8:20
governmental agencies, recovery
from, § 8:27
items recoverable, §§ 8:30, 8:31
joinder of parties, §§ 8:24, 8:25
law governing recovery, § 8:16
limitations on recovery, § 8:22
prevailing party's right to costs,
§§ 8:17-8:19
principles relating to recovery of
costs
bad faith proceedings,
defense costs in, § 8:28
court of lesser jurisdiction,
judgment that could have
been rendered in, § 8:21
cross-complaints, actions
involving, § 8:20
governmental agencies,
recovery from, § 8:27

DEMANDS FOR RELIEF

—Cont'd

Costs—Cont'd

principles relating to recovery of costs—Cont'd

joinder of parties, §§ 8:24, 8:25

law governing recovery, § 8:16

limitations on recovery, § 8:22

prevailing party's right to costs, §§ 8:17-8:19

statutory provisions, § 8:23

successive actions, § 8:26

tender, defendant's tender of amount, § 8:29

procedure and appeal

appeal, costs on, § 8:36

contesting costs, § 8:35

extension of time, § 8:34

procedure for obtaining costs, § 8:32

review other than appeal, § 8:37

recoverable, § 8:19.50

statutory provisions, § 8:23

successive actions, § 8:26

tender, defendant's tender of amount, § 8:29

Default judgments, § 8:5

Drafting demand

amendment, § 8:58

defects, § 8:57

form, § 8:55

multiple parties, § 8:56

placement, § 8:55

Forms

contract actions, demand for, § 8:72

offer to compromise, § 8:75

personal injury and property damage, demand for relief in action in municipal or justice court, § 8:70

DEMANDS FOR RELIEF

—Cont'd

Forms—Cont'd

personal injury in superior court, demand for relief, § 8:71

punitive damages, demand for punitive damages in personal injury action brought in superior court, § 8:74

specific performance, demand for, § 8:73

Function of demand

clarification of complaint, § 8:4

contested cases, § 8:6

default judgments, § 8:5

jurisdictional effect, § 8:3

nature of action, § 8:2

requirement of demand, § 8:1

Interest. See Contents of demand (this group)

Jurisdictional effect, § 8:3

Nature of action, § 8:2

Procedural checklist, § 8:69

Punitive damages

Contents of demand (this group)
statement preserving right to seek punitive damages, § 8:68

Punitive damages, against religious entities, § 8:15.10

Quasi-contract actions, special considerations, § 8:60

Recovering costs, checklist, § 8:69

Requirement of demand, § 8:1

Rescission, § 8:62

Restitution, § 8:62

Specific relief, § 8:61

Statement of damages

generally, § 8:65

contents, § 8:67

punitive damages, statement preserving right to seek, § 8:68

request by defendant, § 8:66

service, § 8:67

Tort actions

Forms, §§ 8:70, 8:71

INDEX

DEMANDS FOR RELIEF

—Cont'd

- Tort actions—Cont'd
 - interest, § 8:51
 - special considerations, § 8:59

DEMURRERS

Generally, §§ 9:1-9:50

Amended complaints

- leave to amend, §§ 9:9, 9:13
- time to answer or amend, § 9:10
- without leave to amend, § 9:12

Appealing decision overruling demurrer asserting lack of subject matter jurisdiction, § 9:12

Declaratory relief, § 17:37

Default, post demurrer proceedings, § 9:15

Dismissal, post demurrer proceedings, § 9:15

Dismissals. See Forms (this group)

Form and content, § 9:2

Forms

- cross-complaint, demurrer to cross-complaint filed against plaintiff, § 9:23
- dismissals
 - failure to file amended complaint within allowed time, judgment of dismissal for, § 9:49
 - sustaining of demurrer without leave to amend, judgment of dismissal following, § 9:50
- entire complaint, demurrer to, § 9:21
- grounds for demurrers
 - adequate consideration, alleged contract not based on, § 9:38
 - capacity, person who filed pleading lacks legal capacity to sue, § 9:26

DEMURRERS—Cont'd

Forms—Cont'd

grounds for demurrers—Cont'd

- cause of action, complaint or cross-complaint insufficient to constitute cause of action, § 9:30
- certainty, complaint or cross-complaint as uncertain, § 9:40
- defect of parties, § 9:28
- existence and terms of contract, complaint or cross-complaint fails to allege facts showing existence and terms of contract, § 9:37
- illegal contract, cause of action based on, § 9:35
- laches, cause of action barred by laches, § 9:32
- limitations, cause of action barred by statute of limitations, § 9:31
- misjoinder of parties, § 9:29
- pending action, another action pending between same parties on same cause of action, § 9:27
- privilege, tortious conduct subject to, § 9:39
- real party in interest, plaintiff as not, § 9:33
- res judicata, cause of action barred by former judgment, § 9:34
- sexual assault, childhood, failure to file certificate in adult action for, § 9:43
- statute of frauds, cause of action barred by, § 9:36
- subject matter jurisdiction, court lacks, § 9:25
- type of contract, complaint or cross-complaint fails to disclose whether contract

DEMURRERS—Cont’d

Forms—Cont’d

grounds for demurrers—Cont’d
is written, oral, or implied
by contract, § 9:41

judgments following ruling on
demurrer

failure to file amended com-
plaint within allowed time,
judgment of dismissal for,
§ 9:49

sustaining of demurrer
without leave to amend,
judgment of dismissal fol-
lowing, § 9:50

notice of hearing on demurrer
complaint, notice of hearing
on demurrer to, § 9:19

cross-complaint, notice of
hearing on demurrer to,
§ 9:20

notice of order

overruling demurrer to com-
plaint, § 9:47

sustaining demurrer to com-
plaint, § 9:48

orders

overruling demurrer to com-
plaint, § 9:44

sustaining demurrer to com-
plaint with leave to amend,
§ 9:45

sustaining demurrer to com-
plaint without leave to
amend, § 9:46

single cause of action of com-
plaint alleging multiple causes
of action, demurrer to, § 9:22

special demurrer, notice of
demurrer and demurrer to
complaint, § 9:24

General and special demurrers, § 9:4

Grounds for demurrer, §§ 9:3, 9:25-
9:43

Hearing on demurrer

notice, §§ 9:19, 9:20

DEMURRERS—Cont’d

Hearing on demurrer—Cont’d
ruling, and, § 9:8

Judgment following hearing on
demurrer, §§ 9:49, 9:50

“Meet and confer” mandatory, § 9:6

Orders after hearing on demurrer,
§§ 9:9, 9:44-9:46

Overruled, post demurrer proceed-
ings, § 9:11

Plaintiff’s Pleadings (this Index)

Post demurrer proceedings, §§ 9:11-
9:15, 9:18

Preliminary matters regarding post
demurrer proceedings, § 9:10

Preliminary steps before filing, § 9:5

Procedural checklists

hearing, procedural matters to be
considered regarding hearing
on demurrer to complaint or
cross-complaint, § 9:17

post demurrer proceedings,
procedural matters to be
considered regarding hearing
on demurrer to complaint or
cross-complaint, § 9:18

procedural matters to be
considered when demurring to
complaint or cross-complaint,
§ 9:16

Responding to demurrer

generally, § 9:7

Plaintiff’s Pleadings (this Index)

Subject matter jurisdiction, appealing
decision overruling demurrer
asserting lack of subject matter
jurisdiction, § 9:12

Subsequent demurrers, § 9:14

Sustained with leave to amend, post
demurrer proceedings when
demurrer, § 9:13

Sustained without leave to amend,
post demurrer proceedings when
demurrer, § 9:12

INDEX

DEMURRERS—Cont'd

Time

- answer or amend complaint, to,
§ 9:10
- objecting by demurrer, for, § 9:6

DENIAL

Defendant's pleadings

- checklist, § 9:68
- form, § 9:71

Requests for admissions, costs and attorney fees, § 13:171.50

DEPOSITIONS

Generally, §§ 13:28-13:127

Foreign action depositions taken in California, § 13:32

Foreign depositions, § 13:31

Forms

- application for appointment of referee to supervise deposition, § 13:98
- application for discovery subpoena, action outside California, §§ 13:127.10-13:127.50
- certificate, deposition officer's certificate on deposition, § 13:112
- commissions
 - commission to take deposition, § 13:119
 - notice of motion and supporting declaration for order to issue commission and letters rogatory, § 13:117
 - order for commission, § 13:118
- consumer records, objection by nonparty consumer to production, § 13:74
- consumer release of personal records, § 13:75
- declaration in opposition to motion for order compelling answers at deposition, § 13:107

DEPOSITIONS—Cont'd

Forms—Cont'd

- declaration in opposition to motion for protective order before deposition, § 13:87
- declaration in opposition to motion for protective order terminating or limiting deposition, § 13:111
- declaration in opposition to motion to quash deposition notice or subpoena and stay deposition, § 13:83
- declaration in support of motion for order compelling answers at deposition, § 13:102
- declaration in support of motion for protective order terminating or limiting deposition, § 13:109
- declaration in support of motion to quash deposition notice or subpoena and stay deposition, § 13:81
- declaration of records custodian, § 13:88
- declaration of subpoenaing attorney, § 13:89
- deposition subpoena for personal appearance, § 13:69
- deposition subpoena for personal appearance and production of documents, electronically stored information, and things, § 13:77.50
- deposition subpoena for personal appearance and production of documents and things, § 13:70
- deposition subpoena for production of business records, § 13:71
- discovery subpoena, application, action outside California, §§ 13:127.10-13:127.50

DEPOSITIONS—Cont'd

Forms—Cont'd

- employee records
 - employee release of employment records, § 13:78
 - notice to employee of privacy rights, § 13:76
 - objection by nonparty employee to production of employment records, § 13:77
- employee release of employment records, § 13:78
- ex parte application to shorten time, § 13:94
- letter of request under Hague Convention, § 13:121
- letters rogatory, § 13:120
- memorandum of points and authorities in opposition to motion for order compelling answers at deposition, § 13:106
- memorandum of points and authorities in opposition to motion for protective order before deposition, § 13:86
- memorandum of points and authorities in opposition to motion for protective order terminating or limiting deposition, § 13:110
- memorandum of points and authorities in opposition to motion to quash deposition notice or subpoena and stay deposition, § 13:82
- motions to compel
 - declaration in opposition to motion for order compelling answers at deposition, § 13:107
 - declaration in support of motion for order compelling answers at deposition, § 13:102

DEPOSITIONS—Cont'd

Forms—Cont'd

- motions to compel—Cont'd
 - memorandum of points and authorities in opposition to motion for order compelling answers at deposition, § 13:106
 - notice of motion for order compelling answers at deposition, § 13:101
 - notice of motion for order compelling attendance and testimony at deposition, § 13:100
- motion to quash
 - declaration in opposition to motion to quash deposition notice or subpoena and stay deposition, § 13:83
 - declaration in support of motion to quash deposition notice or subpoena and stay deposition, § 13:81
 - memorandum of points and authorities in opposition to motion to quash deposition notice or subpoena and stay deposition, § 13:82
 - notice of motion for order quashing deposition notice or subpoena and staying deposition, § 13:80
 - order staying deposition and quashing deposition notice, § 13:84
- notice and motion and supporting declaration for leave to take subsequent deposition, § 13:115
- notice of motion and supporting declaration for order to issue commission and letters rogatory, § 13:117
- notice of motion and supporting declaration for order to sup-

INDEX

DEPOSITIONS—Cont'd

Forms—Cont'd

- press deposition, § **13:113**
- notice of motion and supporting declaration for order to sustain or overrule objections to written deposition questions, § **13:124**
- notice of motion and supporting declaration for protective order, § **13:126**
- notice of motion for expenses after failure to appear or serve subpoena, § **13:104**
- notice of motion for order compelling answers at deposition, § **13:101**
- notice of motion for order compelling attendance and testimony at deposition, § **13:100**
- notice of motion for order quashing deposition notice or subpoena and staying deposition, § **13:80**
- notice of motion for protective order before deposition, § **13:85**
- notice of motion for protective order terminating or limiting deposition, § **13:108**
- notice of motion to extend time to schedule deposition, § **13:95**
- notice of motion to take deposition beyond geographic limits, § **13:90**
- notice of motion to take oral deposition within 20 days of service, § **13:92**
- notice of oral deposition of nonparty deponent, § **13:68**
- notice of oral deposition of party deponent, § **13:67**
- notice of taking deposition by written questions, § **13:122**

DEPOSITIONS—Cont'd

Forms—Cont'd

- notice to consumer or employee, objection, § **13:72**
- notice to employee of privacy rights, § **13:76**
- objection, notice to consumer or employee, § **13:72**
- objection by nonparty consumer to production of consumer records, § **13:74**
- objection by nonparty employee to production of employment records, § **13:77**
- objections to deposition notice, § **13:79**
- order allowing deposition beyond geographic limits, § **13:91**
- order allowing deposition within 20 days of service, § **13:93**
- order extending time for scheduling deposition, § **13:96**
- order for commission, § **13:118**
- order for payment of expenses, § **13:105**
- order granting leave to take subsequent deposition, § **13:116**
- order granting protective order, § **13:127**
- order staying deposition and quashing deposition notice, § **13:84**
- order suppressing deposition, § **13:114**
- order sustaining objections to written deposition questions, § **13:125**
- order to show cause re refusal to answer deposition questions, § **13:99**
- outside of California, action pending
 - deposition subpoena for personal appearance and production of documents,

DEPOSITIONS—Cont'd

Forms—Cont'd

- outside of California, action pending—Cont'd
 - electronically stored information, and things, § 13:77.50
 - subpoena for inspection of premises, § 13:77.70
- proof of service of notice to consumer of privacy rights, § 13:73
- protective orders
 - declaration in opposition to motion for protective order before deposition, § 13:87
 - declaration in opposition to motion for protective order terminating or limiting deposition, § 13:111
 - declaration in support of motion for protective order terminating or limiting deposition, § 13:109
 - memorandum of points and authorities in opposition to motion for protective order before deposition, § 13:86
 - memorandum of points and authorities in opposition to motion for protective order terminating or limiting deposition, § 13:110
 - notice of motion and supporting declaration for protective order, § 13:126
 - notice of motion for protective order before deposition, § 13:85
 - notice of motion for protective order terminating or limiting deposition, § 13:108
 - order granting protective order, § 13:127

DEPOSITIONS—Cont'd

Forms—Cont'd

- statement of questions and responses in dispute, § 13:103
- stipulation to take deposition, § 13:97
- subpoena for inspection of premises, § 13:77.70
- subsequent depositions
 - notice and motion and supporting declaration for leave to take subsequent deposition, § 13:115
 - order granting leave to take subsequent deposition, § 13:116
- time limits, § 13:102.50
- written objections to deposition questions, § 13:123
- Initiating oral deposition discovery
 - nonparties, notice to. See Notice to nonparties (this group)
 - parties, notice to. See Notice to parties (this group)
 - procedural checklist, § 13:62
- Location, § 13:30
- Managing agent of party as deponent, § 13:36.90
- Motions to compel
 - compelling deponent's attendance, § 13:59
 - compelling deposition responses, § 13:60
 - compelling document production at deposition, § 13:60
 - compelling noticing party's attendance, § 13:58
 - forms (this group)
 - suspending deposition to seek protective order, § 13:61
- Non-noticing parties' rights
 - pre video recording discovery by non-noticing party, § 13:299
 - video record the deposition, § 13:298

INDEX

DEPOSITIONS—Cont'd

Notice to nonparties

- business records, subpoenaing, procedural checklist, § 13:64
- consumer records, subpoenaing generally, § 13:44
- notice to consumer, § 13:45
- notice to witness, § 13:47
- procedural checklist, § 13:65
- service of notice of consumer rights, § 13:46
- employee records, subpoenaing generally, § 13:48
- notice to employee, § 13:49
- notice to witness, § 13:51
- objection by employee party, § 13:53
- objection by nonparty employee, § 13:52
- procedural checklist, § 13:66
- service of notice of employee rights, § 13:50

forms (this group)

rights of. Non-noticing parties' rights (this group)

witnesses and records, subpoenaing nonparty

- business records depositions, §§ 13:42, 13:64, 13:71
- content deposition subpoenas, § 13:40
- deposition subpoenas, § 13:39
- fees, witness, mileage and copying, § 13:43
- person to be deposed, requirements of, § 13:39.50
- procedural checklists, §§ 13:63, 13:64
- service of deposition subpoenas, § 13:41

Notice to parties

- contents of deposition notice, § 13:36
- deposition notice, § 13:35

DEPOSITIONS—Cont'd

Notice to parties—Cont'd

- person most qualified deposition, § 13:36.70
- procedural checklist, § 13:62
- remote electronic depositions, § 13:36.50
- scheduling oral depositions, § 13:38
- service of deposition notice, § 13:37
- telephone depositions, § 13:36.50
- videoconference depositions, § 13:36.50
- video recorded depositions, § 13:296

Officers, § 13:34

Oral depositions, § 13:27

Out-of-state depositions, § 13:31

Participants, § 13:29

Procedural checklists, §§ 13:62-13:66

Proper use of deposition testimony, § 13:34.50

Recording depositions, § 13:33

Reporters, § 13:34

Response to deposition notice or subpoena

- motion for protective orders, § 13:57
- motion to quash notice, § 13:55
- motion to quash subpoena, § 13:56
- objections to notice, § 13:54

Summary judgment, § 21:22

Video recorded depositions

- generally, §§ 13:295-13:301
- expert witness, § 13:295
- in lieu of available witness, § 13:300
- non-noticing parties' rights (this group)
- notice, § 13:296

DEPOSITIONS—Cont'd

Video recorded depositions—Cont'd
 treating/consulting witness,
 § 13:295
 use at trial, special requirements,
 § 13:301
 videographer duties, § 13:297
 Written depositions, § 13:28

DEPOSITS INTO COURT

Generally, §§ 16:183-16:199

Forms

 motion for order directing auditor
 or controller to issue warrant
 and for county treasurer to pay
 money on deposit in court,
 § 16:198
 notice of motion and motion for
 order requiring deposit or
 delivery of property, § 16:195
 order directing auditor or control-
 ler to issue warrant and for
 county treasurer to pay money
 on deposit in court, §§ 16:198,
 16:199
 order directing sheriff to enforce
 order for deposit, § 16:197
 order requiring deposit or
 delivery of property, § 16:196

In lieu of bond

 generally, § 16:186
 amount and value of property,
 § 16:188
 checklist, § 16:194
 enforcement against deposit,
 § 16:191
 interest and deposit, § 16:189
 obligation of principal, § 16:190
 return of deposit, § 16:192
 types of property deposited,
 § 16:187

Not in lieu of bond

 generally, § 16:183
 checklist, § 16:193
 delivery and possession,
 § 16:185

DEPOSITS INTO COURT

—Cont'd

Not in lieu of bond—Cont'd
 deposit procedure, § 16:184

DISABLED PERSONS

Construction-related accessibility
 claim
 generally, §§ 1:201, 7:78,
 10:17.50
 answer to, § 10:231

DISCOVERY

Generally, §§ 13:1-13:312

Admissions. **Requests for Admis-
 sions** (this Index)

Civil Discovery Act, construction
 and scope
 coverage, § 13:2
 source and purpose of provisions,
 § 13:1

Compelling, motion to, § 14:2

Depositions (this Index)

Emergency room expert designation,
 § 13:274.10

Expert Witness Information (this
 Index)

Financial information with request of
 punitive damages, § 13:16

Forms

 extending time for or reopening
 discovery
 notice of motion and support-
 ing declaration for order
 extending time for or
 reopening discovery,
 § 13:23
 order extending time for or
 reopening discovery,
 § 13:24
 limits on discovery
 notice of motion and support-
 ing declaration for protec-
 tive order limiting scope of
 discovery or restricting
 extent or use of discovery,
 § 13:21

INDEX

DISCOVERY—Cont'd

Forms—Cont'd

- limits on discovery—Cont'd
 - protective order limiting discovery or restricting extent or use of discovery, § 13:22

- protective orders. See limits on discovery (this group)

- reopening discovery. See extending time for or reopening discovery (this group)

sanctions

- notice of motion and supporting declaration for order imposing issue, evidence, or terminating sanction and monetary sanction for failure to obey discovery order, § 13:25

- order imposing sanctions for failure to obey discovery order, § 13:26

Immigration status, § 13:2.30

Informal discovery conference with the court, § 13:15.60

Initial discovery disclosures, § 13:15.20

Inspection Demands (this Index)

Inspection production demands, purpose, § 13:213

Interrogatories, supplemental, §§ 13:133.50, 13:152

Interrogatories (this Index)

Limitations

- attorney-client privilege, § 13:6

- attorney's work product, protection of, § 13:12

- constitutionally-based limits, § 13:13

- forms (this group)

- good cause, showing of, § 13:4

- health care review committee proceeding and records privilege, § 13:10

- immigration status, § 13:2.30

DISCOVERY—Cont'd

Limitations—Cont'd

- marital privilege, § 13:7

- physician-patient privilege, § 13:8

- privacy, § 13:4.50

- privileges in general, § 13:5

- psychotherapist-patient privilege, § 13:9

- relevance as basic test of discoverability, § 13:3

- right to privacy, § 13:4.50

- self-incrimination, privilege against, § 13:5.50

- tax returns and official information privilege, § 13:11

- trial court discretion, § 13:14

Limited Jurisdiction Cases in the Trial Court (this Index)

Local rules, discovery motions, § 13:2.70

Medical Examinations (this Index)

“Meet and confer” requirement, § 13:15

Motions

- compelling, § 14:2

- local rules, § 13:2.70

Perpetuating testimony. **Preservation of Evidence** (this Index)

Preservation of Evidence (this Index)

Privacy, limits on discovery, § 13:4.50

References, § 13:18

Requests for Admissions (this Index)

Sanctions for discovery abuse

- default, entry of, § 18:5

- forms (this group)

- misuse of discovery process, § 13:19

- sanctions available, § 13:20

Scope of discovery notices and other piscovery papers, § 13:15.50

DISCOVERY—Cont’d

Stipulations modifying discovery procedures, § 13:17

DISCRIMINATION IN PRICING CLAIM

Generally, § 1:191 et seq.

Advisory notice to defendant, § 1:193

Informational materials, § 1:194

Prelitigation demand letter for claim, § 1:192

DISMISSALS

Generally, §§ 22:1-22:104

Appeal (this Index)

Appeal from small claims court, § 46:10

Appeal From Superior Courts (this Index)

Costs, dismissal for failure to post security for costs, § 10:181

Delay in prosecution. **Delay in prosecution, dismissals based on** (this Index)

Demurrers (this Index)

Fast track, § 12:9

Involuntary Dismissals (this Index)

Lack of merit, § 15:53

Service of Process (this Index)

Superior court, appeal from. **Appeal From Superior Courts** (this Index)

Voluntary Dismissals (this Index)

DOCUMENTS

Service of process and other papers, civil subpoena, form, § 6:101

DUE PROCESS

Foreign judgments, enforcement, § 30:133

Jurisdiction, personal, § 4:2

EARNINGS WITHHOLDING ORDER

Enforcement of judgments, §§ 30:58, 30:59

EARNINGS WITHHOLDING ORDER—Cont’d

Support, § 30:61

ELDER ABUSE

Appeal of order denying petition to compel arbitration. **Appeal from Superior Courts** (this Index)

ELECTRONIC FILING AND SERVICE

Appeal from Superior Courts (this index)

Format of Court Papers (this index)

In-state, methods effective within California, § 6:19

Proof of, § 45:7.50

Service of papers other than process, electronic transmission, § 6:58

ELECTRONIC SIGNATURE

Filing and service, § 2:42

EMINENT DOMAIN

Expert Witness Information (this Index)

ENDING FORCED

ARBITRATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ACT OF 2021
Generally, § 26:64.10

ENFORCEMENT OF JUDGMENTS

Generally, §§ 30:1-30:93

Application for earnings withholding order, § 30:58

Checklist, matters to consider in instituting creditor’s suit, § 30:71

Collection and sale
generally, §§ 30:46-30:51
checklist, matters to consider in providing notice of sale, § 30:49

forms (this group)

manner of sale, § 30:48

INDEX

ENFORCEMENT OF

JUDGMENTS—Cont'd

Collection and sale—Cont'd

matters to consider in providing
notice of sale, checklist,

§ 30:49

notices of sale, §§ 30:47, 30:49-
30:51

place of sale, § 30:48

procedural checklist, § 30:49

request for special notice of sale,
form, § 30:50

time of sale, § 30:48

types of property to be collected
or sold, § 30:46

Contempt, enforcement of nonmoney judgments

generally, §§ 30:74-30:85, 30:93

affidavit, filing, § 30:76

attorney fees, recovery of,
§ 30:81

authority to enforce judgments
by contempt, § 30:74

burden of proof, § 30:78

commencing action, §§ 30:76,
30:85

costs, recovery of, § 30:81

declaration of defendant in
opposition to contempt
proceedings to enforce judg-
ment, form, § 30:87

declaration to initiate contempt
proceedings to enforce judg-
ment not otherwise enforce-
able under Enforcement of
Judgments Act, form, § 30:85

defenses, §§ 30:79, 30:88-30:91

filing affidavit or statement of
facts, § 30:76

good faith, defense that failure to
obey was in good faith and
that defendant is willing to
obey, form, § 30:91

hearing, scope and burden of
proof, § 30:78

ENFORCEMENT OF

JUDGMENTS—Cont'd

Contempt, enforcement of nonmoney judgments—Cont'd

inability to comply, defense that
defendant is unable to comply
with judgment sought to be
enforced, form, § 30:89

invalidity, defense that judgment
is invalid, form, § 30:88

judgment finding that defendant
did not willfully disobey judg-
ment, form, § 30:92

judgment finding that defendant
willfully disobeyed judgment
and imposing punishment for
contempt, form, § 30:93

notice or knowledge, defense that
defendant had no notice or
knowledge of judgment, form,
§ 30:89

procedural checklists, §§ 30:83,
30:84

procedure

affidavit, filing, § 30:76

attorney fees, recovery of,
§ 30:81

burden of proof, § 30:78

commencing action,

§§ 30:76, 30:85

costs, recovery of, § 30:81

defenses, §§ 30:79, 30:88-
30:91

filing affidavit or statement of
facts, § 30:76

forms (this group)

hearing, scope and burden of
proof, § 30:78

procedural checklists,
§§ 30:83, 30:84

punishment for contempt,
§ 30:80

review of contempt judg-
ments, § 30:82

service of show cause order,
§ 30:77

ENFORCEMENT OF

JUDGMENTS—Cont'd

Contempt, enforcement of nonmoney judgments—Cont'd
procedure—Cont'd

show cause order, §§ **30:77**,
30:86

statement of facts, filing,
§ **30:76**

punishment for contempt,
§ **30:80**

review of contempt judgments,
§ **30:82**

service of show cause order,
§ **30:77**

show cause order, §§ **30:77**,
30:86

statement of facts, filing, § **30:76**

types of judgments and orders
enforceable by contempt,
§ **30:75**

Costs

generally, § **30:4**

checklist, matters to consider in
claiming costs of enforcement
of judgment, § **30:7**

forms (this group)

sister-state judgments, § **30:108**

Creditor's suit against third party in
possession or control of debtor's
property, § **30:69**

generally, § **30:69**

Current dollar amounts of excep-
tions, § **30:41.50**

Earnings withholding order,
§§ **30:59**, **30:67.50**

Employer's return, wage garnish-
ment, § **30:62**

Examination of judgment debtor,
§ **30:5**

Execution and levy

generally, §§ **30:23-30:45**

application and order for appear-
ance and examination (attach-
ment), form, § **30:38**

ENFORCEMENT OF

JUDGMENTS—Cont'd

Execution and levy—Cont'd

application for writ of execution
after entry of money judgment,
form, § **30:39**

delivery of writ of execution,
§ **30:25**

execution lien created by levy,
§ **30:31**

execution of writ of execution,
§ **30:25**

exemption, claim of

generally, § **30:33**

claim of exemption from
enforcement of judgment
other than wage garnish-
ment, form, § **30:42**

hearing, § **30:35**

opposition, § **30:34**

procedural checklists,
§§ **30:36**, **30:37**

exemptions list, form, § **30:41**

forms (this group)

going business, levy on tangible
personal property, § **30:30**

instructions to levying officer,
§ **30:24**

issuance of writ of execution,
§ **30:23**

lien, execution lien created by
levy, § **30:31**

memorandum of garnishee, form,
§ **30:45**

notice of levy, §§ **30:27**,
30:40.50

notice of motion for order
determining claim of exemp-
tion, form, § **30:44**

notice of opposition to claim of
exemption, form, § **30:43**

process server, levy by registered
process server, § **30:26**

real property, levy on, § **30:28**

return of writ of execution,
§ **30:25**

INDEX

ENFORCEMENT OF

JUDGMENTS—Cont'd

Execution and levy—Cont'd

service of writ of execution,
§ 30:25

tangible personal property, levy
on, §§ 30:29, 30:30

third persons, duties and
liabilities after levy, § 30:32

writ of execution of money judg-
ment, §§ 30:40, 30:109

Ex parte application, order on
deposit account exemption,
§ 30:41.60

declaration regarding notice and
service, § 30:41.70

order, § 30:41.80

Financial statement, wage garnish-
ment, § 30:63

Foreign Judgments (this Index)

Forms

collection and sale

notice of sale of personal or
real property, § 30:51

request for special notice of
sale, § 30:50

contempt, enforcement of nonmoney judgments

declaration of defendant in
opposition to contempt
proceedings to enforce
judgment, § 30:87

declaration to initiate
contempt proceedings to
enforce judgment not
otherwise enforceable
under Enforcement of
Judgments Act, § 30:85

defense that defendant had no
notice or knowledge of
judgment, § 30:89

defense that defendant is
unable to comply with
judgment sought to be
enforced, § 30:90

ENFORCEMENT OF

JUDGMENTS—Cont'd

Forms—Cont'd

contempt, enforcement of

nonmoney judgments—Cont'd

defense that failure to obey
was in good faith and that
defendant is willing to
obey, § 30:91

defense that judgment is
invalid, § 30:88

judgment finding that
defendant did not willfully
disobey judgment, § 30:92

judgment finding that
defendant willfully
disobeyed judgment and
imposing punishment for
contempt, § 30:93

order to show cause com-
manding defendant to
appear and show cause
why defendant should not
be adjudged in contempt
for disobeying judgment,
§ 30:86

costs

declaration in support motion
for order allowing costs of
enforcing judgment,
§ 30:12

memorandum of costs after
judgment, acknowledg-
ment of credit, and decla-
ration of accrued interest,
§ 30:14

notice of motion for order
allowing costs of enforcing
judgment, § 30:11

order allowing judgment
creditor's costs of enforc-
ing judgment, § 30:13

execution and levy

application and order for
appearance and examina-
tion (attachment), § 30:38

**ENFORCEMENT OF
JUDGMENTS—Cont'd**

Forms—Cont'd

- execution and levy—Cont'd
 - application for writ of execution after entry of money judgment, § 30:39
 - claim of exemption from enforcement of judgment other than wage garnishment, § 30:42
 - exemptions, list of, § 30:41
 - memorandum of garnishee, § 30:45
 - notice of motion for order determining claim of exemption, § 30:44
 - notice of opposition to claim of exemption, § 30:43
 - writ of execution of money judgment, § 30:40
- ex parte application for transfer order in aid of execution of judgment, § 30:72
- judgment liens
 - abstract of judgment, § 30:20
 - notice of judgment lien on personal property, § 30:22
 - release of judgment, § 30:21
- renewal of judgment
 - application for renewal of judgment, § 30:8
 - notice of motion for order vacating renewal of judgment, § 30:10
 - notice of renewal of judgment, § 30:9
- transfer order in aid of execution of judgment, § 30:73
- wage garnishment
 - application for earnings withholding order, § 30:58
 - claim of exemption, § 30:62
 - earnings withholding order, § 30:59

**ENFORCEMENT OF
JUDGMENTS—Cont'd**

Forms—Cont'd

- wage garnishment—Cont'd
 - employee instructions, § 30:60
 - employer's return, § 30:61
 - financial statement, § 30:63
 - notice of filing claim of exemption, § 30:64
 - notice of hearing on claim of exemption, § 30:66
 - notice of opposition to claim of exemption, § 30:65
 - notice of termination or modification of earnings withholding order, § 30:67
- Full faith and credit, § 30:103
- Garnishment. See Wage garnishment (this group)
- Initial steps, § 30:1
- Interest, § 30:4
- Interrogatories and examination of judgment debtor, § 30:5
- Judgment liens
 - generally, §§ 30:15-30:22
 - abstract of judgment, form, § 30:20
 - forms (this group)
 - notice of judgment lien on personal property, form, § 30:22
 - personal property, lien on
 - generally, § 30:17
 - affected property, § 30:18
 - procedural checklist, § 30:19
 - real property, lien on
 - generally, § 30:15
 - release of lien, §§ 30:16, 30:21
 - subordination of lien, § 30:16
 - release of lien, §§ 30:16, 30:21
 - subordination of lien on real property, § 30:16

INDEX

ENFORCEMENT OF

JUDGMENTS—Cont'd

Levy. See Execution and levy (this group)

Liens

execution lien created by levy, § 30:31

Judgment liens (this group)

Matters to consider in instituting creditor's suit, checklist, § 30:71

Miscellaneous enforcement procedures, § 30:70

Modification, earnings withholding order, notice, § 30:67.50

Nonmoney judgments. See Contempt, enforcement of nonmoney judgments (this group)

Notice of filing claim of exemption, § 30:64

Notice of hearing on claim of exemption, § 30:66

Notice of levy, § 30:40.50

Notice of opposition to claim of exemption, § 30:65

Order determining claim of exemption, § 30:67

Personal property, lien on. See Judgment liens (this group)

Procedural checklist, § 30:71

Property subject to enforcement, § 30:3

Real property

execution and levy, § 30:28

lien. See Judgment liens (this group)

subordination of lien on real property, § 30:16

Renewal of judgment

generally, § 30:2

checklist, matters to consider in seeking renewal of judgment, § 30:6

forms (this group)

Sale. See Collection and sale (this group)

Sister-State Judgments (this Index)

ENFORCEMENT OF

JUDGMENTS—Cont'd

Stays. **Stay of Enforcement** (this Index)

Subpoena of third party records, § 30:5.50

Termination of earnings withholding order, notice, § 30:67.50

Third party records, subpoena of, § 30:5.50

Time for enforcement, § 30:2

Transfer orders. See Turnover order in aid of execution (this group)

Tribal Court Judgments (this Index)

Turnover order in aid of execution generally, § 30:68

ex parte application for transfer order, § 30:72

transfer order in aid of execution, § 30:73

Wage garnishment

generally, §§ 30:52-30:64

application for earnings withholding order, form, § 30:58

claim of exemption, § 30:62.50 form, § 30:62

earnings withholding order, §§ 30:59, 30:67.50

form, § 30:59

notice of termination or modification, § 30:67.50

earnings withholding order for support, § 30:61

employee instructions, § 30:60

employer's duties and liabilities generally, § 30:53

employee instructions, form, § 30:60

employer's return, form, § 30:61

employer's return, § 30:62

Enforcement of Judgments (this Index)

ENFORCEMENT OF

JUDGMENTS—Cont'd

Wage garnishment—Cont'd
exemptions

judgment creditor's opposition to claim of exemption, § 30:55

judgment debtor's claim of exemption, § 30:54

notice of filing claim of exemption, form, § 30:64

notice of hearing on claim of exemption, form, § 30:66

notice of opposition to claim of exemption, form, § 30:65

procedural checklist, § 30:56

financial statement, § 30:63

form, § 30:63

forms (this group)

modification, notice of termination or modification of earnings withholding order, form, § 30:67

notice of filing claim of exemption, § 30:64

notice of opposition to claim of exemption, § 30:65

notice of termination or modification of earnings withholding order, § 30:67.50

procedural checklists, §§ 30:56, 30:57

procedure, §§ 30:52, 30:56, 30:57

termination, notice of termination or modification of earnings withholding order, form, § 30:67

Writs of execution. See Execution and levy (this group)

ENTRY OF JUDGMENT OR ORDER

Appeal in limited jurisdiction cases, § 45:4

ENTRY OF JUDGMENT OR ORDER—Cont'd

Judgments, § 28:34.50

Sister-state judgments, §§ 30:111, 30:112

Tribal court judgments, § 30:212

EQUITABLE RELIEF FROM JUDGMENTS

Generally, §§ 29:82-29:91

Availability of relief, § 29:82

Complaint for equitable relief from default and default judgment, form, § 29:90

Conditions of relief, § 29:86

Declaration in support of equitable motion to set aside default judgment entered through extrinsic fraud or extrinsic mistake, form, § 29:88

Equitable motion to set aside default judgment entered through extrinsic fraud or extrinsic mistake, form, § 29:87

Extrinsic fraud, § 29:83

Extrinsic mistake, § 29:85

Forms

complaint for equitable relief from default and default judgment, § 29:90

declaration in support of equitable motion to set aside default judgment entered through extrinsic fraud or extrinsic mistake, § 29:88

equitable motion to set aside default judgment entered through extrinsic fraud or extrinsic mistake, § 29:87

judgment granting equitable relief from default and default judgment, § 29:91

order on equitable motion to set aside default judgment, § 29:89

INDEX

EQUITABLE RELIEF FROM JUDGMENTS—Cont'd

Fraud

extrinsic fraud, § 29:83

intrinsic fraud, § 29:84

Intrinsic fraud, § 29:84

Judgment granting equitable relief from default and default judgment, form, § 29:91

Mistake, extrinsic, § 29:85

EQUITY ACTIONS

Affirmative defenses applicable to actions seeking equitable relief, §§ 9:64, 9:116-9:118

Cross-complaints, equitable indemnity cross-complaints, § 9:127

Judgments, equitable relief from. **Equitable Relief from Judgments** (this Index)

Jurisdiction, subject matter jurisdiction, § 4:40

EVIDENCE

Arbitration, unconscionability, § 26:87

Class certification, evidence requirements, § 32:8.50

Motions in Limine (this Index)

Preservation of Evidence (this Index)

Summary Judgment (this Index)

EXAMINATION OF JUDGMENT DEBTOR

Enforcement of judgments, § 30:5

EXCHANGE

Fast track, pretrial exchange, § 12:42

EXECUTION AND LEVY

Enforcement of Judgments (this Index)

EXHIBITS

Appeal from superior courts, record on appeal, §§ 38:40, 38:85

EX PARTE MOTIONS AND APPLICATIONS

Appearance at hearing, § 14:41

Content, required, § 14:39

Disclosure prior, § 14:42

Filing of, § 14:37

Five required documents, § 14:38

Forms

declaration in support of ex parte application, § 14:46

declaration of notice in support of ex parte application, § 14:47

ex parte application and order, § 14:45

proposed order on ex parte application, § 14:48

Nature and purposes, § 14:34

Notice of, § 14:36

Procedural checklists, § 14:44

Provisions for, § 14:35

Supporting declaration, § 14:40

EXPEDITED TRIAL

Fast Track (this Index)

Jury and Jury Trial (this index)

EXPERT WITNESS INFORMATION

Generally, §§ 13:270-13:301

Eminent domain. See **Forms** (this group)

Exchange procedure

demand contents and service, §§ 13:272, 13:279, 13:292

document production of expert witnesses, § 13:274.90

exchange of information, § 13:274

expert deposition fees, § 13:277

forms (this group)

motion to augment or amend expert witness list or declaration, §§ 13:275, 13:285

motion to file untimely expert witness information,

EXPERT WITNESS

INFORMATION—Cont'd

Exchange procedure—Cont'd

§§ **13:276, 13:289**

procedural checklist, § **13:278**

protective order, §§ **13:273, 13:284**

purpose and function, § **13:270**

supplemental expert witness list, § **13:274.30**

time limits, § **13:271**

treating physicians, exchange of information, § **13:274.50**

Forms

declaration in support of motion for order to augment or amend expert witness information, § **13:286**

demand for exchange of expert witness information, § **13:279**

demand for exchange of information in eminent domain proceedings, § **13:292**

eminent domain

demand for exchange of information in eminent domain proceedings, § **13:292**

list of expert witnesses in eminent domain proceedings, § **13:293**

statement of valuation by expert witness in eminent domain proceedings, § **13:294**

expert witness declaration, § **13:281**

list of expert witnesses in eminent domain proceedings, § **13:293**

motion in limine to exclude expert opinion and supporting declaration, § **13:290**

notice of motion and supporting declaration for order granting leave to submit tardy expert

EXPERT WITNESS

INFORMATION—Cont'd

Forms—Cont'd

witness information, § **13:288**

notice of motion and supporting declaration for protective order before exchange, § **13:284**

notice of motion for order permitting exchange of lists more or less than 50 days before trial, § **13:282**

notice of motion for order to augment or amend expert witness information, § **13:285**

order granting leave to submit tardy expert witness information, § **13:289**

order granting motion in limine to exclude expert opinion, § **13:291**

order permitting exchange of lists more or less than 50 days before trial, § **13:283**

statement of valuation by expert witness in eminent domain proceedings, § **13:294**

supplemental expert witness declaration, § **13:287**

written exchange of expert witness information, § **13:280**

Video recorded depositions. **Depositions** (this index)

EXTENDING TIME

Shortening and Extending Time (this Index)

EXTRAORDINARY WRITS

Generally, §§ **31:1-31:132**

Appeal treated as petition for extraordinary relief, § **31:7**

Certiorari

generally, §§ **31:97-31:122**

appeal, § **31:113**

INDEX

EXTRAORDINARY WRITS

—Cont'd

Certiorari—Cont'd

defenses

laches, delay in commencement of proceeding, §§ 31:100, 31:118

mootness, §§ 31:101, 31:119

unclean hands, §§ 31:102, 31:120

hearing, § 31:112

inadequacy of remedies, requirement that there be no appeal or other adequate remedies, § 31:98

judgment, § 31:112

form, § 31:122

jurisdiction, § 31:103

laches, delay in commencement of proceeding, §§ 31:100, 31:118

mootness, §§ 31:101, 31:119

new trial motion, § 31:113

notice and service of petition, § 31:108

parties, § 31:104

petition and documents filed in reviewing court, § 31:107

petition and supporting documents, §§ 31:106, 31:116

preliminary opposition to issuance of writ, § 31:109

procedural checklists, §§ 31:114, 31:115

procedure

appeal, § 31:113

forms (this group)

hearing, § 31:112

judgment, § 31:112

jurisdiction, § 31:103

new trial motion, § 31:113

notice and service of petition, § 31:108

parties, § 31:104

EXTRAORDINARY WRITS

—Cont'd

Certiorari—Cont'd

procedure—Cont'd

petition and documents filed in reviewing court, § 31:107

petition and supporting documents, §§ 31:106, 31:116

preliminary opposition to issuance of writ, § 31:109

procedural checklists, §§ 31:114, 31:115

return, § 31:111

service of writ, § 31:110

time for commencing proceeding, § 31:105

venue, § 31:103

writ, §§ 31:110, 31:121

purpose of writ, § 31:97

return, § 31:111

review, scope of review under writ, § 31:99

service of writ, § 31:110

show cause order, form, § 31:117

Supreme Court of United States, review of state court decisions by. **Supreme Court of United States** (this Index)

time for commencing proceeding, § 31:105

unclean hands, §§ 31:102, 31:120

United States Supreme Court, review of state court decisions by. **Supreme Court of United States** (this Index)

venue, § 31:103

when writ will issue, § 31:97

writ, §§ 31:110, 31:121

Declaratory relief, circumvention of statutory prohibition on mandamus as grounds for denial of declaratory judgment, § 17:24

Distinctions between writs vanishing, § 31:1

EXTRAORDINARY WRITS

—Cont'd

Forms

certiorari

defense that issues are moot,
§ 31:119

defense that petitioner has
unclean hands, § 31:120

defense that proceeding was
not timely commenced,
§ 31:118

hearing, § 31:122

judgment, § 31:122

petition for writ, § 31:116

show cause order, § 31:117

writ, § 31:121

mandamus

alternative writ, § 31:52

judgment denying peremp-
tory writ, § 31:56

judgment granting peremp-
tory writ, § 31:54

jury, order for jury trial of
question of fact, § 31:53

peremptory writ, § 31:55

petitioner's forms

notice of application for
peremptory writ,
§ 31:41

petition for writ of
administrative
mandamus, § 31:43

petition for writ of
mandamus, § 31:42

respondent's forms

defense that another
action is pending,
§ 31:47

defense that defendant
failed to make objec-
tion below, § 31:49

defense that issues are
moot, § 31:46

defense that petitioner
failed to exhaust
administrative reme-

EXTRAORDINARY WRITS

—Cont'd

Forms—Cont'd

mandamus—Cont'd

respondent's forms—Cont'd
dies, § 31:48

defense that petition has
not "clean hands,"

§ 31:51

defense that proceeding is
barred by laches,

§ 31:50

defense that proceeding is
barred by statute of
limitations, § 31:45

notice of motion to quash
alternative writ,

§ 31:44

prohibition

alternative writ, § 31:93

judgment denying peremp-
tory writ, § 31:96

judgment granting peremp-
tory writ, § 31:94

peremptory writ, § 31:95

petitioner's forms

notice of application for
peremptory writ,
§ 31:86

petition for writ, § 31:87

respondent's forms

defense of failure to
exhaust administrative
remedies, § 31:89

defense of laches, § 31:91

defense that defendant
failed to make objec-
tion below, § 31:90

defense that issues are
moot, § 31:88

defense that petition has
not "clean hands,"
§ 31:92

quo warranto

application for leave to sue,
§ 31:131

INDEX

EXTRAORDINARY WRITS

—Cont'd

Forms—Cont'd

quo warranto—Cont'd
complaint, § 31:132

notice of application for leave
to sue, § 31:130

Irreparable injury, § 31:3

Law of case doctrine, § 31:5

Local rules and practices, importance
of, § 31:4

Mandamus

generally, §§ 31:8-31:56

administrative mandamus,
§§ 31:10, 31:43

administrative remedies, defense
of failure to exhaust, § 31:60

alternative remedy, adequacy of,
§ 31:9

alternative writ

generally, § 31:26

form, § 31:52

motion to quash, §§ 31:27,
31:44

return of alternative writ,
§ 31:28

service, § 31:26

another action pending, defense
of, §§ 31:13, 31:47

appeal, § 31:36

checklists

procedural steps for objecting
to issuance of writ, § 31:40

procedural steps for obtaining
peremptory writ in first
instance, § 31:39

procedural steps for obtaining
peremptory writ where
alternative writ is first
sought, § 31:38

costs, recovery of, § 31:35

damages, recovery of, § 31:35

declaratory relief, circumvention
of statutory prohibition on
mandamus as grounds for

EXTRAORDINARY WRITS

—Cont'd

Mandamus—Cont'd

denial of declaratory judg-
ment, § 17:24

defenses

administrative remedies, fail-
ure to exhaust, § 31:60

another action pending,
§§ 31:13, 31:47

laches, §§ 31:16, 31:50

mootness, §§ 31:12, 31:46

objection, failure to make
objection below, §§ 31:15,
31:49

statute of limitations,
§§ 31:11, 31:45

statutory administrative rem-
edies, failure to exhaust,
§ 31:14

unclean hands, §§ 31:17,
31:51

documents supporting petition,
§ 31:22

forms (this group)

hearing and judgment

administrative mandamus,
§ 31:33

traditional mandamus,
§ 31:32

jurisdiction, § 31:18

laches, defense of, §§ 31:16,
31:50

mootness, defense of, §§ 31:12,
31:46

new trial motion, § 31:36

objecting, checklist of procedural
steps for objecting to issuance
of writ, § 31:40

objection, defense of failure to
make objection below,
§§ 31:15, 31:49

parties, § 31:19

peremptory writ

generally, § 31:34

EXTRAORDINARY WRITS

—Cont'd

Mandamus—Cont'd

peremptory writ—Cont'd

checklist, procedural steps for
obtaining peremptory writ
where alternative writ is
first sought, § 31:38

enforcement, § 31:37

form, § 31:55

judgment denying peremp-
tory writ, form, § 31:56

judgment granting peremp-
tory writ, form, § 31:54

notice of application for
peremptory, form, § 31:41

peremptory writ in first
instance (this group)

service of writ, § 31:34

peremptory writ in first instance
answer to petition, § 31:31

checklist, procedural steps for
obtaining peremptory writ
in first instance, § 31:39
optional notice procedure for
obtaining, § 31:30

petition, § 31:21

petition and documents filed in
review court, §§ 31:23, 31:42

preliminary objection to issuance
of writ, § 31:25

procedure

alternative writ (this group),
§ 31:25

appeal, § 31:36

costs, recovery of, § 31:35

damages, recovery of,
§ 31:35

documents supporting peti-
tion, § 31:22

hearing and judgment (this
group)

judgment. See hearing and
judgment (this group)

jurisdiction, § 31:18

new trial motion, § 31:36

EXTRAORDINARY WRITS

—Cont'd

Mandamus—Cont'd

procedure—Cont'd

parties, § 31:19

peremptory writ (this group)

peremptory writ in first
instance (this group)

petition, § 31:21

petition and documents filed
in review court, §§ 31:23,
31:42

preliminary objection to issu-
ance of writ, § 31:25

replication, § 31:29

service of petition, § 31:24

time for commencing
proceeding, § 31:20

unclean hands, defense of,
§§ 31:17, 31:51

venue, § 31:18

when writ will issue, § 31:8

purpose of writ, § 31:8

replication, § 31:29

service of petition, § 31:24

statute of limitations, §§ 31:11,
31:45

statutory administrative reme-
dies, defense of failure to
exhaust, § 31:14

time for commencing proceed-
ing, § 31:20

unclean hands, defense of,
§§ 31:17, 31:51

venue, § 31:18

when writ will issue, § 31:8

Mootness

certiorari, §§ 31:101, 31:119

mandamus, §§ 31:12, 31:46

prohibition, §§ 31:59, 31:88

Prohibition

generally, §§ 31:57-31:96

administrative remedies, failure
to exhaust, §§ 31:60, 31:89

INDEX

EXTRAORDINARY WRITS

—Cont'd

Prohibition—Cont'd

- alternative writ
 - generally, § 31:73
 - form, § 31:93
 - return to alternative writ, § 31:74
 - service of writ, § 31:73
- appeal, § 31:81
 - adequacy of remedy by appeal, § 31:58
- costs, recovery of, § 31:80
- damages, recovery of, § 31:80
- defenses
 - administrative remedies, failure to exhaust, §§ 31:60, 31:89
 - laches, §§ 31:62, 31:91
 - mootness, §§ 31:59, 31:88
 - objection, failure to make objection below, §§ 31:61, 31:90
 - unclean hands, §§ 31:63, 31:92
- documents supporting petition, § 31:69
- forms (this group)
- hearing, § 31:78
- judgment, § 31:78
- jurisdiction, § 31:65
- laches, §§ 31:62, 31:91
- mandamus procedure, applicability of, § 31:64
- mootness, §§ 31:59, 31:88
- new trial motion, § 31:81
- objection
 - checklist, procedural steps for objecting to issuance of writ, § 31:85
 - defenses (this group)
 - failure to make objection below, §§ 31:61, 31:90
 - preliminary objection to issuance of writ, § 31:72

EXTRAORDINARY WRITS

—Cont'd

Prohibition—Cont'd

- parties, § 31:66
- peremptory writ
 - generally, § 31:79
 - checklist, procedural steps for obtaining writ where alternative writ is first sought, § 31:83
 - enforcing peremptory writ, § 31:82
 - form, § 31:95
 - judgment denying peremptory writ, form, § 31:96
 - judgment granting peremptory writ, form, § 31:94
 - penalty for disobedience, § 31:82
 - peremptory writ in first instance (this group)
 - service of writ, § 31:79
- peremptory writ in first instance
 - answer to petition seeking peremptory writ in first instance, § 31:77
 - checklist, procedural steps for obtaining peremptory writ in first instance, § 31:84
 - optional noticed procedure for obtaining peremptory writ in first instance, § 31:76
- petition, §§ 31:68, 31:87
- petition and documents filed in reviewing court, § 31:70
- procedure
 - alternative writ (this group)
 - appeal, § 31:81
 - costs, recovery of, § 31:80
 - damages, recovery of, § 31:80
 - documents supporting petition, § 31:69
 - forms (this group)
 - hearing, § 31:78

EXTRAORDINARY WRITS

—Cont'd

Prohibition—Cont'd
 procedure—Cont'd
 judgment, § 31:78
 jurisdiction, § 31:65
 mandamus procedure,
 applicability of, § 31:64
 new trial motion, § 31:81
 objection (this group)
 parties, § 31:66
 peremptory writ (this group)
 petition, § 31:68
 petition and documents filed
 in reviewing court, § 31:70
 replication, § 31:75
 service of petition, § 31:71
 time for commencing
 proceeding, § 31:67
 venue, § 31:65
 purpose of writ, § 31:57
 replication, § 31:75
 service of petition, § 31:71
 time for commencing proceed-
 ing, § 31:67
 unclean hands, §§ 31:63, 31:92
 venue, § 31:65
 when writ will issue, § 31:57
 Quo warranto
 generally, §§ 31:123-31:132
 appearance of proposed
 defendant, § 31:125
 application for leave to sue,
 §§ 31:124, 31:131
 attorney general's retention of
 control over action, § 31:127
 checklist, procedural steps fol-
 lowed by plaintiff in obtaining
 permission to prosecute quo
 warranto action, § 31:129
 complaint, form, § 31:132
 forms (this group)
 issuance of leave to sue,
 § 31:126
 judgment, § 31:128

EXTRAORDINARY WRITS

—Cont'd

Quo warranto—Cont'd
 notice of application, §§ 31:124,
 31:130
 parties, who may sue, § 31:123
 purpose, § 31:123
 relator's reply, § 31:125
 service of application, § 31:124
 undertaking, § 31:126
 Real party in interest, § 31:6
 Statutory writs
 statutory and non-statutory writs,
 differences between, § 31:133
 writs of mandate, statutes permit-
 ting, § 31:134
 Success, chance of, § 31:2
 Summary denial of petition by
 reviewing court, § 31:5
 When to seek writ, § 31:2

FACSIMILE TRANSMISSIONS

Complaints, filing, § 7:24

Forms

 cover sheet, § 14:60
 declaration of proof of transmis-
 sion, § 14:62
 notice of motion and motion filed
 by fax, § 14:59
 notice of motion and motion for
 order to file document nunc
 pro tunc, § 14:61

Motions, filing

 generally, §§ 14:54-14:62
 filing of papers by fax, § 14:55
 forms (this group)
 initial pilot project, § 14:54
 procedural checklist, § 14:58
 signed documents, § 14:56
 statewide fax filing rules, § 14:54
 transmission record, § 14:57

Procedural checklist, § 14:58

**Service Of Papers Other Than
 Process** (this Index)

INDEX

FAMILY LAW

Jurisdiction, act outside state causing effect in state as basis of personal jurisdiction over individuals in family law actions, § 4:11

FAST TRACK

Generally, §§ 12:1-12:46

Accommodations requests, handicapped persons, § 12:46

Additional options, § 12:47

Case management techniques
calendars, master or individual calendar, § 12:10
case evaluation, § 12:11
conferences (this group)
differential case management, § 12:12

Complex cases
general management of complex cases, § 12:31
processing of complex cases, § 12:29
specialized management of complex cases, § 12:32
time limits for complex cases, § 12:30
what is complex case, § 12:28

Conferences, case management
additional, § 12:21
initial, §§ 12:19, 12:32

Consent order, § 12:40

Continuances and extensions of time
court orders, § 12:23
stipulation of parties, § 12:22

Deadlines and procedures
generally, § 12:13
arbitration or mediation, commencement of, § 12:19
case management statement, § 12:18
DOE defendants, § 12:20
duty to meet and confer, § 12:17
peremptory challenges of judges, § 12:21
responsive pleadings, § 12:15

FAST TRACK—Cont'd

Deadlines and procedures—Cont'd
service of notice or other paper, § 12:16

service of process, § 12:14

Forms

generally, §§ 12:34-12:38
accommodations requests, handicapped persons, § 12:46
case management statement, § 12:36
civil cover sheet, § 12:38
ex parte application, extension of time to serve pleading and orders, § 12:37
extension of time to serve pleading and orders, § 12:37
mandatory forms, §§ 12:35-12:37
notices, stay of proceedings, §§ 12:34, 12:35
stay of proceedings, §§ 12:34, 12:35
termination or modification of stay, § 12:35

Handicapped persons, accommodations requests, § 12:46

Jury trial, expedited. **Jury and Jury Trial** (this index)

Legal sources of delay reduction programs
removal of case from court's control, § 12:8
sanctions and dismissal, § 12:9
statutory authority, § 12:6
time goals, § 12:7

Options, § 12:47

Pretrial conference, § 12:43

Pretrial exchange, § 12:42

Procedural checklist, § 12:33

Proposed consent order, § 12:40

Requirements for expedited jury trial, § 12:39

FAST TRACK—Cont'd

Sanctions

- imposition of sanctions that adversely affect cause of action, § 12:25
- legal sources of delay reduction programs, § 12:9
- local rules, sanction provisions in, § 12:26
- power of courts to impose, § 12:24

Service of Process (this Index)

Service of process and other papers, § 12:41

Time limits, § 12:45

Trial Court Delay Reduction Act, background and overview

- default, effect of Trial Court Delay Reduction Act on entry of default, § 18:7
- excluded actions, § 12:5
- Judicial Council, role of, § 12:2
- purpose of delay reduction programs, § 12:1
- superior court judges, role of, § 12:3
- voir dire, connection between delay reduction and, § 12:4

Trial setting, conferences established by local delay reduction rules, § 23:19

Voir dire, § 12:44

FAX

Facsimile Transmission (this Index)

FEDERAL COURT

Removal To Federal Court (this Index)

FEES

Costs (this Index)

FICTITIOUSLY NAMED DEFENDANTS

Parties (this Index)

FINALITY OF JUDGMENT

Appeal in limited jurisdiction cases, § 45:48

- writs, § 45:62

FINANCIAL STATEMENT

Wage garnishment, enforcement of judgments, § 30:63

FIVE YEAR RULE

Alternative Dispute Resolution (this index)

Class actions, § 32:2.70

FORCIBLE ENTRY AND DETAINER

Unlawful detainer, § 36:43

FOREIGN JUDGMENTS

Generally, § 30:120

- Appeal in foreign country**, § 30:127
- Burden of proof**, § 30:126
- Comity**, § 30:124
- Definitions**, § 30:122
- Due process in foreign tribunal**, § 30:133
- Effect of recognition**, § 30:128
- Fines not recoverable**, § 30:134
- Interest rate on judgment**, § 30:135
- Mandatory refusal to recognize**, §§ 30:130, 30:131
- Nonrecognition**, §§ 30:130, 30:131
- Penalties not recoverable**, § 30:134
- Personal jurisdiction over defendant**, § 30:132
- Requirements for recognition in California**, § 30:123
- Sister-State Judgments** (this Index)
- Standards for recognition**, § 30:129
- Summons and complaint**, § 30:125
- Tribal Court Judgments** (this Index)
- Uniform Foreign Country Money Judgments Recognition Act (UFCMJRA)**, § 30:121

INDEX

FORMAT OF COURT PAPERS

Generally, §§ 2:1-2:37
Attorney, substitution of, § 2:23
Attorney identification information, § 2:11
Blank space, first-page format, § 2:13
Caption, first-page format, § 2:12
Case number, first-page format, § 2:16
Case title, first-page format, § 2:15
Confidential records, § 2:44
Court title, first-page format, § 2:14
Electronic filing and service
 challenges, § 2:32
 change of electronic service address, §§ 2:50, 2:73
 completion, § 2:52
 consent
 generally, §§ 2:41, 2:51
 form, § 2:70
 provider, electronic service provider, § 2:42
 withdrawal of consent, § 2:70.50
 court contracts and fees, § 2:33
 definitions, § 2:31
 exemption from mandatory electronic filing, §§ 2:71, 2:72
 proof of service, §§ 2:53, 2:75
 proposed order, cover sheet, § 2:74
 requirements to serve and accept, § 2:40
 signatures on documents, § 2:43
 summons, § 2:45
 timing, § 2:39
First page, format
 attorney identification information, § 2:11
 blank space, § 2:13
 caption, § 2:12
 case number, § 2:16
 case title, § 2:15
 court title, § 2:14

FORMAT OF COURT PAPERS

—Cont'd

First page, format—Cont'd
 judicial officer, identification of, § 2:18
 nature of paper, § 2:17
Forms
 case titles
 partnerships, § 2:34
 electronic service
 change of electronic service address, § 2:73
 consent and notification of address, § 2:70
 exemption from mandatory electronic filing, §§ 2:71, 2:72
 proof of service, § 2:75
 proposed order, cover sheet, § 2:74
 withdrawal of consent to service, § 2:70.50
Identification of party and/or attorney, § 2:19
Judicial Council Forms, § 2:20
Law and motion rules
 generally, § 2:22
 affidavits, § 2:23
 declarations, § 2:23
 points and authorities, memorandum of, § 2:24
 substitutions, § 2:23
Local court forms, § 2:21
Municipal and superior courts
 first page. See First page, format (this group)
 physical form of pleadings
 acceptance for filing, § 2:10
 address, § 2:6
 attorney's signature, address, and telephone number, § 2:6
 changes to pleadings, § 2:7
 copies, § 2:9

FORMAT OF COURT PAPERS

—Cont'd

Municipal and superior courts

—Cont'd

physical form of pleadings

—Cont'd

documents, papers and writings, § 2:2

exhibits, § 2:8

footers, § 2:5

hole punching, § 2:5

law governing, § 2:1

numbering, § 2:5

pagination, § 2:5

paper, size and weight, § 2:3

signature, § 2:6

spacing, § 2:5

telephone number, § 2:6

typing and typeface, § 2:4

preprinted forms. See Preprinted forms (this group)

Nature of paper, first-page format, § 2:17

Physical form of pleadings

first page. See First page, format (this group)

municipal and superior courts.

See Municipal and superior courts (this group)

preprinted forms. See Preprinted forms (this group)

Points and authorities, memorandum of, § 2:24

Preparing court papers

law and motion. See Law and motion rules (this group)

municipal and superior courts.

See Municipal and superior courts (this group)

physical form. See Physical form of pleadings (this group)

Preprinted forms

Judicial Council Forms, § 2:20

local court forms, § 2:21

Receipt, confirmation of, § 2:54

FORMAT OF COURT PAPERS

—Cont'd

Rejection, notice of and effect of, § 2:54

Sealed records, § 2:44

Substitutions, law and motion rules, § 2:23

Superior courts. See Municipal and superior courts (this group)

Withdrawal of consent to electronic filing and service, § 2:70.50

FORUM SELECTION

Jurisdiction (this Index)

Venue (this Index)

FRAUD

Affirmative defenses, contract executed as result of fraud, form, § 9:100

Complaints, Judicial Council Form cause of action for fraud, form, § 7:62

Contract executed as result of fraud, affirmative defenses, form, § 9:100

Equitable Relief From Judgments (this group)

FRIVOLOUS APPEALS

Appeal From Superior Courts (this Index)

FULL FAITH AND CREDIT

Sister-state judgments, § 30:103

GARNISHMENT

Enforcement of Judgments (this Index)

GENERAL APPEARANCE

Jurisdiction, general appearance as basis for personal jurisdiction, § 4:22

GENERAL DENIAL

Defendant's pleadings

checklist, § 9:68

form, § 9:71

INDEX

GOOD FAITH SETTLEMENT

Settlement (this Index)

GOVERNMENTAL AGENCIES

Declaratory relief, challenges to government bodies as subject to declaratory relief, § **17:10**

Service of process, § **6:33**

Venue, actions against government entities, § **4:79**

GUARDIANS AD LITEM

Appointment

generally, §§ **1:103-1:128**

actions requiring appointment, § **1:103**

application for appointment, form and content, § **1:108**

failure to appoint guardian ad litem, effect of, § **1:109**

forms (this group)

insane or incompetent person, appointment for, §§ **1:107, 1:115, 1:116**

minor defendant, appointment for, §§ **1:106, 1:113, 1:114**

minor plaintiff, appointment for, §§ **1:105, 1:111, 1:112**

procedural checklist, § **1:110**

settlement, appointment of guardian ad litem or conservator to approve compromise of minor's or incompetent's claim, § **27:58**

when guardian ad litem may be appointed, § **1:104**

Attorney for guardian ad litem. See Forms (this group)

Compromise of claim. See Forms (this group)

Forms

appointment

application and order for appointment of guardian ad litem-civil, § **1:117**

attorney for guardian ad litem (this group)

GUARDIANS AD LITEM

—Cont'd

Forms—Cont'd

appointment—Cont'd

compromise of claim (this group)

incompetent defendant, petition for appointment of guardian ad litem, § **1:116**

incompetent plaintiff, petition for appointment of guardian ad litem, § **1:115**

minor defendant, petition for appointment of guardian ad litem, §§ **1:113, 1:114**

minor plaintiff over 14, petition for appointment of guardian ad litem, § **1:112**

minor plaintiff under 14, petition for appointment of guardian ad litem, § **1:111**

orders appointing guardians ad litem, §§ **1:118, 1:120**

unascertained persons, petition for appointment of guardian ad litem, § **1:119**

unborn, petition for appointment of guardian ad litem, § **1:119**

attorney for guardian ad litem

order authorizing employment of attorney and approving fee agreement, § **1:122**

petition for order authorizing employment of attorney for guardian ad litem and approving fee agreement, § **1:121**

compromise of claim

order approving compromise of claim of minor or incompetent plaintiff
-personal injury or wrongful death, § **1:124**

GUARDIANS AD LITEM

—Cont'd

Forms—Cont'd

compromise of claim—Cont'd
order approving compromise
of disputed claim of minor,
§ 1:126

petition for approval of com-
promise of claim of minor
of incompetent plaintiff-
personal injury or wrong-
ful death, § 1:123

petition of guardian ad litem
for compromise of
disputed claim of minor,
§ 1:125

termination of appointment
order terminating appoint-
ment, § 1:128

petition for order terminating
appointment, § 1:127

Settlement, appointment of guardian
ad litem or conservator to approve
compromise of minor's or
incompetent's claim, § 27:58

Termination of appointment. See
Forms (this group)

HANDICAPPED PERSONS

Fast track, accommodations requests,
§ 12:46

HARASSMENT

**Civil Harassment Restraining
Orders** (this Index)

Injunction prohibiting civil harass-
ment. **Injunctions** (this Index)

HEALTH CARE PROVIDERS

Emergency room expert designation,
discovery, § 13:274.10

Notice of intention to sue
generally, §§ 1:1-1:8
content and form of notice, § 1:2
Doe defendants, applicability to,
§ 1:5
form, § 1:8

HEALTH CARE PROVIDERS

—Cont'd

Notice of intention to sue—Cont'd
noncompliance, effect of, § 1:6
procedural checklist, § 1:7
requirement for notice, § 1:1
statute of limitations, tolling of,
§ 1:3
Woods, prospective application,
§ 1:4

HEARINGS

Alternative Dispute Resolution
(this index)

Appeal from small claims court, trial
de novo, § 46:8

Appearance. ex parte motions and
applications, § 14:42

Civil harassment restraining orders,
§§ 16:149, 16:151

Claims of exemption, notice of hear-
ing, § 30:66

Demurrers (this index)

IMMIGRATION

Status, discovery, § 13:2.30

IMPROVEMENTS

Construction-related accessibility
claim, § 7:78

INADVERTENCE

**Relief From Judgment on Grounds
of Mistake, Inadvertence,
Surprise, or Excusable Neglect**
(this Index)

INCOMPETENTS

Claim, settlement of incompetent's
claim. **Settlement** (this Index)

INCONVENIENT FORUM

Forms, motion to stay or dismiss
declaration in opposition to
motion to stay or dismiss for
inconvenient forum, § 10:61
declaration in support of motion
to stay or dismiss for inconve-

INDEX

INCONVENIENT FORUM

—Cont'd

Forms, motion to stay or dismiss

—Cont'd

nient forum, § 10:60

notice of motion to stay or
dismiss for inconvenient
forum, § 10:59

order dismissing action for
inconvenient forum, § 10:63

order staying action for inconve-
nient forum, § 10:62

Motion to quash service of summons
combined with motion to stay or
dismiss for inconvenient forum,
§§ 10:6, 10:52

Motion to stay or dismiss

generally, §§ 10:46-10:63

contract, effect of forum selec-
tion clause in contract, § 10:49

factors considered, § 10:47

forms (this group)

nature and basis of motion,
§ 10:46

procedural checklists, §§ 10:57,
10:58

procedure

affidavits or declarations,
supporting and opposing,
§§ 10:53, 10:60, 10:61

applicable statutory provi-
sions, § 10:51

checklists, §§ 10:57, 10:58

forms (this group)

motion combined with
motion to quash, § 10:52

order for stay or for dis-
missal, §§ 10:56, 10:62,
10:63

quash, motion combined with
motion to quash, §§ 10:6,
10:52

review of order, § 10:55

ruling on inconvenient forum
motion, § 10:54

INCONVENIENT FORUM

—Cont'd

Motion to stay or dismiss—Cont'd
procedure—Cont'd

time for making motion,
§ 10:50

residence or domicile of party,
effect of, § 10:48

INDIGENTS

Appeal, exemptions from security
requirements for stay of enforce-
ment, § 36:39

In Forma Pauperis (this Index)

IN FORMA PAUPERIS

Generally, §§ 1:129-1:146

Additional fees and costs

request to waive, § 1:144

waiver of, §§ 1:138, 1:145

Application for permission to
proceed in forma pauperis,
§ 1:134

Changed circumstances, duty to
notify court, § 1:139

Duty to notify court of changed cir-
cumstances, § 1:139

Eligibility, § 1:130

Filing initial application, § 1:135

Forms

application for waiver of
additional court fees and costs,
§ 1:144

information sheet on waiver of
court fees and costs, § 1:146

notice of waiver of court fees and
costs, § 1:143

order on application for waiver
of additional court fees and
costs, § 1:145

order on court fee waiver,
§ 1:142

request to waive court fees,
§§ 1:141, 1:144

Government benefits, § 1:131

IN FORMA PAUPERIS—Cont'd

Initial fees and costs, waiver of,
§§ 1:137, 1:141-1:146
 Necessaries of life, income for,
§ 1:133
 Poverty income, **§ 1:132**
 Procedural checklist, **§ 1:140**
 Procedure for determining applica-
 tion, **§§ 1:136, 1:140**
 Statutory right to proceed in forma
 pauperis, **§ 1:129**

INJUNCTIONS

Generally, **§§ 16:103-16:152**
 Alternatives to injunction, **§ 16:107**
 Appeal, stay of enforcement by
 appeal of mandatory injunction,
§ 36:8
 Appeal from order granting or deny-
 ing injunction, **§ 16:134**
 Conditions and enforcement
 contempt, enforcement of injunc-
 tion, **§ 16:126**
 duration of injunction, **§ 16:125**
 undertaking, recovery on,
 §§ 16:124, 16:127
 undertakings, **§ 16:124**
 Declaratory relief, circumvention of
 statutory prohibition on injunction
 as grounds for denial of declara-
 tory judgment, **§ 17:24**
 Defenses to injunction
 appeal from order granting or
 denying injunction, **§ 16:134**
 equitable defenses, **§ 16:131**
 government or courts, defenses
 specific to injunctions affect-
 ing, **§ 16:130**
 legal defenses, **§ 16:128**
 motion to dissolve or modify,
 § 16:133
 responses after injunction issued,
 § 16:132
 strategies, defensive, **§ 16:128**
 Enforcement. See Conditions and
 enforcement (this group)

INJUNCTIONS—Cont'd

Equitable defenses, **§ 16:131**
 Forms
 harassment, injunction prohibit-
 ing civil harassment
 application and order for reis-
 suance of order to show
 cause (harassment),
 § 16:152
 order after hearing on petition
 for injunction prohibiting
 harassment, **§ 16:151**
 order to show cause,
 § 16:149
 petition for injunction
 prohibiting harassment,
 § 16:148
 response to petition for
 injunction prohibiting
 harassment, **§ 16:150**
 temporary restraining order,
 § 16:149
 preliminary injunctions
 notice of motion and motion
 for preliminary injunction,
 § 16:141
 notice of motion and motion
 to vacate or modify injunc-
 tion, **§ 16:146**
 opposition to preliminary
 injunction, **§ 16:142**
 order denying preliminary
 injunction and dissolving
 temporary restraining
 order, **§ 16:145**
 order granting preliminary
 injunction, **§ 16:144**
 order vacating or modifying
 injunction, **§ 16:147**
 verified answer to complaint
 for preliminary injunction,
 § 16:143
 temporary restraining orders
 certificate regarding notice of
 application for temporary
 restraining order, **§ 16:139**

INDEX

INJUNCTIONS—Cont'd

Forms—Cont'd

temporary restraining orders

—Cont'd

declaration supporting

application for temporary
restraining order, § 16:138

ex parte application for
temporary restraining order
and order to show cause,
§ 16:137

temporary restraining order
and order to show cause
why injunction should not
issue, § 16:140

verified complaint for
temporary restraining order
and injunction, § 16:136

Government or courts, defenses
specific to injunctions affecting,
§ 16:130

Harassment, injunction prohibiting
civil harassment. See Forms (this
group)

Legal defenses, §§ 16:128, 16:129

Motion to dissolve or modify,
§ 16:133

Parties, limitations on, § 16:109

Permanent injunction, grant of,
§ 16:123

Preliminary injunctions

forms (this group)

hearing on preliminary injunc-
tion, § 16:120

issuance of preliminary injunc-
tion, § 16:122

notice, § 16:118

required papers, § 16:119

standard for grant of preliminary
injunction, § 16:121

Procedural checklist, § 16:135

Responses after injunction issued,
§ 16:132

Statutes, specific injunction autho-
rized by statute, § 16:106

Strategies, defensive, § 16:128

INJUNCTIONS—Cont'd

Temporary restraining orders

affidavits and declarations,
§ 16:112

certification of notice, § 16:113

ex parte hearing on temporary
restraining order, § 16:115

forms (this group)

great or irreparable harm require-
ment, § 16:114

issuance of temporary restraining
order, § 16:116

papers required, § 16:111

service after ex parte order
issued, § 16:117

Timing on injunction, § 16:110

Types of injunctions, § 16:104

When injunction may be granted,
§ 16:105

Who can grant injunction, § 16:108

INSPECTION DEMANDS

Generally, §§ 13:213-13:241

Failure to respond or permit inspec- tion

motion for inspection, copying,
testing, or sampling, § 13:223

motion for order compelling
compliance, §§ 13:224,
13:241

motion to compel further
response, §§ 13:223, 13:237

motion to compel response,
§§ 13:222, 13:236

Forms

declaration in opposition to
motion for inspection demand
protective order, § 13:234

declaration in opposition to
motion for order compelling
further response to demand for
inspection, § 13:240

declaration in support of motion
for order compelling further
response to demand for inspec-
tion, § 13:238

INSPECTION DEMANDS

—Cont'd

Forms—Cont'd

- demand for inspection of documents, § 13:228
- demand for inspection of land or premises, § 13:230
- demand for inspection of tangible things, § 13:229
- ex parte motion for order granting leave to serve inspection demand within 10 days of service or appearance, § 13:227
- memorandum of points and authorities in opposition to motion for inspection demand protective order, § 13:233
- memorandum of points and authorities in opposition to motion for order compelling further response to demand for inspection, § 13:239
- notice of motion for order compelling compliance, § 13:241
- notice of motion for order compelling further response to demand for inspection, § 13:237
- notice of motion for order compelling response to demand for inspection, § 13:236
- notice of motion for protective order, § 13:232
- response to demand for inspection, § 13:235
- stipulation to extend response time, § 13:231
- Items subject to inspection, § 13:215
- Participants, § 13:214
- Preparing and responding to inspection demands
 - format and service, § 13:217
 - motion for protective order, § 13:218
 - privilege log, § 13:219.50

INSPECTION DEMANDS

—Cont'd

- Preparing and responding to inspection demands—Cont'd
 - production and response to document and inspection demand, § 13:219
 - signing response, § 13:221
 - time for response, § 13:220
- Procedural checklists, §§ 13:225, 13:226
- Purpose and function, § 13:213
- Time limits, § 13:216

INSURANCE

- Appeal from small claims court, right to appeal, defendant's insurer, § 46:16
- Costs, security for costs in actions against nonadmitted foreign or alien insurer, § 10:192
- Declaratory relief, § 17:8
- Parties, substitution of parties on death or disability of party in action on liability covered by insurance, § 3:105
- Uninsured motorist arbitrations. **Alternative Dispute Resolution** (this index)

INTEREST

- Demands for Relief** (this Index)
- Enforcement of judgments, §§ 30:4, 30:108
- Foreign judgments, § 30:135

INTERESTS OF JUSTICE

- Trial-setting preferences based on interests of justice, § 23:24

INTERPLEADER

- Parties** (this Index)

INTERPRETERS

- Motion Practice** (this Index)

INTERROGATORIES

- Generally, §§ 13:128-13:167

INDEX

INTERROGATORIES—Cont'd

Compelling responses
 forms (this group)
 motion to compel further responses to interrogatories, § 13:144
 motion to compel response, § 13:143
Failure to respond. See Compelling responses (this group)
Forms
 compelling responses
 declaration in opposition to motion for order compelling further response to interrogatories, § 13:166
 memorandum of points and authorities in opposition to motion for order compelling further response to interrogatories, § 13:165
 notice of motion and supporting declaration for order imposing sanctions for disobedience of prior court order, § 13:167
 initiating interrogatory discovery
 declaration for additional discovery, § 13:148
 ex parte application to serve interrogatories with 10 days and order shortening time, § 13:149
 notice of motion and supporting declaration for protective order when interrogatories exceed 35, § 13:151
 specially prepared interrogatories, § 13:147
 stipulation increasing number of interrogatories, § 13:150
 supplemental interrogatories, § 13:152
 protective orders
 declaration in opposition to motion for protective order, § 13:155

INTERROGATORIES—Cont'd

Forms—Cont'd
 protective orders—Cont'd
 memorandum of points and authorities in opposition to motion for protective order, § 13:154
 notice of motion and supporting declaration for order substituting oral deposition for interrogatories, § 13:157
 notice of motion for protective order, § 13:153
 order granting protective order, § 13:156
 responses
 declaration in support of motion for order compelling further response to interrogatories, § 13:163
 notice of motion and supporting declaration for order extending time to respond to interrogatories, § 13:159
 notice of motion for order compelling further response to interrogatories, § 13:162
 notice of motion for order compelling response to interrogatories, § 13:161
 order extending time to respond to interrogatories, § 13:160
 response to interrogatories, § 13:158
 separate statement of interrogatories and responses in dispute, § 13:164
Initiating interrogatory discovery
 format of interrogatories, § 13:133
 forms (this group)
 service, § 13:134

INTERROGATORIES—Cont'd

Judicial Council form interrogatories, § 13:132
 Limit on number of specially prepared interrogatories, § 13:131
 Procedural checklists, §§ 13:145, 13:146
 Purpose and function, § 13:128
 Responding parties, § 13:129
 Responding to interrogatories amended answer, § 13:142
 failure to respond. See Failure to respond (this group)
 forms (this group)
 motion for protective order, § 13:136
 objections, § 13:139
 propounded, § 13:137
 service of response, § 13:141
 signing response, § 13:140
 specification and production of documents in lieu of answer, § 13:138
 time for response, § 13:135
 Supplemental, §§ 13:133.50, 13:152
 Time limits, § 13:130

INTERVENTION

Parties (this Index)

INVOLUNTARY DISMISSALS

Generally, §§ 22:21-22:104
Appeal (this Index)
 Costs, recovery of, § 22:96
 Delay in prosecution. **Delay in prosecution, dismissals based on** (this Index)
 Demurrer, involuntary dismissal after
 generally, § 22:88
 ex parte application for dismissal for failure to amend complaint and order of dismissal, form, § 22:104
 notice of motion and supporting declaration for order dismiss-

INVOLUNTARY DISMISSALS

—Cont'd

Demurrer, involuntary dismissal after—Cont'd
 ing action for failure to amend complaint after demurrer sustained or motion to strike granted with leave to amend, form, § 22:102
 order dismissing action for failure to amend pleading, form, § 22:103
 procedure, § 22:92
 Effect of dismissal, § 22:95
 Ex parte application for dismissal for failure to amend complaint and order of dismissal, form, § 22:104
 Forms
 delay in prosecution. **Delay in prosecution, dismissals based on** (this Index)
 ex parte application for dismissal for failure to amend complaint and order of dismissal, § 22:104
 notice of motion and supporting declaration for order dismissing action for failure to amend complaint after demurrer sustained or motion to strike granted with leave to amend, § 22:102
 notice of motion to dismiss, § 22:100
 order dismissing action for failure to amend pleading, § 22:103
 order on motion to dismiss, § 22:101
 Grounds for involuntary dismissal bases, § 22:87
 delay in prosecution. **Delay in prosecution, dismissals based on** (this Index)
 demurrer, involuntary dismissal after, § 22:88

INDEX

INVOLUNTARY DISMISSALS

—Cont'd

Grounds for involuntary dismissal

—Cont'd

inherent authority of court,
§ 22:90

local rules, § 22:91

motion to strike, involuntary dis-
missal after, § 22:88

statutory grounds, § 22:89

Inherent authority of court, § 22:90

Local rules authorizing involuntary
dismissal, § 22:91

Motion for nonsuit, procedure
compared, § 22:94

Motion to strike, involuntary dis-
missal after

generally, § 22:88

ex parte application for dismissal
for failure to amend complaint
and order of dismissal, form,
§ 22:104

notice of motion and supporting
declaration for order dismiss-
ing action for failure to amend
complaint after demurrer
sustained or motion to strike
granted with leave to amend,
form, § 22:102

order dismissing action for fail-
ure to amend pleading, form,
§ 22:103

procedure, § 22:92

Notice of motion and supporting
declaration for order dismissing
action for failure to amend com-
plaint after demurrer sustained or
motion to strike granted with leave
to amend, form, § 22:102

Order dismissing action for failure to
amend pleading, form, § 22:103

Procedural checklists

moving for involuntary dis-
missal, matters to consider,
§ 22:98

INVOLUNTARY DISMISSALS

—Cont'd

Procedural checklists—Cont'd
opposing involuntary dismissal,
matters to consider, § 22:99

Procedure

checklists. See Procedural

Checklists (this group)

costs, recovery of, § 22:96

demurrer, involuntary dismissal
after, § 22:92

dismissals other than after
demurrer or motion to strike,
§ 22:93

effect of dismissal, § 22:95

motion for nonsuit compared,
§ 22:94

motion to strike, involuntary dis-
missal after, § 22:92

review and relief, § 22:97

Review and relief, § 22:97

Superior court, appeal from. **Appeal
from Superior Court** (this Index)

JOINDER

Parties (this Index)

JOINT STOCK COMPANIES

Service of process, § 6:31

JUDGMENT BY CONFESSION

Judgments (this Index)

JUDGMENT LIENS

Enforcement of Judgments (this
Index)

JUDGMENT

NOTWITHSTANDING

VERDICT

Motion for Judgment

Notwithstanding Verdict (this
Index)

JUDGMENT ON PLEADINGS

Generally, §§ 10:131-10:142

Alternative procedures, § 10:132

**JUDGMENT ON PLEADINGS
—Cont'd**

Forms

memorandum of points and
authorities in opposition to
motion for judgment on plead-
ings, § **10:140**

notice of motion for judgment on
pleadings, § **10:139**

order for judgment on pleadings
after failure to amend,
§ **10:142**

order on motion for judgment on
pleadings, § **10:141**

Meet and confer requirements,
§ **10:131.50**

Nature and purpose of motion for
judgment on pleadings, § **10:131**

Procedure

checklists, §§ **10:137, 10:138**

forms (this group)

notice, §§ **10:133, 10:139**

review of order, § **10:136**

ruling on motion, § **10:135**

supporting papers and evidence,
§ **10:134**

time considerations, § **10:133**

Summary judgment, judgment on
pleadings compared, § **21:4**

**JUDGMENT PURSUANT TO
STIPULATION**

Generally, §§ **20:1-20:32**

Appeal attacking stipulated judg-
ment, § **20:26**

Attacking stipulated judgment
appeal, § **20:26**

challenging judgment, § **20:25**

opposing motion, § **20:24**

Attorney's authority to bind client,
§ **20:11**

Challenging judgment, § **20:25**

Conditional entry of judgment
drafting settlement agreement,
§ **20:17**

**JUDGMENT PURSUANT TO
STIPULATION—Cont'd**

Conditional entry of judgment

—Cont'd

stipulation allowing conditional
entry of judgment, form,
§ **20:28**

Confession of judgment
distinguished, § **20:9**

Construction of stipulated judgment,
§ **20:19**

Deficiencies, enforcement procedure
for formally deficient stipulation,
§ **20:15**

Definitions, § **20:1**

Discretion of court, §§ **20:18, 20:21**

Drafting settlement agreement

conditioning entry of judgment,
settlement, § **20:17**

construction of stipulated judg-
ment, § **20:19**

discretion of court in construc-
tion of stipulation, § **20:18**

immediate entry of judgment,
settlement allowing, § **20:16**

Effect of stipulated judgment, § **20:5**

Former practice, § **20:2**

Forms

conditional entry of judgment,
stipulation allowing, § **20:28**

immediate entry of judgment,
stipulation allowing, § **20:27**

judgment, §§ **20:31, 20:32**

notice of motion for entry of
judgment pursuant to stipula-
tion, § **20:29**

order granting motion for entry
of judgment, § **20:30**

Immediate entry of judgment

drafting settlement agreement,
§ **20:16**

stipulation allowing immediate
entry of judgment, form,
§ **20:28**

Judgment to be entered, § **20:23**

Jurisdiction, § **20:22**

INDEX

JUDGMENT PURSUANT TO STIPULATION—Cont'd

Liability, judgment as judicial determination of, § 20:6

Motion, judgment entered on, § 20:20

Notice of motion for entry of judgment pursuant to stipulation, form, § 20:29

Offer to compromise distinguished, § 20:8

Opposing motion for stipulated judgment, § 20:24

Oral agreement before court, formal requirements, § 20:13

Order granting motion for entry of judgment, form, § 20:30

Parties. See Who may stipulate to judgment (this group)

Procedure

discretion of court, § 20:21

judgment to be entered, § 20:23

jurisdiction, § 20:22

motion, judgment entered on, § 20:20

Requirements, formal

deficiencies, enforcement procedure for formally deficient stipulation, § 20:15

oral agreement before court, § 20:13

statutory procedure, format for, § 20:12

written stipulation, § 20:14

Settlement agreement, drafting see Drafting settlement agreement (this group)

Statutory procedure

generally, § 20:3

format, formal requirements, § 20:12

modernization, § 20:4

Summary judgment distinguished, § 20:7

JUDGMENT PURSUANT TO STIPULATION—Cont'd

Who may stipulate to judgment attorney's authority to bind client, § 20:11

parties to pending litigation, § 20:10

Written stipulation, formal requirements, § 20:14

JUDGMENTS

Acknowledgment of satisfaction. See Satisfaction of judgment (this group)

Alternative judgments, § 28:3

Amendment of judgment. See Correction and amendment of judgment (this group)

Announcement of intended decision, § 28:19

Attacking Judgments (this Index)

Bifurcated trial, tentative decision, proposed statement of decision, and proposed judgment following, § 28:23

Conditional judgments, § 28:3

Confession of judgment without action

generally, §§ 28:63-28:70

attorney's certificate, §§ 28:65, 28:69

checklist, procedural matters to consider when obtaining judgment by confession, § 28:67

forms (this group)

judgment, form, § 28:70

procedure for obtaining judgment, §§ 28:66, 28:67

statement of defendant, §§ 28:64, 28:68

Content. See Form and content of judgment (this group)

Contingent judgments, § 28:3

Correction and amendment of judgment generally, §§ 28:36-28:40

JUDGMENTS—Cont'd

Correction and amendment of judgment—Cont'd

addition of judgment debtors,
§ 28:38

clerical error, § 28:36

forms (this group)

judicial error, § 28:37

Declaratory Relief (this Index)

Definition of judgment

generally, § 28:1

alternative judgments, § 28:3

conditional judgments, § 28:3

contingent judgments, § 28:3

finality of judgment, § 28:5

order, judgment distinguished,
§ 28:2

parties affected by judgment,
§ 28:4

Enforcement. Enforcement of Judgments (this Index)

Entry of judgment, §§ 28:28, 28:29

Extension of time, rendition and entry of judgment, § 28:25

Filing of judgment, § 28:26

Finality of judgment, § 28:5

Form and content of judgment

generally, §§ 28:6, 28:15-28:17

conformity of judgment to pleadings or statement of damages,
§§ 28:13, 28:14

elements required, generally,
§ 28:7

forms (this group)

incorporation of documents into judgment, § 28:12

installment judgment, § 28:11

money judgment, §§ 28:8, 28:15

personal property, judgment for recovery of, §§ 28:10, 28:17

pleadings, conformity of judgment to pleadings or statement of damages, §§ 28:13, 28:14

real property, judgment affecting,
§ 28:9

JUDGMENTS—Cont'd

Form and content of judgment

—Cont'd

specific form not required, § 28:6

statement of damages,

conformity of judgment to

pleadings or statement of damages, §§ 28:13, 28:14

Forms

confession of judgment without action

attorney's certificate, § 28:69

defendant's statement,
§ 28:68

judgment, § 28:70

correction and amendment of judgment

notice of motion for order to correct clerical error,
§ 28:39

order correcting clerical error and amending judgment,
§ 28:40

form and content of judgment

defendant, judgment for defendant on special verdict, § 28:16

judgment, § 28:18

money judgment on general verdict, § 28:15

personal property, judgment for return of, § 28:17

notice of entry of judgment or order, § 28:34.50

rendition and entry of judgment

notice of entry of judgment,
§ 28:35

proposed statement of decision, § 28:34

request for statement of decision, § 28:33

satisfaction of judgment

acknowledgment of satisfaction of judgment, § 28:61

INDEX

JUDGMENTS—Cont'd

Forms—Cont'd

satisfaction of judgment—Cont'd
demand for acknowledgment
of full or partial satisfac-
tion of money judgment,
§ 28:59

demand for acknowledgment
of satisfaction of matured
installments under install-
ment judgment, § 28:60

notice to compel
acknowledgment of satis-
faction, § 28:62

Hearing on objections to proposed
statement of decision or proposed
judgment, § 28:24

Judgment by confession. See
Confession of judgment without
action (this group)

Judgment notwithstanding verdict.

Motion for Judgment

Notwithstanding Verdict (this
Index)

Limited jurisdiction cases in the trial
court

effect, § 34:35

payment, § 34:36

Notice of entry of judgment,
§§ 28:30, 28:31, 28:35

Notice of entry of judgment or order,
form, § 28:34.50

Nunc pro tunc, entry of judgment,
§ 28:29

Objections to proposed statement of
decision or proposed judgment,
§ 28:24

Order, judgment distinguished,
§ 28:2

Parties affected by judgment, § 28:4

Personal property, judgment for
recovery of, §§ 28:10, 28:17

Rendition and entry of judgment

generally, §§ 28:19-28:35

announcement of intended deci-
sion, § 28:19

JUDGMENTS—Cont'd

Rendition and entry of judgment
—Cont'd

bifurcated trial, tentative deci-
sion, proposed statement of
decision, and proposed judg-
ment following, § 28:23

checklist, procedures after trial
by court, § 28:32

entry of judgment, §§ 28:28,
28:29

extension of time, § 28:25

filing of judgment, § 28:26

forms (this group)

hearing on objections to
proposed statement of decision
or proposed judgment, § 28:24

noncompliance, relief from,
§ 28:25

notice of entry of judgment,
§§ 28:30, 28:31, 28:35

nunc pro tunc, entry of judgment,
§ 28:29

objections to proposed statement
of decision or proposed judg-
ment, § 28:24

procedural checklist, procedures
after trial by court, § 28:32

proposed judgment when state-
ment of decision not
requested, § 28:22

proposed statement of decision
and judgment, §§ 28:21, 28:34

rendition of judgment, § 28:27

request for statement of decision,
§§ 28:20, 28:33

Renewal of judgment. **Enforcement
of Judgments** (this Index)

Satisfaction of judgment

generally, §§ 28:41-28:62

acknowledgment

acknowledgment of satisfac-
tion, form, § 28:61

full satisfaction, acknowledg-
ment of (this group)

JUDGMENTS—Cont'd

Satisfaction of judgment—Cont'd
 acknowledgment—Cont'd
 matured instruments under
 installment judgment,
 acknowledgment of satis-
 faction (this group)
 notice to compel
 acknowledgment of satis-
 faction, form, § **28:62**
 partial satisfaction,
 acknowledgment of (this
 group)
 amount required to satisfy judg-
 ment, § **28:41**
 application of money received,
 order of, § **28:42**
 attorney's fees, § **28:50**
 forms (this group)
 full satisfaction, acknowledg-
 ment of
 attorney's fees, § **28:50**
 certificate of satisfaction of
 judgment, § **28:45**
 contents of acknowledgment
 of satisfaction, § **28:44**
 demand for acknowledgment
 of satisfaction of judgment,
 §§ **28:46, 28:47, 28:59**
 execution of acknowledg-
 ment of satisfaction,
 § **28:44**
 liability of judgment creditor
 for requiring additional
 performance or payment
 for acknowledgment of
 satisfaction, § **28:49**
 obligations of judgment cred-
 itor on satisfaction of judg-
 ment, § **28:43**
 penalties for failure to
 comply with demand for
 acknowledgment of satis-
 faction of judgment,
 § **28:48**

JUDGMENTS—Cont'd

Satisfaction of judgment—Cont'd
 full satisfaction, acknowledg-
 ment of—Cont'd
 right to demand acknowledg-
 ment of satisfaction of
 judgment, § **28:46**
 installments. See matured install-
 ments under installment judg-
 ment, acknowledgment of satis-
 faction
 matured installments under
 installment judgment,
 acknowledgment of satisfac-
 tion
 compelling compliance with
 demand for acknowledg-
 ment of satisfaction,
 § **28:58**
 contents of acknowledgment
 of satisfaction, § **28:57**
 definitions, § **28:53**
 demand for acknowledgment
 of satisfaction of matured
 installments, §§ **28:54,**
 28:55, 28:60
 execution of acknowledg-
 ment of satisfaction,
 § **28:57**
 penalties for failure to
 comply demand for
 acknowledgment, § **28:56**
 notice to compel acknowledg-
 ment of satisfaction, form,
 § **28:62**
 order of application of money
 received, § **28:42**
 partial satisfaction, acknowledg-
 ment of
 contents of acknowledgment
 of partial satisfaction,
 § **28:52**
 demand for acknowledgment
 of partial satisfaction,
 §§ **28:51, 28:59**

INDEX

JUDGMENTS—Cont'd

Satisfaction of judgment—Cont'd
 partial satisfaction, acknowledgment of—Cont'd
 execution of acknowledgment of partial satisfaction, § 28:52

Stipulated. **Judgment Pursuant to Stipulation** (this Index)

Submission of agreed case, judgment on submitted controversy, form, § 19:15

Vacate judgment. **Motion to Vacate Judgment and Enter Different Judgment** (this Index)

Void judgment. **Motion to Set Aside Void Judgment or Order** (this Index)

JUDICIAL ARBITRATION Alternative Dispute Resolution (this Index)

JUDICIAL NOTICE

Summary Judgment (this Index)

JURISDICTION

Generally, §§ 4:1-4:27, 4:54-4:66

Appeal (this Index)

Appeal from small claims court, § 46:17

Appeal in limited jurisdiction cases, § 45:1

Attorney fees, recovery in limited and unlimited cases, § 4:44

Challenges to personal jurisdiction. See Personal jurisdiction (this group)

Choice of law, § 4:4.50

Cross-complaints, proceedings where court lacks jurisdiction to determine matters raised in cross-complaint, § 9:125

Declaratory relief, §§ 17:30-17:32, 17:34

Demands for relief, jurisdictional effect, § 8:3

JURISDICTION—Cont'd

Forms

application to call for vote to unify municipal and superior courts, § 4:63

case questionnaire for limited civil cases (under \$35,000), § 4:65

declaration in support of motion to transfer action for lack of subject matter jurisdiction, § 4:55

declaration in support of notice of motion to dismiss for lack of jurisdiction, § 4:61

declaration of jurisdictional facts, limited civil actions, § 4:59

demurrer to complaint for lack of subject matter jurisdiction, § 4:62

interrogatories in limited civil cases, § 4:65.30

limited civil cases

 generally, § 4:66

 case questionnaire, § 4:65

 interrogatories, § 4:65.30

 statement of witnesses and evidence, request for, § 4:65.70

notice of motion to dismiss for lack of subject matter jurisdiction, § 4:60

notice of motion to transfer action for lack of jurisdiction, § 4:54

notice of transfer of action, § 4:58

notice of unanimous written consent to unify municipal and superior courts, § 4:64

order transferring action to court having jurisdiction of subject matter, § 4:56

request for statement of witnesses and evidence, limited

JURISDICTION—Cont’d

Forms—Cont’d

- civil cases (under \$35,000),
§ 4:66
- statement of witnesses and evidence, request for, limited civil cases, § 4:65.70
- stipulation and order to transfer action, § 4:57

Judgment pursuant to stipulation,
§ 20:23

Limited Jurisdiction Cases in the Trial Court (this index)

Personal jurisdiction

- act done in state
 - foreign corporations, bases of jurisdiction over, § 4:16
 - individuals, bases of jurisdiction over, § 4:8
- act outside state causing effect in state
 - foreign corporations, bases of jurisdiction over, § 4:17
 - individuals, bases of jurisdiction over, §§ 4:9-4:11
- bases of jurisdiction
 - foreign corporations and other legal entities, bases of jurisdiction over (this group)
 - individuals, bases of jurisdiction over (this group)

challenges to personal jurisdiction

- generally, §§ 10:1, 10:2
- burden of proof, § 4:25
- forms, § 4:27
- forum non conveniens, § 4:26
- geographical and jurisdictional challenges distinguished, §§ 10:1, 10:2
- grounds, § 10:3

JURISDICTION—Cont’d

Personal jurisdiction—Cont’d

- challenges to personal jurisdiction—Cont’d
 - motion to quash service of summons. **Service of Process** (this Index)
 - procedures, § 10:4
 - procedures for challenging personal jurisdiction, § 4:24
 - relief from defaults, jurisdictional grounds. **Relief From Defaults and Default Judgments** (this Index)
 - types of forum challenges available, § 10:2
- consent as basis for jurisdiction, § 4:21
- contract actions, act outside state causing effect in state as basis of jurisdiction over individual, § 4:10
- domicile as basis of jurisdiction over individuals, § 4:6
- due process, § 4:2
- family law, act outside state causing effect in state as basis of jurisdiction over individuals, § 4:11
- foreign corporations, bases of jurisdiction over
 - generally, § 4:13
 - act done in state, § 4:16
 - act outside state causing effect in state, § 4:17
 - agent for service of process, appointment of, § 4:14
 - doing business in state, § 4:15
 - parent corporation’s control over subsidiary, § 4:19
 - property, ownership, possession, or use of property in state, § 4:18

INDEX

JURISDICTION—Cont'd

Personal jurisdiction—Cont'd

foreign country judgments,
§ 30:132

general appearance as basis for
personal jurisdiction, § 4:22

general versus limited personal
jurisdiction, § 4:4

individuals, bases of jurisdiction
over

act done in state, § 4:8

act outside state causing
effect in state, §§ 4:9-4:11

business, doing business in
state, § 4:7

contracts, act outside state
causing effect in state,
§ 4:10

domicile, § 4:6

family law, act outside state
causing effect in state,
§ 4:11

presence in state, § 4:5

property in state, ownership,
possession, or use of,
§ 4:12

residence, § 4:6

torts, act outside state causing
effect in state, § 4:9

limited versus general personal
jurisdiction, § 4:4

“Long-arm” statute, § 4:1

minimum contacts, § 4:2

motion to quash service of sum-
mons. **Service of Process** (this
Index)

nature and elements

due process, § 4:2

general versus limited
personal jurisdiction, § 4:4

limited versus general
personal jurisdiction, § 4:4

“Long-arm” statute, § 4:1

minimum contacts, § 4:2

notice and opportunity for
hearing, § 4:3

JURISDICTION—Cont'd

Personal jurisdiction—Cont'd

notice and opportunity for hear-
ing, § 4:3

partnerships, jurisdiction over,
§ 4:20

property, ownership, possession,
or use of property in state
foreign corporations, bases of
jurisdiction over, § 4:18

individuals, bases of jurisdic-
tion over, § 4:12

quash, motion to quash service of
summons. **Service of Process**
(this Index)

residence as basis of jurisdiction
over individuals, § 4:6

special appearance distinguished
from general appearance,
§ 4:23

torts, act outside state causing
effect in state as basis of juris-
diction over individual, § 4:9

unincorporated associations,
jurisdiction over, § 4:20

Reclassification fees, § 4:43

Removal to federal court, after-re-
moval proceedings, jurisdiction
terminates, § 5:40

Subject matter jurisdiction

generally, §§ 4:28-4:66

amount in controversy
basic rule for determining
amount in controversy,
§ 4:35

cross-complaint on jurisdic-
tion, effect of, § 4:38

erroneous or exaggerated
claims, effect of, § 4:36

joinder of parties and claims,
effect of, § 4:37

challenging subject matter juris-
diction

how to challenge, § 4:52

when to challenge, § 4:51

JURISDICTION—Cont’d

Subject matter jurisdiction—Cont’d
 checklist, objecting to subject matter jurisdiction, § 4:53
 competency of court
 amount in controversy (this group)
 type of action or proceeding (this group)
 concurrent and exclusive jurisdiction
 concurrent state and federal jurisdiction, § 4:45
 exclusive jurisdiction. See concurrent and exclusive jurisdiction (this group)
 forms (this group)
 limitations on subject matter jurisdiction
 administrative remedies, failure to exhaust, § 4:48
 reviewing court, vesting of jurisdiction in, § 4:49
 sovereign immunity, § 4:46
 time, violation of jurisdictional time limit, § 4:47
 venue, order changing, § 4:50
 nature, § 4:28
 objecting to subject matter jurisdiction, checklist, § 4:53
 trial courts
 federal versus state court, § 4:34
 limited civil cases, process, § 4:32
 limited jurisdiction cases, § 4:31
 process for limited civil cases, § 4:32
 small claims courts, § 4:33
 superior court, § 4:30
 type of action or proceeding
 equitable relief, § 4:40
 limited civil cases, § 4:32.50
 particular actions, § 4:39

JURISDICTION—Cont’d

Subject matter jurisdiction—Cont’d
 type of action or proceeding—Cont’d
 reclassification of cases, § 4:42
 Superior courts, appeal from. **Appeal From Superior Courts** (this Index)
Supreme Court of United States (this Index)
 Voluntary dismissal, retention of jurisdiction after, § 22:5.50

JURY AND JURY TRIAL
 Declaratory relief, right to jury trial, § 17:43
 Demand for jury trial. **Trial Setting** (this Index)
 Expedited jury trial
 generally, §§ 34:32-34:35
 fast track requirements, § 12:39
 mandatory, §§ 34:32, 34:33, 34:38-34:40
 opposition to request to opt out, § 34:39
 opt out circumstances, §§ 34:34, 34:38, 34:39
 petition agreement of parties, § 34:40
 petition to opt out, §§ 34:38, 34:39
 process, § 34:34

LACHES

Answers, affirmative defense, form, § 9:116
 Declaratory relief, § 17:26
 Demurrer, form, § 9:32

LACK OF MERIT

Dismissals, § 15:53

LAW AND MOTION RULES

Format of Court Papers (this Index)

INDEX

LEGAL PAPERS

Service of Process and Other Papers (this Index)

LIENS

Judgment liens. **Enforcement of Judgments** (this Index)

LIMITATIONS

Discovery (this Index)

Fast track, time limits, § 12:45

Statute of Limitations (this Index)

LIMITED JURISDICTION CASES IN THE TRIAL COURT

Generally, §§ 34:1-34:37

Amount in controversy, § 34:1

Arbitration, § 34:23

Authority, § 34:1

Classification, § 34:2

Reclassification (this group)

Costs, § 34:37

Discovery, § 34:24

additional discovery, § 34:26

motion, § 34:26

interrogatories, § 34:25

Disposition time goals, § 34:17

Evidence, statement, §§ 34:28, 34:29

Fees, § 34:37

Filing, § 34:3

Forms

interrogatories, § 34:25

pleading

cover sheet, civil cases,
§ 34:7

personal injury, property
damage and wrongful
death, §§ 34:5, 34:6

questionnaire, limited civil cases,
§ 34:22

related cases, notice, § 34:20

statement, witnesses and evi-
dence, § 34:29

Interrogatories, forms, § 34:25

LIMITED JURISDICTION CASES IN THE TRIAL COURT—Cont'd

Judgments

effect, § 34:35

payment, § 34:36

Management, §§ 34:17-34:23

Motions, additional discovery,
§ 34:26

Notice, related cases, § 34:20

Payment, judgments, § 34:36

Pleading

content, § 34:4

cover sheet, civil cases, § 34:7

personal injury, property damage
and wrongful death, §§ 34:5,
34:6

Questionnaire, § 34:21

Reclassification, § 34:8

amending pleading or cross-com-
plaint, § 34:9

court order, §§ 34:11, 34:16

motion, §§ 34:13, 34:14

opposition, § 34:15

stipulation, §§ 34:10, 34:12

Related cases, § 34:19

notice, § 34:20

Statement, witnesses and evidence,
§§ 34:28, 34:29

Stipulations, reclassification,
§§ 34:10, 34:12

Time, disposition time goals, § 34:17

Witnesses

alternative to direct testimony,
§ 34:31

not identified, § 34:30

statement, §§ 34:28, 34:29

LIMITED SCOPE REPRESENTATION

Motion practice, §§ 14:20, 14:100

LIS PENDENS

Generally, §§ 1:147-1:168

Applicability, § 1:148

LIS PENDENS—Cont’d

Expungement of notice
 appeal, § 1:158
 attorney fees, § 1:159
 effect of expungement, § 1:160
 form of request for expungement,
 § 1:157
 notice of motion to expunge,
 form, § 1:166
 order of expungement, § 1:158
 procedural checklist, § 1:164
 required, when, § 1:156

Forms

 notice by plaintiff of pendency of
 action, § 1:165
 notice of motion to expunge,
 § 1:166
 notice of motion to require
 undertaking, § 1:167
 notice of withdrawal of notice of
 pendency of action, § 1:168

Mandatory recording or filing

 statutes requiring, § 1:155
 uninhabitability, action to declare
 building uninhabitable,
 § 1:154

Nature and purpose, § 1:147

Permissive recording

 generally, § 1:149
 form and content, § 1:152
 notice by plaintiff of pendency of
 action, form, § 1:165
 procedural checklist, § 1:163
 recording, §§ 1:150, 1:163
 service, § 1:151
 statutes authorizing, § 1:153

**Procedural checklists, §§ 1:163,
 1:164**

**Undertaking, notice of motion to
 require undertaking, form, § 1:167**

Withdrawal of notice

 effect of withdrawal, § 1:162
 notice of withdrawal, §§ 1:161,
 1:168

LOCAL ACTIONS

Venue (this Index)

“LONG-ARM” STATUTE

 Personal jurisdiction, § 4:1

MANDAMUS

Extraordinary Writs (this Index)

MEDIATION

Alternative Dispute Resolution
 (this Index)

MEDICAL EXAMINATIONS

Physical /Mental Examinations
 (this index)

MEDICAL SERVICES

ARBITRATIONS

 Alternative dispute resolution,
 § 26:78

MENTAL EXAMINATIONS

Physical /Mental Examinations
 (this index)

**MILITARY STATUS OF
 DEFENDANT**

Default and Default Judgments
 (this Index)

MINIMUM CONTACTS

 Personal jurisdiction, § 4:2

MINORS

 Contract actions, affirmative defense
 that defendant was minor when
 contract executed, forms, § 9:101

Guardians Ad Litem (this Index)

 Parties, capacity and designation,
 § 3:8

 Service of process, § 6:26

 Settlement of minor’s claim. **Settle-
 ment** (this Index)

MISTAKE

 Equitable relief from judgments,
 extrinsic mistake, § 29:85

**Relief From Judgment on Grounds
 of Mistake, Inadvertence,**

INDEX

MISTAKE—Cont'd

Surprise, or Excusable Neglect
(this Index)

Removal to federal court, notice of
removal, § **5:36**

MOOTNESS

Appeal From Superior Courts (this
Index)

Declaratory relief, § **17:28**

Extraordinary Writs (this Index)

Superior court, appeal from. **Appeal
From Superior Courts** (this
Index)

MOTION FOR JUDGMENT NOTWITHSTANDING VERDICT

Generally, §§ **29:31-29:46**

Authority for motion, § **29:31**

Court, motion by, §§ **29:34, 29:43**

Declaration in support of motion by
party for judgment notwithstanding
verdict, form, § **29:45**

Forms

declaration in support of motion
by party for judgment
notwithstanding verdict,
§ **29:45**

motion by party for judgment
notwithstanding verdict,
§ **29:44**

notice by court that court may
render judgment notwithstand-
ing verdict on court's own
motion, § **29:43**

order after hearing on motion for
judgment notwithstanding
verdict, § **29:46**

Order after hearing on motion for
judgment notwithstanding verdict,
form, § **29:46**

Partial, judgment notwithstanding
verdict on some issues, § **29:33**

Party, motion by, §§ **29:35, 29:44**

Power of court to grant motion,
§ **29:32**

MOTION FOR JUDGMENT NOTWITHSTANDING VERDICT—Cont'd

Procedural checklists

moving party, procedural matters
to consider when moving for
judgment notwithstanding
verdict, § **29:41**

opposing party, procedural mat-
ters to consider when opposing
for judgment notwithstanding
verdict, § **29:42**

Procedure

checklists. See **Procedural
Checklists** (this group)

court, motion by, §§ **29:34,
29:43**

forms (this group)

party, motion by, §§ **29:35,
29:44**

when court may rule, § **29:36**

Review of order

order denying judgment
notwithstanding verdict,
§ **29:37**

order granting judgment
notwithstanding verdict,
§ **29:38**

order granting partial judgment
notwithstanding verdict,
§ **29:39**

scope of review, § **29:40**

MOTION FOR JUDGMENT ON PLEADINGS

Judgment on Pleadings (this Index)

MOTION FOR NEW TRIAL

Generally, §§ **29:1-29:30**

Application for new trial

generally, § **29:13**

affidavits, application on, § **29:15**

declaration in support of motion
for new trial, form, § **29:30**

local rules, § **29:13**

MOTION FOR NEW TRIAL

—Cont’d

Application for new trial—Cont’d
minutes of court, application on, § 29:15
notice of intention to move for new trial, form, § 29:29
points and authorities, § 29:16
time limits, § 29:14
Bill of exceptions, grounds of loss of bill of exceptions, § 29:12
Damages, excessive or inadequate damages as grounds, § 29:7
Declaration in support of motion for new trial, form, § 29:30
Definition, § 29:1
Error in law as grounds, § 29:10
Forms
declaration in support of motion for new trial, § 29:30
notice of intention to move for new trial, § 29:29
Grounds
accident, § 29:5
bill of exceptions, loss of, § 29:12
damages, excessive or inadequate, § 29:7
error in law, § 29:10
insufficiency of evidence, § 29:8
irregularity in proceedings, § 29:3
jury misconduct, § 29:4
law
error in law, § 29:10
verdict against law, § 29:9
newly discovered evidence, § 29:6
statement of case, loss of, § 29:12
surprise, § 29:5
transcription, impossibility of, § 29:11
verdict against law, § 29:9

MOTION FOR NEW TRIAL

—Cont’d

Hearing on motion
argument or submission of motion, time and notice of, § 29:21
court trials, powers of court, § 29:22
determination of motion under CCP § 660, what constitutes, § 29:19
judge to hear motion, § 29:21
notice of argument or submission of motion, § 29:21
order determining motion
grounds, specification of, § 29:23
reasons, specification of, § 29:24
precedence, § 29:17
reference to record, § 29:20
review of order
appealability, § 29:25
denying motion on ground of jury misconduct, order, § 29:27
standard of review, § 29:25
time limitation, § 29:18
time of argument or submission of motion, § 29:21
Insufficiency of evidence as grounds, § 29:8
Irregularity in proceedings as grounds, § 29:3
Jury misconduct as grounds, § 29:4
Law. See Grounds (this group)
Less than all issues, new trial on, § 29:2
Newly discovered evidence as grounds, § 29:6
Notice of intention to move for new trial, form, § 29:29
Procedural checklist, § 29:28
Statement of case, loss of statement of case as grounds, § 29:12
Surprise as grounds, § 29:5

INDEX

MOTION FOR NEW TRIAL —Cont'd

Transcription, impossibility of
transcription as grounds, § 29:11
Verdict against law as grounds,
§ 29:9

MOTION PRACTICE

Generally, §§ 14:1-14:119
Compelling discovery, § 14:2
Court reporter, request for, with fee
waiver, § 14:103
Court reporters, § 14:73
Declaratory Relief (this Index)
Definitions of identifying
characteristics, § 14:5
Determination. See Hearing and
determination (this group)
Discovery
 compelling, § 14:2
 local rules, § 13:2.70
Evidence, § 14:73
Ex Parte Motions and Applications
(this Index)
Extending time. **Shortening and
Extending Time** (this Index)
Facsimile Transmission (this Index)
Fee waiver with request for court
reporter, § 14:103
Filing
 generally, § 14:9
 Facsimile Transmission (this
 Index)
Forms
 hearing and determination
 confidential information,
 § 14:101
 confidential information
 form, § 14:99
 declaration in support of
 motion renewing prior
 motion, § 14:95
 declaration in support of
 motion to reconsider,
 § 14:97

MOTION PRACTICE—Cont'd

Forms—Cont'd
 hearing and determination
 —Cont'd
 ex parte application to revoke
 prior order for failure to
 adhere to statutory require-
 ments and order, § 14:98
 limited scope representation,
 application to be relieved
 as attorney, § 14:102
 limited scope representation,
 notice of, § 14:100
 notice of court's order grant-
 ing or denying motion,
 § 14:93
 notice of motion and motion
 renewing prior motion,
 § 14:94
 notice of motion and motion
 to reconsider, § 14:96
 order after hearing, § 14:88
 order compelling plaintiff in
 quiet title action to procure
 title report, § 14:92
 order in accordance with
 uncontested tentative rul-
 ing, § 14:89
 order on application by out of
 state attorney to appear as
 counsel pro hac vice in
 pending litigation, § 14:91
 order relieving attorney as
 counsel for party in pend-
 ing litigation, § 14:90
 request for court to take
 judicial notice, § 14:86
 request to present oral evi-
 dence in support of
 motion, § 14:87
 noticed motions
 application by out of state
 attorney to appear as
 counsel pro hac vice in
 pending litigation, § 14:21

MOTION PRACTICE—Cont'd

Forms—Cont'd

noticed motions—Cont'd

application for permission to
file memorandum of points
and authorities exceeding
page limit, § **14:24**

declaration, Judicial Council
Form, § **14:15**

declaration in support of
application for permission
to file memorandum of
points and authorities
exceeding page limit,
§ **14:25**

declaration in support of
motion, § **14:14**

declaration in support of
motion by attorney to be
relieved as counsel for
party in pending litigation,
§ **14:18**

declaration in support of
motion for order compel-
ling plaintiff in quiet title
action to procure title
report, § **14:23**

limited scope representation,
§ **14:20**

memorandum of points and
authorities in support of
motion, § **14:16**

notice of application by out
of state attorney to appear
as counsel pro hac vice in
pending litigation, § **14:19**

notice of motion and motion
by attorney to be relieved
as counsel for party in
pending litigation, § **14:17**

notice of motion and motion
for order compelling
plaintiff in quiet title action
to procure title report,
§ **14:22**

MOTION PRACTICE—Cont'd

Forms—Cont'd

noticed motions—Cont'd

notice of motion with sup-
porting papers, § **14:13**
notice of ruling on motion,
§ **14:29**

proposed order drafted by
attorney, § **14:28**

telephone appearance
caption notice in notice of
motion, § **14:26**
separate notice of intent
to appear by telephone,
§ **14:27**

opposition to motions

declaration in opposition to
motion, § **14:52**

memorandum of points and
authorities in opposition to
motion, § **14:53**

proofs of service

certificate of service by
attorney, § **14:32**

express mail, § **14:33**

mail-business practice to
entrust deposit to others,
§ **14:31**

mail-direct deposit in mail,
§ **14:30**

seal, motion to place documents
under, §§ **14:104-14:106**

Hearing and determination

generally, §§ **14:70-14:106**

court reporter, § **14:71**

date, hearing, § **14:71**

evidence, § **14:72**

failure to appear or seek continu-
ance, § **14:71**

forms (this group)

interpreters (this group)

limited scope representation,
§§ **14:80, 14:102**

notice, § **14:83**

orders, § **14:82**

procedural checklist, § **14:85**

INDEX

MOTION PRACTICE—Cont'd

Hearing and determination—Cont'd
 reconsideration or renewal of
 motion, § 14:84
 resolving dispute without hear-
 ing, § 14:70
 tentative rulings, § 14:81

Interpreters

 generally, § 14:75
 appointment of interpreters,
 § 14:76
 complaints about language
 access, § 14:79
 language access representative,
 § 14:78
 requirements, § 14:76

Limited scope representation,
 § 14:20

Motions In Limine (this Index)

Noticed motions

 generally, §§ 14:1-14:33
 affidavits and declarations,
 § 14:8
 forms (this group)
 memorandum of points and
 authorities, § 14:7
 motion papers, § 14:3
 notice of motion, § 14:6
 procedural checklist, § 14:12
 requirements, legal and
 procedural requirements, gen-
 erally, § 14:1
 service and filing, § 14:9
 tentative ruling, § 14:11
 time of notice or hearing, § 14:10

Online identifiers, § 14:5

Opposition to motions

 generally, §§ 14:49-14:53
 factors to consider, § 14:49
 forms (this group)
 procedural checklists, § 14:51
 requirements, § 14:50

Orders. See Hearing and determina-
 tion (this group)

Orders To Show Cause (this Index)

MOTION PRACTICE—Cont'd

Privacy in motion papers, § 14:4

Protected persons, § 14:5

Seal, motion to place documents
 under, § 14:104

Shortening and Extending Time (this Index)

Time. **Shortening and Extending
Time** (this Index)

MOTIONS IN LIMINE

Generally, §§ 24:1-24:20

Abuses, exclusion used as sanction
 to cure abuses, § 24:8

Authority for motion, § 24:2

Contents, items to include in motion,
 § 24:11

Definition and authority

 authority for motion, § 24:2
 nature and purpose of motion,
 § 24:1

Determinations outside province of
 jury, exclusion of, § 24:6

Effect of motion in limine

 order in limine, nature of court's,
 § 24:15
 violating order in limine, conse-
 quences of, § 24:16

Excessive prejudice, exclusion based
 on, § 24:4

Expert witness information

 motion in limine to exclude
 expert opinion and supporting
 declaration, form, § 13:290
 order granting motion in limine
 to exclude expert opinion,
 form, § 13:291

Forms

 motion in limine to exclude
 opinion testimony of police
 officer in personal injury
 action arising from automobile
 accident, § 24:19
 order on motion in limine to
 exclude opinion testimony of
 police officer in personal

MOTIONS IN LIMINE—Cont'd

Forms—Cont'd

injury action arising from
automobile accident, § 24:20

Hearing of motion in limine, § 24:14

Insufficient probative value, exclu-
sion based on, § 24:4

Lack of foundation, exclusion for,
§ 24:7

Motion to dismiss, motion in limine
may be used to undermine claim
and support motion to dismiss,
§ 24:9

Nature and purpose of motion,
§ 24:1

Notice requirements, § 24:13

Objectionable evidence, exclusion
of, § 24:3

Order in limine

consequences of violating order,
§ 24:16

nature of court's order in limine,
§ 24:15

review of order, requirements for
preservation of issue on
appeal, § 24:17

Policy grounds, exclusion based on,
§ 24:5

Procedural checklist, § 24:18

Procedure

checklist, § 24:18

contents, items to include in
motion, § 24:11

hearing of motion in limine,
§ 24:14

notice requirements, § 24:13

time for filing and making
motion, § 24:12

written motion, necessity for
making, § 24:10

Review of order in limine, require-
ments for preservation of issue on
appeal, § 24:17

Sanctions, exclusion used as sanction
to cure abuses, § 24:8

MOTIONS IN LIMINE—Cont'd

Scope and uses of motion in limine

abuses, exclusion used as sanc-
tion to cure abuses, § 24:8

determinations outside province
of jury, exclusion of, § 24:6

excessive prejudice, exclusion
based on, § 24:4

insufficient probative value,
exclusion based on, § 24:4

lack of foundation, exclusion for,
§ 24:7

motion to dismiss, motion in lim-
ine may be used to undermine
claim and support motion to
dismiss, § 24:9

objectionable evidence, exclu-
sion of, § 24:3

policy grounds, exclusion based
on, § 24:5

sanctions, exclusion used as
sanction to cure abuses, § 24:8

Time for filing and making motion,
§ 24:12

Undermine claim, motion in limine
may be used to undermine claim
and support motion to dismiss,
§ 24:9

Violating order in limine, conse-
quences of, § 24:16

Written motion, necessity for mak-
ing, § 24:10

**MOTION TO CORRECT
CLERICAL ERROR IN
JUDGMENT**

Small claims courts, § 46:13
forms, § 46:15

**MOTION TO SET ASIDE VOID
JUDGMENT OR ORDER**

Generally, §§ 29:77-29:81

Appealability of order, § 29:77

Declaration in support of motion to
set aside void judgment, form,
§ 29:81

INDEX

MOTION TO SET ASIDE VOID JUDGMENT OR ORDER —Cont'd

Examples of void judgments,
§ 29:78

Forms

declaration in support of motion
to set aside void judgment,
§ 29:80

notice of motion to set aside void
judgment, § 29:79

order on motion to set aside void
judgment, § 29:81

Notice of motion to set aside void
judgment, form, § 29:79

Order on motion to set aside void
judgment, form, § 29:81

MOTION TO STRIKE

Generally, §§ 10:105-10:130

AntiSLAPP claims, exemption of,
§ 10:110.25

Anti-SLAPP complaint, § 10:110

Demurrer distinguished, § 10:106

Effect of making motion to strike,
§ 10:109

Forms

declaration in opposition to
motion to strike, § 10:127

memorandum of points and
authorities in opposition to
motion to strike, § 10:126

notice of motion, motion, and
supporting declaration to strike
strategic lawsuit against public
participation (SLAPP suit),
§ 10:129

notice of motion to strike allega-
tions and prayer for relief not
supported by complaint,
§ 10:123

notice of motion to strike answer,
§ 10:124

notice of motion to strike entire
complaint, § 10:121

MOTION TO STRIKE—Cont'd

Forms—Cont'd

notice of motion to strike speci-
fied matters in pleading,
§ 10:125

notice of motion to strike whole
causes of action in complaint,
§ 10:122

order on motion to strike,
§ 10:128

order striking strategic lawsuit
against public participation
(SLAPP suit), § 10:130

Grounds for motion to strike,
§ 10:108

Meet and confer requirements,
§ 10:112.50

Nature and purpose of motion to
strike, § 10:105

Pleadings subject to motion to strike,
§ 10:107

Procedural checklists, §§ 10:119,
10:120

Procedure

checklists, §§ 10:119, 10:120

forms (this group)

marital dissolution proceedings,
§ 10:117

notice of motion, §§ 10:112,
10:121-10:125

post-order proceedings, § 10:115

review of order, § 10:116

ruling on motion to strike,
§ 10:114

supporting papers, § 10:113

time for motion, § 10:111

SLAPPback actions, § 10:110.50

Special motion to strike complaint
alleging cause of action based on
defendant's exercise of right of
petition or free speech (anti-
SLAPP suit statute), §§ 10:129,
10:130

MOTION TO VACATE

**JUDGMENT AND ENTER
DIFFERENT JUDGMENT**

Generally, §§ 29:47-29:51

Appeal from small claims court
defendant, § 46:12
plaintiff, § 46:11

Appeal of decision on motion,
§ 29:49

Form, notice of intention to move to
vacate judgment, § 29:51

Grounds, § 29:47

Non-party, motion and appeal by
non-party aggrieved by judgments,
§ 29:50

Notice of intention to move to vacate
judgment, §§ 29:48, 29:51

Sister-state judgment entered in Cali-
fornia, § 30:107

Small Claims Courts (this Index)

**MUNICIPAL AND JUSTICE
COURTS**

Format of Court Papers (this
Index)

NAME CHANGES

Address confidentiality program,
proceedings, application to file
documents under seal in, Form
NC-410, § 1:200

NEGLECT

**Relief From Judgment on Grounds
of Mistake, Inadvertence,
Surprise, or Excusable Neglect**
(this Index)

NEW TRIALS

Motions for New Trial (this Index)

NOTICE

Appeal from Small Claims Court
(this Index)

Construction Work (this index)

Elder abuse, appeal of order denying
petition to compel arbitration,
§ 35:32

NOTICE—Cont'd

Electronic service address, notice of
change, form, § 2:73

Enforcement of Judgments (this
Index)

Evaluation conferences, §§ 10:234,
10:237

Ex parte motions and applications,
§ 14:36

Fast track, §§ 12:34, 12:35

Judgments, notice of entry of judg-
ment or order, form, § 28:34.50

Rejection, effect of, format of court
papers, § 2:54

Sister-state monetary judgment,
notice of, §§ 30:106, 30:112

Tribal court judgment, notice to
respondent, §§ 30:205, 30:226

NUISANCE

Records inspection, usurpation of
office, § 36:41

OFFERS TO COMPROMISE

Judgment pursuant to stipulation,
offer to compromise distinguished,
§ 20:8

ONE FINAL JUDGMENT RULE

Appeal From Superior Courts (this
Index)

ONLINE IDENTIFIERS

Motion practice, § 14:5

OPTIONS

Fast track, § 12:47

ORAL ARGUMENT

**Appeal from Limited Jurisdiction
Cases** (this Index)

ORDERS

Claims of exemption, order
determining, § 30:67

Judgments, notice of entry of judg-
ment or order, form, § 28:34.50

INDEX

ORDERS TO SHOW CAUSE

Nature and purpose, § 14:43

Procedural checklist, § 14:44

PARTIES

Generally, §§ 3:1-3:117

Appeal (this Index)

Capacity and designation

fictitiously named defendants

allegations in complaint,

§§ 3:18, 3:32

amendment procedure, § 3:19

authority for use of fictitious

names, § 3:14

default, requisites for entry of

default or default judgment,

§ 3:16

ignorance, requirement of

plaintiff's ignorance of

defendant's name, § 3:17

situations, common, § 3:15

forms (this group)

named parties

generally, § 3:7

corporations, §§ 3:9-3:11,

3:23

fictitious name, party trans-

acting business under,

§§ 3:13, 3:20

incompetents, § 3:8

individuals, § 3:8

married persons, § 3:8

minors, § 3:8

partnerships, §§ 3:12, 3:21,

3:22

Class actions

generally, §§ 3:49-3:55

certification as class action, pro-

cedure, § 3:53

forms (this group)

nature of class actions, § 3:49

practical considerations, § 3:50

procedure

generally, § 3:52

certification as class action,

§ 3:53

PARTIES—Cont'd

Class actions—Cont'd

procedure—Cont'd

forms (this group)

requirements for maintenance of

class action, § 3:51

Death or disability of party. See

Substitution of parties (this group)

Declaratory Relief (this Index)

Fictitiously named defendants. See

Capacity and designation (this

group)

Forms

capacity and designation

business license, § 3:29

business under fictitious

name, allegation that

plaintiff is doing, § 3:20

conservator, § 3:25

contractor, § 3:29

corporation, allegation that

plaintiff is, § 3:23

fictitious names, defendants

sued by, § 3:32

guardian, § 3:26

partnership

allegation that defendants

are partnership and

partners, § 3:22

allegation that plaintiff is,

§ 3:21

professional license, § 3:29

proper plaintiff as defendant,

§ 3:27

real parties in interest, other

allegations, § 3:28

representative capacity,

sample standing allegation,

§ 3:24

residency allegations, § 3:30

true name, amendment to

complaint to substitute

defendant's true name,

§ 3:33

venue allegations, § 3:31

PARTIES—Cont'd

Forms—Cont'd

class actions

complaint, general form of
complaint in class action,
§ 3:54

notice of motion for determi-
nation of class issues,
§ 3:55

interpleader

answer to complaint in
interpleader, § 3:93

answer to complaint or cross-
complaint, §§ 3:80, 3:93

application and order for pay-
ment of funds deposited by
interpleading party,
§ 3:102

application and order requir-
ing deposit in insured
interest-bearing account,
§ 3:95

complaint, interpleader by,
§§ 3:79, 3:90-3:92

cross-complaint, interpleader
by, §§ 3:79, 3:94

cross-complaint in
interpleader, § 3:94

declaration in support of
motion for discharge and
substitution or dismissal,
§ 3:88

final judgment, § 3:101

interlocutory order, discharge
of plaintiff or cross-com-
plaint, §§ 3:82, 3:100

notice of motion and motion
for discharge and substitu-
tion or dismissal, § 3:87

notice of motion and support-
ing declaration for inter-
locutory order of discharge
and award of costs and
attorney fees, § 3:99

PARTIES—Cont'd

Forms—Cont'd

interpleader—Cont'd

notice of motion and support-
ing declaration for order
restraining other proceed-
ings, § 3:96

order discharging defendant
and substituting claimant
or dismissing defendant,
§ 3:89

order restraining other
proceedings, § 3:97

procedure

answer to complaint or
cross-complaint,
§§ 3:80, 3:93

complaint, interpleader
by, §§ 3:79, 3:90-3:93

cross-complaint,
interpleader by,
§§ 3:79, 3:94

interlocutory order, dis-
charge of plaintiff or
cross-complaint,
§§ 3:82, 3:100

stipulation for interlocutory
order of discharge and
award of costs and attorney
fees and order, § 3:98

intervention

complaint in intervention,
§ 3:73

declaration for order to show
cause why intervention
should be denied, § 3:71

ex parte application for leave
to intervene, § 3:68

notice of motion and support-
ing declaration for leave to
intervene, § 3:69

order granting leave to
intervene, § 3:70

order to show cause why
intervention should be
denied, § 3:72

INDEX

PARTIES—Cont'd

Forms—Cont'd

joinder

- notice of motion and motion to compel joinder, § **3:39**
 - notice of motion and supporting declaration for leave to amend complaint to permit joinder by plaintiff of new plaintiff, § **3:46**
 - notice of motion and supporting declaration for leave to amend complaint to permit joinder of new defendant, § **3:47**
 - notice of motion and supporting declaration for order compelling joinder of person with property interest, § **3:44**
 - order bringing in new party, §§ **3:41, 3:45**
 - order dismissing action without prejudice, § **3:42**
 - order granting motion for leave to amend complaint to join new party, § **3:48**
 - order requiring action to proceed without absentee, § **3:43**
 - unwilling plaintiff, allegation in complaint respecting joinder of, § **3:40**
- ##### **substitution of parties**
- generally, §§ **3:103-3:117**
 - declaration of decedent's successor in interest, § **3:110**
 - ex parte application for substitution of party, § **3:108**
 - notice of motion and supporting declaration for order continuing pending action by decedent's personal representative, § **3:109**

PARTIES—Cont'd

Forms—Cont'd

substitution of parties—Cont'd

- notice of motion and supporting declaration for order substituting conservator for conservatee, § **3:114**
- notice of motion and supporting declaration for order substituting personal representative for deceased defendant, § **3:112**
- notice of motion and supporting declaration for order substituting transferee, § **3:116**
- order substituting representative for disabled party, § **3:115**
- order substituting transferee, §§ **3:116, 3:117**
- order to continue pending action against decedent's personal representative, § **3:113**
- order to continue pending action by decedent's representative, § **3:111**

Interpleader

- generally, §§ **3:74-3:86**
- attorney fees, § **3:84**
- costs, § **3:84**
- defendant's application for substitution and discharge or dismissal, § **3:78**
- deposit in court, § **3:81**
- forms (this group)
- illustrative situations, § **3:76**
- nature and purpose of interpleader, § **3:74**
- opposition to interpleader, § **3:80**
- procedural checklists
 - matters to be considered by person or entity against whom multiple claims are or may be made, § **3:85**

PARTIES—Cont'd

Interpleader—Cont'd

- procedural checklists—Cont'd
 - matters to be considered by plaintiff in pending action and other claimants, § 3:86
- procedure
 - generally, § 3:77
 - attorney fees, § 3:84
 - checklists, §§ 3:85, 3:86
 - costs, § 3:84
 - defendant's application for substitution and discharge or dismissal, § 3:78
 - deposit in court, § 3:81
 - opposition to interpleader, § 3:80
 - trial, § 3:83
- propriety, when interpleader is proper, § 3:75
- trial, § 3:83

Intervention

- application, § 3:60
- discretionary intervention vs. mandatory intervention, § 3:57
- dismissal after intervention, § 3:65
- effect of intervention, § 3:64
- forms (this group)
- mandatory intervention, § 3:58
- mandatory intervention vs. discretionary intervention, § 3:57
- nature, § 3:56
- opposition to application, § 3:61
- procedural checklists
 - existing parties, matters to be considered by, § 3:67
 - intervenor, matters to be considered by, § 3:66
- procedure
 - application, § 3:60
 - checklists, §§ 3:66, 3:67
 - dismissal after intervention, § 3:65

PARTIES—Cont'd

Intervention—Cont'd

- procedure—Cont'd
 - effect of intervention, § 3:64
 - forms (this group)
 - opposition to application, § 3:61
 - review of order granting or denying leave to intervene, § 3:62
 - service of and response to complaint, § 3:63
 - timeliness of application for leave to intervene, § 3:59
- relationship to joinder and similar procedures, § 3:56
- review of order granting or denying leave to intervene, § 3:62
- service of and response to complaint, § 3:63
- timeliness of application for leave to intervene, § 3:59

Joinder

- defendants, permissive joinder, § 3:38
- failure to join required party, § 3:36
- forms (this group)
- nature, § 3:34
- not required, person who joinder is, § 3:35
- permissive joinder, §§ 3:37, 3:38
- plaintiffs, permissive joinder, § 3:37

Judgment Pursuant To Stipulation
(this Index)

Named parties. See Capacity and designation (this group)

Standing to sue

- administrators, § 3:3
- agents' contracts, § 3:5
- assignees, § 3:2
- declaratory relief, § 17:19
- executors, § 3:3
- real party in interest, requirement that suit be brought by, § 3:1

INDEX

PARTIES—Cont'd

- Standing to sue—Cont'd
 - statutes, persons authorized by statute, § 3:6
 - subrogees, § 3:2
 - third-party beneficiary contracts, § 3:5
 - trustee of express trust, § 3:4
- Substitution of parties
 - death or disability of party
 - insurance, action on liability covered by insurance, § 3:105
 - procedure, § 3:104
 - substitution required, § 3:103
 - forms (this group)
 - transfer of interest
 - option, transferee's, § 3:106
 - procedure, § 3:107
- Transfer of interest. See Substitution of parties (this group)

PARTITION ACTIONS

- Appeal, stay of enforcement of partition judgments by appeal alone, § 36:10

PARTNERSHIPS

- Jurisdiction, personal jurisdiction over partnerships, § 4:20

PERETUATION OF TESTIMONY

- Preservation of Evidence** (this index)

PERSONAL APPEARANCE

- Service of process and other papers, civil subpoena, form, § 6:101

PERSONAL INJURY ACTIONS

- Answers, form, § 9:70
- Cross-complaints, form, § 9:145
- Demands for relief, form, § 8:70
- Guardians ad litem
 - order approving compromise of claim of minor or incompetent plaintiff, form, § 1:124

PERSONAL INJURY ACTIONS—Cont'd

- Guardians ad litem—Cont'd
 - petition for approval of compromise of claim of minor or incompetent plaintiff-personal injury or wrongful death, form, § 1:123

PERSONAL JURISDICTION

- Jurisdiction** (this Index)

PERSONAL PROPERTY

- Appeal, stay of enforcement of judgments and orders for assignment or delivery of personal property.
 - Stay of Enforcement** (this Index)
 - Claim and Delivery of Personal Property** (this Index)
 - Enforcement of Judgments** (this Index)
- Judgment for recovery of personal property, §§ 28:10, 28:17

PHYSICAL /MENTAL EXAMINATIONS

- Generally, §§ 13:242-13:269
- Agreements, examinations pursuant to, § 13:245
- Demand for physical examination
 - compelling compliance, §§ 13:248, 13:249
 - compelling response and compliance, § 13:248
 - contents, § 13:246
 - forms (this group)
 - prerequisites, § 13:246
 - response to demand, § 13:247
 - service, § 13:246
- Forms
 - declaration in opposition to motion for order requiring physical or mental examination, § 13:260
 - declaration in support of motion for order authorizing examining physician to take

**PHYSICAL /MENTAL
EXAMINATIONS—Cont'd**

Forms—Cont'd

- additional x rays at physical examination, § 13:262
- declaration opposing motion to compel compliance with demand for physical examination, § 13:265
- defendant's demand for physical examination of personal injury plaintiff, § 13:256
- demand for report of physical examination, § 13:267
- memorandum of points and authorities in opposition to motion for order requiring physical or mental examination, § 13:259
- notice of motion and supporting declaration for order compelling delivery of examination reports, § 13:268
- notice of motion and supporting declaration to compel compliance with demand for physical examination, § 13:264
- notice of motion for order authorizing examining physician to take additional x rays at physical examination, § 13:261
- notice of motion for order requiring physical or mental examination, § 13:258
- order authorizing examining physician to take additional x rays at physical examination, § 13:263
- order compelling compliance with demand for physical examination, § 13:266
- order compelling delivery of examination reports, § 13:269
- personal injury plaintiff's response to demand for physi-

**PHYSICAL /MENTAL
EXAMINATIONS—Cont'd**

Forms—Cont'd

- cal examination, § 13:257
 - stipulation for examination, § 13:255
 - Mental examinations, generally, § 13:245.70
 - Motion for medical examinations
 - contents, § 13:250
 - court orders, § 13:251
 - forms (this group)
 - prerequisites, § 13:250
 - service, § 13:250
 - Participants, § 13:243
 - Physical examinations, generally, § 13:245.30
 - Procedural checklist, § 13:254
 - Purpose and function, § 13:242
 - Reports
 - compelling compliance, § 13:253
 - demand and exchange of examination reports, § 13:252
 - forms (this group)
 - Sexual abuse of minor, physical or mental examination, § 13:245.80
 - Time limits on demand, § 13:244
- PLAINTIFF'S PLEADINGS**
- Amended complaint or amendment when demurrer sustained with leave to amend, § 7:39
 - Amending complaints. **Complaints** (this Index)
 - Answer and demurrer to cross-complaints, § 7:37
 - Complaints** (this Index)
 - Demurrers
 - answer, demurrers to, § 7:36
 - answer and demurrer to cross-complaints, § 7:37
 - opposing defendant's demurrer to plaintiff's complaint, § 7:38
 - Opposing defendant's demurrer to plaintiff's complaint, § 7:38

INDEX

PLAINTIFF'S PLEADINGS

—Cont'd

Responsive pleadings

amended complaint or amendment when demurrer sustained with leave to amend, § 7:39

answer and demurrer to cross-complaints, § 7:37

Demurrers (this group)

Forms

answer to cross-complaint, § 7:70

declaration supporting memorandum of points and authorities in opposition to defendant's demurrer to plaintiff's complaint, § 7:74

demurrer to entire answer or separate defense, § 7:72

memorandum of points and authorities in opposition to defendant's demurrer to plaintiff's complaint, § 7:73

notice of hearing on demurrer to answer, § 7:71

opposing defendant's demurrer to plaintiff's complaint, § 7:38

Supplemental complaints.

Complaints (this Index)

PLEADINGS

Class actions, § 32:6

POINTS AND AUTHORITIES

Format of court papers, memorandum of points and authorities, § 2:24

Motions (this Index)

Summary judgment, points and authorities in support of motion for summary judgment or summary adjudication, § 21:14

PREFERENCES IN TRIAL SETTING

Trial Setting (this Index)

PRELIMINARY INJUNCTIONS

Injunctions (this Index)

PRELIMINARY STEPS

Generally, §§ 1:1-1:201

Architects, Engineers, and Land

Surveyors (this Index)

Attorney-Client Civil Conspiracy (this Index)

Certificates of merit, actions

requiring certificate of merit or prior court order. Certificates of Merit (this Index)

Childhood Sexual Abuse (this Index)

Decedents' Estates (this Index)

Guardians Ad Litem (this Index)

Health care providers, notice of intention to sue. **Health Care Providers** (this Index)

In Forma Pauperis (this Index)

Lis Pendens (this Index)

Orders, actions requiring certificate of merit or prior court order. **Certificates of Merit** (this Index)

Public Entities (this Index)

PRESERVATION OF EVIDENCE

Generally, §§ 13:302-13:312

Appeal pending or time to appeal not expired

generally, §§ 13:308-13:312

circumstances, § 13:308

court findings and order,

§ 13:311

discovery methods permitted,

§ 13:309

petition requirements, § 13:310

use of deposition, § 13:312

Prior to filing lawsuit

generally, §§ 13:302-13:307

circumstances, § 13:302

**PRESERVATION OF
EVIDENCE—Cont'd**

Prior to filing lawsuit—Cont'd
 court findings, considerations,
 orders, § **13:306**
 discovery methods permitted,
 § **13:303**
 petition for use in potential
 lawsuit, requirements,
 §§ **13:304, 13:305**
 service of petition, § **13:305**
 use of discovery conducted in
 anticipation of lawsuit,
 § **13:307**

Time
 appeal pending or time to appeal
 not expired (this group)
 prior to filing lawsuit (this group)

PRESUMPTIONS

Appeal from superior courts,
 presumptions in favor of judg-
 ment, § **41:2**

PRETRIAL CONFERENCE

Fast track, § **12:43**

PRETRIAL EXCHANGE

Fast track, § **12:42**

**PRIVATE ATTORNEY
GENERAL ACT**

Arbitration and, § **26:86**

**PRIVATE ATTORNEY
GENERAL RULE**

Attorney Fees (this Index)

PRIVATE JUDGING

Alternative Dispute Resolution
 (this Index)

PROBATE PROCEEDINGS

Appeal, stay of enforcement for
 probate proceedings by appeal
 alone, § **36:11**

PROCESS SERVERS

Service of Process (this Index)

**PRODUCTION OF
DOCUMENTS AND THINGS**

Expert witness information,
 exchange procedure, § **13:274.90**
 Service of process and other papers,
 civil subpoena, form, § **6:101**

PROHIBITION

Extraordinary Writs (this Index)

PROOF OF SERVICE

Service of Process (this Index)

PROPOSED CONSENT ORDER

Fast track, § **12:40**

PROTECTED PERSONS

Motion practice, § **14:5**

PROVISIONAL REMEDIES

Alternative Dispute Resolution
 (this Index)

Attachment (this Index)

**Claim and Delivery of Personal
Property** (this Index)

Deposits Into Court (this Index)

Injunctions (this Index)

Receivership (this Index)

**PUBLIC ENTITIES AND
OFFICERS**

Appeal, exemption from posting
 security for stay of enforcement,
 § **36:38**

Claims against public entities
 generally, §§ **1:52-1:82**

 action on claim by public entity
 failure to give notice of insuf-
 ficiency of claim or that
 claim was not timely file,
 § **1:65**

 notice of action on claim,
 § **1:62**

 notice of insufficiency of
 claim, § **1:63**

 notice that claim was not
 timely filed, § **1:64**

 responses to claim, § **1:61**

INDEX

PUBLIC ENTITIES AND OFFICERS—Cont'd

Claims against public entities

—Cont'd

action on claim by public entity

—Cont'd

substantial compliance with claim requirements, § 1:66

contents of claim, § 1:57

definitions, § 1:53

entity-provided claim forms, § 1:58

exceptions to presentation of claim requirement, § 1:55

filing suit after claim is rejected, § 1:73

filing suit after judicial relief from presentation of claim requirement, § 1:74

form and contents of claim

contents of claim, § 1:57

entity-provided claim forms, § 1:58

forms (this group)

identifying public entity, § 1:56

late claims

application for leave to file late claim, §§ 1:67, 1:79

circumstances requiring court to grant petition for judicial relief, § 1:72

contents of petition for judicial relief, § 1:71

denial of application for leave to file late claim, § 1:68

filing petition for judicial relief, § 1:70

grant of application for leave to file late claim, § 1:68

petition for judicial relief following denial of application for leave to file late claim, § 1:69

method of presenting claims, § 1:60

PUBLIC ENTITIES AND OFFICERS—Cont'd

Claims against public entities

—Cont'd

presentation of claim prior to suit, § 1:52

presenting claims

method of presenting claims, § 1:60

time for presentment of claims, § 1:59

procedural checklist, § 1:75

requirement, when presentation of claim is required, § 1:54

responses to claim, § 1:61

substantial compliance with claim requirements, § 1:66

Forms, claims

allegation of compliance with claim requirement, § 1:82

application to file late claim against public entity, § 1:79

claim against public entities, §§ 1:76-1:78

order on petition for leave to file civil action, § 1:81

petition for leave to file civil action, § 1:80

Judicial officers, identification, first page format, § 2:18

PUNITIVE DAMAGES

Demands for Relief (this Index)

QUO WARRANTO

Extraordinary Writs (this Index)

REAL PROPERTY

Appeal, conditions and amount of security for stay of judgments and orders directing disposition of real property, § 36:20

Enforcement of Judgments (this group)

Lis Pendens (this Index)

Stay of enforcement, conditions and amount of security for stay of

REAL PROPERTY—Cont’d

judgments and orders directing disposition of real property, § 36:20

Venue, local actions involving real property, § 4:71

RECEIVERSHIP

Generally, §§ 16:153-16:182

Accounts, § 16:160

Agents, § 16:160

Compensation, § 16:160

Defensive strategies, § 16:163

Ex parte motion and order to show cause, appointment on, § 16:156

Forms

affidavit supporting application for ex parte appointment of receiver, § 16:167

application for ex parte appointment of receiver, temporary restraining order, and order to show cause, § 16:166

complaint for dissolution of partnership and for ex parte appointment of receiver, § 16:165

declaration in opposition to appointment of receiver, § 16:171

declaration supporting motion for discharge of receiver, § 16:177

final account and report and petition of discharge, § 16:180

notice of hearing on final account, § 16:181

notice of motion, § 16:176

notice of motion and motion for appointment of receiver, § 16:170

notice of motion and motion for discharge of receiver and substitution of another receiver, § 16:176

notice of motion by receiver for court order, § 16:176

RECEIVERSHIP—Cont’d

Forms—Cont’d

oath and undertaking of receiver, § 16:173

order appointing receiver ex parte and order to show cause why appointment should not be confirmed, § 16:168

order appointing receiver on noticed motion, § 16:172

order confirming appointment of receiver, § 16:169

order directing payment of unclaimed funds to state treasury and allowing receiver costs, § 16:179

order settling final account and discharging receiver, § 16:182

order to show cause re contempt for failure to deliver property, §§ 16:174, 16:175

order to show cause re contempt for failure to deliver property to receiver, § 16:175

petition for order to show cause re contempt for failure to deliver property, § 16:174

petition reporting unclaimed funds, § 16:178

Noticed motion, appointment on, § 16:155

Order of appointment, § 16:158

Procedural checklist, § 16:164

Receiver, powers and duties, § 16:159

Release of receiver and winding up receivership, § 16:162

Selection of receiver, § 16:157

Unclaimed funds in receiver’s hands, § 16:161

Undertaking, § 16:158

When appointment of receiver authorized, § 16:154

RECLASSIFICATION

Fees, § 4:43

INDEX

RECORD OF APPEAL

Appeal from small claims court,
§ 46:6

Appeal from Small Claims Court
(this Index)

Elder abuse, appeal of order denying
petition to compel arbitration,
§ 35:34

REFEREES

Alternative Dispute Resolution
(this index)

REFERENCE AND REFEREES

Alternative Dispute Resolution
(this Index)

REHEARING

Appeal in limited jurisdiction cases,
§ 45:49

REHEARING IN COURT OF APPEAL

Generally, §§ 42:1-42:19

Answer to petition. See Procedure
(this group)

Authority to grant rehearing, § 42:1

Condition of supreme court review,
rehearing as, § 42:3

Copies, number of, § 42:12

Default, relief from. See Forms (this
group)

Depublication of opinion, request
for, § 42:8

Determination, § 42:13

Filing procedure, § 42:12

Forms

answer, general form of answer
to petition for rehearing,
§§ 42:17, 42:18

default, relief from
motion for relief from default
for failure to file timely
answer to petition for
rehearing, § 42:19

REHEARING IN COURT OF APPEAL—Cont'd

Forms—Cont'd

default, relief from—Cont'd
motion for relief from default
for failure to file timely
petition for rehearing,
§ 42:17

petition, general form of petition
for rehearing, § 42:16

Grounds for rehearing

generally, § 42:2
condition of supreme court
review, rehearing as, § 42:3
new or unbriefed issues, § 42:4
omission or misstatement of
issue or fact, § 42:3

New or unbriefed issues, § 42:4

Omission or misstatement of issue or
fact, § 42:3

Parties, who may seek rehearing,
§ 42:5

Petition. See Procedure (this group)

Procedural checklists, §§ 42:14,
42:15

Procedure

answer to petition

contents, § 42:10

form, §§ 42:10, 42:18

time for filing, § 42:9

copies, number of, § 42:12

depublishing of opinion, request
for, § 42:8

determination, § 42:13

filing, § 42:12

forms (this group)

parties, who may seek rehearing,
§ 42:5

petition

contents of petition, § 42:7

form of petition, §§ 42:7,
42:16

time for filing, § 42:6

procedural checklists, §§ 42:14,
42:15

**REHEARING IN COURT OF
APPEAL—Cont'd**

Procedure—Cont'd
 reply to answer, § 42:11
 service, § 42:12
 Reply to answer, § 42:11
 Service procedure, § 42:12

REISSUANCE

Civil harassment restraining order,
 § 16:152

RELEASES

Settlement, §§ 27:33, 27:67

**RELIEF FROM DEFAULT FOR
LACK OF ACTUAL NOTICE**

Generally, §§ 29:68-29:76

Affidavit in support of motion to set
 aside default or default judgment
 for lack of notice, form, § 29:74

Authority to grant relief, § 29:71

Declaration by attorney in support of
 motion to set aside default or
 default judgment for lack of
 notice, form, § 29:75

Forms

affidavit in support of motion to
 set aside default or default
 judgment for lack of notice,
 § 29:74

declaration by attorney in support
 of motion to set aside default
 or default judgment for lack of
 notice, § 29:75

notice of motion to set aside
 default or default judgment for
 lack of notice, § 29:73

order setting aside default and
 judgment because defendant
 did not receive actual notice,
 § 29:76

Notice of motion to set aside default
 or default judgment for lack of
 notice, form, § 29:73

Order setting aside default and judg-
 ment because defendant did not

**RELIEF FROM DEFAULT FOR
LACK OF ACTUAL NOTICE
—Cont'd**

receive actual notice, form,
 § 29:76

Procedural checklist, § 29:72

Procedural requirements, §§ 29:70,
 29:72

Time for service of notice, § 29:69

**RELIEF FROM DEFAULTS
AND DEFAULT JUDGMENTS**

Equitable Relief from Judgments
 (this Index)

Forms

jurisdictional grounds

declaration in opposition to
 motion for relief from
 default, § 10:40

declaration in support of
 motion for relief from
 default, § 10:38

memorandum of points and
 authorities in opposition to
 defendant's motion for
 relief from default, § 10:39

notice of motion for relief
 from default, § 10:37

order on motion for relief
 from default, § 10:41

order setting aside default
 and default judgment and
 imposing sanctions,
 § 10:43

order setting aside default
 and default judgment and
 permitting answer, § 10:42

mistake. **Relief From Judgment
 on Grounds of Mistake,
 Inadvertence, Surprise, or
 Excusable Neglect** (this
 Index)

neglect. **Relief From Judgment
 on Grounds of Mistake,
 Inadvertence, Surprise, or**

INDEX

RELIEF FROM DEFAULTS AND DEFAULT JUDGMENTS

—Cont'd

Forms—Cont'd

Excusable Neglect (this Index)

notice, lack of actual. **Relief From Default for Lack of Actual Notice** (this Index)

surprise. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

Inadvertence. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

Jurisdictional grounds

generally, §§ 10:30-10:43

collateral attack on judgment, § 10:34

forms (this group)

motion procedure, §§ 10:31, 10:37-10:43

nature and basis of motion, § 10:30

procedural checklists, §§ 10:35, 10:36

review of order on motion for relief, § 10:33

special appearance, motion for relief as, § 10:32

Mistake. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

Neglect. **Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect** (this Index)

Notice, lack of actual. **Relief From Default for Lack of Actual Notice** (this Index)

Surprise. **Relief From Judgment on Grounds of Mistake,**

RELIEF FROM DEFAULTS AND DEFAULT JUDGMENTS

—Cont'd

Inadvertence, Surprise, or Excusable Neglect (this Index)

Void judgment. **Motion to Set Aside Void Judgment or Order** (this Index)

RELIEF FROM JUDGMENT ON GROUNDS OF MISTAKE, INADVERTENCE, SURPRISE, OR EXCUSABLE NEGLIGENCE

Generally, §§ 29:52-29:67

Attorney's affidavit of fault in support of motion to set aside default and default judgment, form, § 29:65

Authority to grant relief, § 29:52

Declaration in support of motion to set aside default and default judgment, form, § 29:66

Default judgment, relief from

generally, § 29:56

attorney's mistake, inadvertence, surprise, or neglect, § 29:59

conditional relief, § 29:62

damages excessive, § 29:57

forms (this group)

papers, necessary accompanying papers, § 29:60

penalties, § 29:61

surprise, party's, § 29:58

Forms

attorney's affidavit of fault in support of motion to set aside default and default judgment, § 29:65

declaration in support of motion to set aside default and default judgment, § 29:66

notice of motion and motion to set aside default, § 29:64

order setting aside default and default judgment and imposing sanctions, § 29:67

**RELIEF FROM JUDGMENT ON
GROUNDS OF MISTAKE,
INADVERTENCE, SURPRISE,
OR EXCUSABLE NEGLIGENCE
—Cont’d**

Order setting aside default and
default judgment and imposing
sanctions, form, § 29:67
Party’s mistake of fact, § 29:53
Procedural checklist, § 29:63
Property, special time limitation in
actions involving ownership or
possession of property, § 29:55
Sanctions, order setting aside default
and default judgment and impos-
ing sanctions, form, § 29:67
Time limits for relief, §§ 29:54,
29:55

RELIGIOUS ENTITIES

Punitive damages, demands against,
§ 8:15.10

REMITTITUR

Superior courts, appeal from. **Appeal
From Superior Courts** (this
Index)
Supreme Court of California,
§ 43:26

**REMOTE ELECTRONIC
APPEARANCE**

Generally, § 14:112
Notice, §§ 14:115, 14:117
Opposition, § 14:116
evidentiary hearing, § 14:118
trial, § 14:118
Order, § 14:119

**REMOVAL TO FEDERAL
COURT**

Generally, §§ 5:1-5:53
Determining whether to remove
discovery considerations, § 5:8
evidentiary considerations, § 5:9
factors to consider, § 5:5
judge, § 5:7

**REMOVAL TO FEDERAL
COURT—Cont’d**

Determining whether to remove
—Cont’d
jury considerations, § 5:10
location of court, § 5:6
venue, change of, § 5:6
Diversity jurisdiction. See Grounds
for removal (this group)
Entitlement, who is entitled to
remove
cross-complaint, effect of, § 5:3
defendant or defendants, § 5:2
Federal question jurisdiction. See
Grounds for removal (this group)
Forms
joinder in notice of removal,
§ 5:52
motion to remand, § 5:53
notice of removal, § 5:51
Grounds for removal
application, § 5:24
diversity jurisdiction
after removal, effect of
amendments or other
events, § 5:22
amount, § 5:17
before removal, effect of
amendments or other
events, § 5:21
citizenship of particular par-
ties, § 5:18
complaint as determinative,
§ 5:19
fraudulent joinder, § 5:20
nature of jurisdiction, § 5:17
federal question jurisdiction
artful pleading doctrine,
§ 5:13
defenses, relevancy of federal
defenses, § 5:14
nature of jurisdiction, § 5:11
preemption, effect of federal
preemption, § 5:15

INDEX

REMOVAL TO FEDERAL COURT—Cont'd

Grounds for removal—Cont'd
federal question jurisdiction
—Cont'd
supplemental jurisdiction, § 5:16
well-pleaded complaint rule, § 5:12
separate and independent federal claims, general rule, § 5:23
statutes affecting specific cases or claims, §§ 5:25, 5:26
Jurisdiction of state court terminates, after-removal proceedings, § 5:40
Nature of removal jurisdiction, § 5:1
Procedure for removal
after-removal proceedings
jurisdiction of state court terminates, § 5:40
pleadings and other records, § 5:37
preserving right to jury trial, § 5:39
process, § 5:38
state court orders, effect in federal courts, § 5:40
forms (this group)
notice of removal
amending notice, § 5:36
effects of defects in procedure, § 5:36
filing of notice and other papers, § 5:34
joinder of all defendants, § 5:33
notifying parties and state court, § 5:35
preparation and contents of notice, §§ 5:32, 5:51, 5:52
second notice, § 5:36
procedural checklists, §§ 5:49, 5:50
Remand to state court
costs, § 5:45

REMOVAL TO FEDERAL COURT—Cont'd

Remand to state court—Cont'd
grounds for remand, § 5:42
motion to remand, §§ 5:41, 5:53
proceedings after remand, § 5:48
review of order denying motion to remand, § 5:47
review of order granting motion to remand, § 5:46
sanctions, § 5:45
time limitations, § 5:44
waiver of grounds or right to remand, § 5:43
waiver of untimeliness, § 5:44
Separate and independent federal claims. See Grounds for removal (this group)
Statutes affecting specific cases or claims as grounds for removal, §§ 5:25, 5:26
Time for removal
initial pleading does not set forth reasonable claim, § 5:29
initial pleading sets forth reasonable claim, § 5:27
limitation period in diversity case, § 5:30
multiple defendants, § 5:28
untimely removal, § 5:31
waiver of objection, § 5:31
Waiver of right to remove, § 5:4

RENEWAL OF JUDGMENT

Enforcement of Judgments (this Index)

RENT-A-JUDGES

ADR features of, § 26:24

REQUEST

Civil harassment restraining orders, § 16:148

REQUESTS FOR ADMISSIONS

Generally, §§ 13:168-13:212

REQUESTS FOR ADMISSIONS

—Cont'd

Costs and attorney fees, denial not proven, § **13:171.50**

Failure to respond

motion that requests be deemed admitted, §§ **13:179, 13:185, 13:203-13:205**

motion to compel further response, §§ **13:186, 13:206, 13:207**

relief from failure to respond, § **13:180**

trial, using of admissions or failures to admit, § **13:182**

Forms

amendment or withdrawal

declaration in opposition to motion for order permitting amendment or withdrawal of admission, § **13:211**

declaration in support of motion for order permitting amendment or withdrawal of admission, § **13:209**

memorandum of points and authorities in opposition to motion for order permitting amendment or withdrawal of admission, § **13:210**

notice or motion for order permitting amendment or withdrawal of admission, § **13:208**

order granting leave to amend or withdraw admission, § **13:212**

compelling further response

notice of motion for order compelling further response to requests for admission, § **13:206**

REQUESTS FOR ADMISSIONS

—Cont'd

Forms—Cont'd

compelling further response

—Cont'd

order compelling further responses to requests for admission, § **13:207**

deemed admission

declaration in support of motion for order that truth of matters be deemed admitted, § **13:204**

notice of motion for order that truth of matters be deemed admitted, § **13:203**

order deeming admitted truth of facts and genuineness of documents, § **13:205**

initiating request

declaration for additional discovery, § **13:189**

ex parte application and supporting declaration to serve requests for admission within 10 days of service of summons/appearance of party, order shortening time, § **13:191**

notice of motion for protective order, § **13:193**

official form requests for admission, § **13:187**

order shortening time to respond to requests for admission, § **13:192**

requests for admission, § **13:188**

stipulation for unlimited number of requests for admission, § **13:190**

response

declaration in opposition to motion for order relieving party from waiver of objections to requests for

INDEX

REQUESTS FOR ADMISSIONS

—Cont'd

Forms—Cont'd

response—Cont'd

admissions, § 13:202

memorandum of points and
authorities in opposition to
motion for order relieving
responding party from
waiver of objections to
requests for admissions,
§ 13:201

notice of motion and support-
ing declaration for order
extending time to respond
to requests for admission,
§ 13:196

notice of motion and support-
ing declaration for protec-
tive order re requests for
admissions, § 13:198

notice of motion for order
relieving responding party
from waiver of objections
to requests for admissions,
§ 13:200

order extending time to
respond to requests for
admission, § 13:197

order granting protective
order re requests for
admissions, § 13:199

response to request for
admission, § 13:194

stipulation extending time to
respond to requests for
admission, § 13:195

withdrawal. See amendment or
withdrawal (this group)

Limit on number of admission
requests, § 13:171

Participants, § 13:169

Preparing and responding to admis-
sion requests

amendment of admission,
§§ 13:178, 13:211, 13:212

REQUESTS FOR ADMISSIONS

—Cont'd

Preparing and responding to admis-
sion requests—Cont'd

format and service, § 13:172

forms (this group)

motion for protective order,
§ 13:173

objections, § 13:175

response to admission request,
§ 13:174

service of response, § 13:177

signing response, § 13:176

withdrawal of admission,
§§ 13:178, 13:211, 13:212

Procedural checklists

matters to consider in compelling
further responses, § 13:186

matters to consider in initiating
requests for admission
discovery, § 13:183

matters to consider in making
motion for order deeming
requested matters admitted,
§ 13:185

matters to consider in responding
to requests for admissions,
§ 13:184

Purpose and function, § 13:168

Summary judgment, use of admis-
sions, § 21:21

Time limits, § 13:170

RESCISSION

Demands for relief, § 8:62

RES JUDICATA

Declaratory relief, § 17:29

RESPONSIVE PLEADINGS

Defendant's Pleadings (this Index)

Plaintiff's Pleadings (this Index)

RESPONSIVE PROCEDURES

Generally, §§ 10:1-10:202

Bill of Particulars (this Index)

RESPONSIVE PROCEDURES

—Cont'd

Construction-related accessibility claim, § **10:231**

Forum, challenging selected forum generally, §§ **10:1-10:104**
geographical challenges to challenge procedures

generally, §§ **10:44-10:104**
distinctions between inconvenient forum and venue, § **10:45**

inconvenient forum, motion to stay or dismiss. **Inconvenient Forum** (this Index)

summary of available challenge procedures, § **10:44**
venue, motion for change of venue. **Venue** (this Index)

Inconvenient Forum (this Index)

personal jurisdiction, challenging. **Jurisdiction** (this Index)

venue, motion for change of venue. **Venue** (this Index)

Judgment on Pleadings (this Index)

Mandatory evaluation conference application for, § **10:236**
notice of, § **10:237**

Motion for judgment on pleadings. **Judgment on Pleadings** (this Index)

Motion to Strike (this Index)

Proof of service, disability access litigation, § **10:235**

Security for costs. See Costs (this Index)

Stay of proceedings, early evaluation conference

application for, § **10:232**

confidential cover sheet and declaration, § **10:233**

joint inspection, §§ **10:232, 10:234**

notice of, § **10:234**

RESPONSIVE PROCEDURES

—Cont'd

Striking pleadings. **Motion to Strike** (this Index)

RESTITUTION

Demands for relief, § **8:62**

RESTRAINING ORDERS

Civil Harassment Restraining Orders (this Index)

RIGHT TO REPAIR ACT

Generally, §§ **1:181-1:190**

SANCTIONS

Appeal From Superior Courts (this Index)

Arbitration agreements, drafters of employment and consumer, SB 707, § **26:68**

Architects, engineers, and land surveyors, order awarding sanctions for noncompliance with certificates of merit requirements, form, § **1:28**

CCP §§ 128.5. **Sanctions Under CCP §§ 128.5** (this Index)

CCP §§ 128.7. **Sanctions Under CCP §§ 128.7** (this Index)

Discovery (this Index)

Fast Track (this Index)

Fast Track (this index)

Motions in limine, exclusion of evidence used as sanction to cure abuses, § **24:8**

Relief from judgment on grounds of mistake, inadvertence, surprise, or excusable neglect, order setting aside default and default judgment and imposing sanctions, form, § **29:67**

Summary judgment, sanctions for affidavits presented in bad faith, § **21:44**

Superior courts, appeal from. **Appeal From Superior Courts** (this Index)

INDEX

SANCTIONS—Cont'd

Trial setting, sanctions for noncompliance with rules governing conferences, § 23:21

SANCTIONS UNDER CCP

§§ 128.5

Generally, §§ 15:1-15:26

Amount of sanctions

generally, § 15:19

sanctions based concurrently on CCP § 128.5 and other statutes, § 15:20

Attorney of party, persons subject to sanctions, § 15:4

Conduct, sanctionable

frivolous actions or tactics, general parameters of, § 15:6

frivolous complaints, cross-complaints, answers and other responsive pleadings, § 15:12

improper party, complaints against, § 15:13

intent to harass or cause unnecessary delay, § 15:7

negligent conduct, propriety of awarding sanctions, § 15:9

right to petition or free speech and delaying tactics, § 15:13

specific conduct, §§ 15:11-15:13

subjective bad faith, necessity of showing, § 15:8

willfulness, necessity of showing, § 15:10

Forms

declaration in support of motion for sanctions under CCP §§ 128.5, § 15:25

notice of motion and motion for sanctions under CCP §§ 128.5, § 15:24

order granting motion for payment of attorney fees and costs CCP §§ 128.5, § 15:26

Hearings, § 15:18

SANCTIONS UNDER CCP

§§ 128.5—Cont'd

Notice of motion for sanctions

contents and form, §§ 15:14, 15:24

separate motion, sanctions must be requested in, § 15:16

special notice requirements for imposition of sanctions against party's attorney, § 15:17

time requirements, § 15:15

Orders

review of orders awarding or denying sanctions, § 15:22

statement of facts, general rule requiring, § 15:21

Persons subject to sanctions

attorney of nonparty, § 15:5

attorney of party, § 15:4

party to civil proceeding, § 15:3

Procedural checklist, § 15:23

Statutory purpose, §§ 15:1, 15:2

SANCTIONS UNDER CCP

§§ 128.7

Generally, §§ 15:27-15:44

Basis for awarding sanctions, §§ 15:27, 15:28

Checklists, §§ 15:38, 15:39

Forms

declaration in support of motion for order imposing sanctions, § 15:41

notice of motion and motion for order imposing sanctions, § 15:40

opposition to motion for sanctions, § 15:44

order by court to appear and show cause why sanctions should not be imposed, § 15:43

order imposing sanctions, § 15:42

Limitations on types of sanctions, § 15:31

SANCTIONS UNDER CCP

§§ 128.7—Cont'd

Persons subject to sanctions, § 15:29

Procedures for imposing sanctions generally, § 15:33

cooling-off period, motion by court, § 15:37

motion by court, § 15:37

motion by party

award of expenses and

attorney fees in bring or

opposing motion, § 15:36

delay in filing required, § 15:35

forms (this group)

separate motion required, § 15:34

service of motion, § 15:35

show cause order, motion by court, § 15:37

Punitive damages, assessing punitive damages for maintaining certain actions, § 15:32

Types of sanctions, §§ 15:30, 15:31

SATISFACTION OF JUDGMENT

Judgments (this Index)

SEALED DOCUMENTS

Appearance by telephone, § 14:107

Format of court papers, § 2:44

Motion to place documents under, §§ 14:104-14:106

SECURITY FOR COSTS

Costs (this Index)

SELECTION OF JURORS

Fast track, § 12:44

SELF-INCRIMINATION

Privilege against, limits on discovery, § 13:5.50

SERVICE OF PAPERS OTHER THAN PROCESS

Generally, §§ 6:52-6:62, 6:88-6:100

SERVICE OF PAPERS OTHER THAN PROCESS—Cont'd

Definition of other papers, § 6:52

Electronic transmission, service by, methods of service, § 6:58

Facsimile transmission, service by methods of service, § 6:57

proof of service, §§ 6:62, 6:100

Forms

admission of service, § 6:89

attorney's certificate of service by mail, § 6:98

declaration of service by direct deposit of papers in mail, § 6:88

declaration of service by facsimile transmission, § 6:100

declaration of service by personal or substituted delivery to attorney, § 6:99

declaration of service by placement of envelope at business for collection and deposit in mail, § 6:97

ex parte application and supporting declaration for order for service on corporation by delivery to secretary of state, § 6:90

ex parte application and supporting declaration for order for service on member of unincorporated association, § 6:92

notice of motion and supporting declaration to recover costs of personal service, § 6:95

order for service on member of unincorporated association, § 6:93

order for service on secretary of state, § 6:91

order recovering costs of personal service, § 6:96

written statement regarding foreign partnership for service on secretary of state, § 6:94

INDEX

SERVICE OF PAPERS OTHER THAN PROCESS—Cont'd

- Mail, service by
 - methods of service, mail or express mail, § 6:55
 - proof of service, §§ 6:61, 6:88, 6:97, 6:98
- Methods of service
 - electronic transmission, service by, § 6:58
 - facsimile transmission, service by, § 6:57
 - mail, service by mail or express mail, § 6:55
 - overnight delivery service, service by, § 6:55
 - personal service, § 6:54
 - substituted service, § 6:54
 - telegraph, service by, § 6:56
- Overnight delivery service, service by, § 6:55
- Personal service
 - method of service, § 6:54
 - proof of service, §§ 6:60, 6:99
- Proof of service
 - disability access litigation, § 10:235
 - facsimile, service by, §§ 6:62, 6:100
 - mail, service by, §§ 6:61, 6:88, 6:97, 6:98
 - personal service, §§ 6:60, 6:99
 - substituted service, §§ 6:60, 6:99
- Recipients, persons who receive service, § 6:53
- Substituted service
 - method of service, § 6:54
 - proof of service, §§ 6:60, 6:99
- Telegraph, service by, § 6:56
- Time for service, § 6:59

SERVICE OF PROCESS

- Generally, §§ 6:1-6:51, 6:64-6:87
- Agent, service on natural person, § 6:25

SERVICE OF PROCESS—Cont'd

- Appeal from Superior Courts** (this index)
- Appeal in limited jurisdiction cases, proof of service, forms, § 45:7
- Associations, persons on whom service is made, § 6:32
- Candidates for public office, persons on whom service is made, § 6:28
- Checklist for service of summons, § 6:63
- Corporations, persons on whom service is made, §§ 6:29, 6:30
- Deadlines for service
 - discretionary dismissal, § 6:35
 - fast track, §§ 6:36, 12:14
 - mandatory dismissal, § 6:34
- Default, entry of, § 18:13
- Definition of process
 - jurisdiction, relation to, § 6:2
 - statutory definition, § 6:1
- Dismissal. See Deadlines for service (this group)
- Dissolved corporations, persons on whom service is made, § 6:30
- Electronic. **Format of Court Papers** (this index)
- Fast track
 - generally, § 12:41
 - deadlines and procedures, § 12:14
 - effect on deadlines for service, § 6:36
 - proof of service, deadline for return of service, § 6:50
- Fiduciary, service on adult for whom fiduciary has been appointed, § 6:27
- Forms
 - additional parties attachment, § 6:64
 - declaration by plaintiff in support of application for order for service by publication, § 6:84
 - declaration by process server in support of application for

SERVICE OF PROCESS—Cont'd

Forms—Cont'd

- order for service by publication, § 6:85
- declaration of publication of summons, § 6:87
- declarations supporting issuance of summons, § 6:68
- ex parte application and supporting declaration for order directing posting and mailing of summons, § 6:77
- ex parte application and supporting declaration for order directing service not otherwise governed by statute, § 6:75
- ex parte application and supporting declaration for order for publication of summons, § 6:80
- family law proceedings
 - proof of service by mail, § 6:83
 - summons, §§ 6:70-6:72
- joinder, summons for family law proceedings involving joinder, § 6:72
- joint debtor action, summons, § 6:67
- motion to quash service of summons
 - declaration in opposition to motion to quash service of summons, § 10:24
 - declaration in support of motion to quash service of summons for defective service, § 10:23
 - declaration in support of motion to quash service of summons on individual, § 10:21
 - declaration of corporate officer in support of motion to quash service of summons for lack of

SERVICE OF PROCESS—Cont'd

Forms—Cont'd

- motion to quash service of summons—Cont'd
 - personal jurisdiction over corporation, § 10:22
 - notice of filing petition for writ of mandate after denial of motion to quash, § 10:28
 - notice of motion and supporting declaration to quash service of summons, defendant immune, § 10:29
 - notice of motion to quash service of summons, § 10:20
 - order denying motion to quash service of summons, § 10:26
 - order granting motion to quash service of summons, § 10:25
 - petition for writ of mandate to compel quash, § 10:27
- notice and acknowledgment of receipt, § 6:74
- order directing posting and mailing of summons, § 6:78
- order directing service not otherwise governed by statute, § 6:76
- order for publication of summons, § 6:86
- proof of service, §§ 6:81-6:83.70
- request for service abroad of judicial or extrajudicial documents, § 6:79
- substituted service, declaration of reasonable diligence, § 6:73
- summons, §§ 6:64-6:72
- unlawful detainer actions, summons for, § 6:69
- Governmental agencies, § 6:33

INDEX

SERVICE OF PROCESS—Cont'd

In-state, service within California
 methods. See Methods of service
 (this group)
 proof of service. See Proof of
 service (this group)

Issuance of summons
 additional summons, § 6:9
 original summons, § 6:8

Joint stock companies, persons on
 whom service is made, § 6:31

Lost summons, rules and procedure
 for proof of service, § 6:51

Methods of service
 in-state, methods effective within
 California
 court-devised methods,
 § 6:75
 electronic service, § 6:19
 mail, service by, §§ 6:15,
 6:77, 6:78
 personal delivery, § 6:12
 publication, service by,
 §§ 6:16, 6:80, 6:84-6:87
 statutory methods, § 6:18
 substituted service, §§ 6:13,
 6:14, 6:14.50, 6:73
 unlawful detainer actions,
 § 6:17
 out-of-country, methods effective
 outside United States
 Hague Service Convention,
 effect of, § 6:24
 statute, methods prescribed
 by, § 6:23
 out-of-state, methods effective
 outside California but with
 United States
 all in-state methods, § 6:20
 law of place, methods
 prescribed by, § 6:22
 mail with return receipt,
 § 6:21

Minors, service on natural person,
 § 6:26

SERVICE OF PROCESS—Cont'd

Motion to quash service of summons
 generally, §§ 10:5-10:22
 effect of making motion to
 quash, § 10:7

Forms (this Index)

inconvenient forum, motion to
 quash combined with motion
 to stay or dismiss for inconve-
 nient forum, § 10:6

insurers, special procedures in
 actions against nonadmitted
 foreign or alien insurers,
 § 10:16

marital dissolution proceedings,
 special procedures, § 10:17

nature and basis of motion,
 § 10:5

procedural checklists, §§ 10:18,
 10:19

procedure
 checklists, §§ 10:18, 10:19
 denial of motion, effect of,
 § 10:13

Forms (this Index)

grant of motion, effect of,
 § 10:12

insurers, special procedures
 in actions against
 nonadmitted foreign or
 alien insurers, § 10:16

motion for reconsideration,
 § 10:14

notice of motion, §§ 10:9,
 10:20-10:29

opposing affidavits, § 10:10

opposing declarations,
 § 10:10

review of order, § 10:14

ruling on motion, § 10:11

separation proceedings,
 special procedures, § 10:17

summary proceedings,
 special procedures, § 10:15

supporting affidavits, § 10:10

SERVICE OF PROCESS—Cont'd

Motion to quash service of summons
—Cont'd

procedure—Cont'd
supporting declarations,
§ 10:10
time for motion, § 10:8
unlawful detainers, special
procedures, § 10:15
separation proceedings, special
procedures, § 10:17
summary proceedings, special
procedures, § 10:15
unlawful detainers, special
procedures, § 10:15

Out-of-country, methods effective
outside United States. See
Methods of service (this group)

Out-of-state, service outside Califor-
nia

methods effective outside Cali-
fornia. See Methods of service
(this group)
proof of service. See Proof of
service (this group)

Personal appearance and production
of documents and things, civil
subpoena, form, § 6:101

Persons on whom service is made
agent, service on natural person,
§ 6:25

associations, § 6:32
candidates for public office,
§ 6:28

corporations, §§ 6:29, 6:30
dissolved corporations, § 6:30

entities other than natural persons
associations, § 6:32
corporations, §§ 6:29, 6:30
dissolved corporations,
§ 6:30

joint stock companies, § 6:31
public entities, § 6:33

fiduciary, service on adult for
whom fiduciary has been
appointed, § 6:27

SERVICE OF PROCESS—Cont'd

Persons on whom service is made

—Cont'd
joint stock companies, § 6:31
minors, § 6:26
natural persons
agent, § 6:25
candidates for public office,
§ 6:28
fiduciary, adults for whom
fiduciary has been
appointed, § 6:27
minors, § 6:26
person, § 6:25
public entities, § 6:33

Process servers

fees, payment and recovery of,
§ 6:11

who may serve summons, § 6:10

Proof of service

appeal in limited jurisdiction
cases, forms, § 45:7

contents of proof
in-state, service within Cali-
fornia (this group)

out-of-state, service outside
California (this group)

deadline for return of service

fast track, effect of, § 6:50
statutory deadlines, § 6:49

electronic service, §§ 2:53, 2:75,
35:29

Forms, §§ 6:81-6:83.70

in-state, service within California

mail, service by, § 6:42

personal delivery, § 6:39

posting, service by, § 6:44

publication, service by,
§ 6:43

statute, service pursuant to
specific statutes, § 6:45

substituted service, §§ 6:40,
6:41

lost summons, rules and proce-
dure, § 6:51

INDEX

SERVICE OF PROCESS—Cont'd

Proof of service—Cont'd

necessity of proof

affidavits, certificates, and
Judicial Council Forms,
§ 6:38

jurisdictional requirement,
§ 6:37

out-of-state, service outside Cali- fornia

court order, service in accor-
dance with, § 6:47

foreign law, service in accor-
dance with, § 6:48

statute, service in accordance
with California statute,
§ 6:46

papers other than a summons,
form, § 6:74.50

small claims, form, § 6:83.70

Public entities, persons on whom service is made, § 6:33

Summons, content

Forms (this Index)

general summons, statutory
requirements

capacity, information about
capacity in which person is
being sued, § 6:4

fictitiously named
defendants, information
about, § 6:5

standard information, § 6:3

special summons, statutory
requirements

Judicial Council form, sum-
mons for which manda-
tory, § 6:6

other special actions, § 6:7

Summons cross complaint, form,
§ 6:64.50

SETTLEMENT

Generally, §§ 27:1-27:78

Accord and satisfaction, § 27:65

SETTLEMENT—Cont'd

Appeal in limited jurisdiction cases,
§ 45:44

Attorney's role

authority to settle, § 27:7

conflicts of interest, § 27:8

duties to clients, § 27:6

Compromise agreement, form,
§ 27:64

Conferences, settlement

mandatory settlement confer-
ences, §§ 27:36-27:38

preparation, § 27:37

statement, settlement conference,
§ 27:37

voluntary settlement conferences,
§§ 27:36, 27:37

Confidentiality provisions and other
restrictions, § 27:5

Contract theories

extinguishing obligation, settle-
ment

generally, § 27:13

compromise, § 27:14

substitute obligation, settlement
creating

generally, § 27:15

contract principles, applica-
tion of, § 27:16

legal effect, § 27:17

“payment in full,” tender of
check as, § 27:18

Dispute, common settlement terms
for identification of dispute,
§ 27:31

Forms

accord, collection of promissory
note, § 27:65

compromise agreement, § 27:64

good faith settlement determina-
tion

ex parte procedure

application for determina-
tion of good faith

settlement, § 27:72

declaration in support of

SETTLEMENT—Cont'd

Forms—Cont'd

good faith settlement determination—Cont'd

ex parte procedure—Cont'd
motion to contest good faith, § 27:75

notice of motion and motion to contest good faith, § 27:74

notice of settlement, § 27:71

order determining that settlement was not made in good faith, § 27:76

proposed order for determining that settlement was made in good faith, § 27:73

noticed motion procedure declaration in support of motion for determination of good faith settlement, § 27:69

notice of motion and motion for determination of good faith settlement, § 27:68

order determining that settlement was made in good faith, § 27:70

mandatory settlement conference statement, § 27:62

minor's or incompetent's claim, compromise of

order approving compromise of claim of minor, § 27:78

petition for order approving compromise of claim of minor, § 27:77

notice of motion to inform jury of sliding scale settlement, § 27:63

offer of compromise and proof of acceptance, § 27:66

SETTLEMENT—Cont'd

Forms—Cont'd

release, § 27:67

Frameworks for settlement

contract theories. See Contract theories (this group)

offer, statutory. See Statutory offer of settlement (this group)

Good faith settlement

generally, § 27:42

allocations in settlement agreements, § 27:45

appellate review, procedure and scope, § 27:55

application procedure for good faith settlement determination, § 27:50

court determination, § 27:53

determination of whether settlement is in good faith

allocations in settlement agreements, § 27:45

forms (this group)

nonsettling defendants, conduct of, § 27:47

Proposition 51, effect of, § 27:46

“reasonable range” test, factors considered, § 27:43

“sliding scale” settlement agreements, § 27:44

effect, § 27:42

evidentiary burdens, good faith settlement determination, § 27:52

ex parte procedure for good faith settlement determination, §§ 27:71-27:76

forms (this group)

indemnity claims, need for separate motion to discharge or bar, § 27:54

motion procedure for good faith settlement determination, § 27:51

INDEX

SETTLEMENT—Cont'd

Good faith settlement—Cont'd

nonsettling defendants, conduct of, § 27:47

parties, who may seek good faith settlement determination, § 27:49

procedure for good faith settlement determination
application procedure, § 27:50

court determination, § 27:53

evidentiary burdens, § 27:52

ex parte procedure, §§ 27:71-27:76

forms (this group)

indemnity claims, need for separate motion to discharge or bar, § 27:54

motion procedure, §§ 27:51, 27:68-27:70

timing, § 27:48

who may seek, § 27:49

Proposition 51, effect of, § 27:46

“reasonable range” test, factors considered, § 27:43

“sliding scale” settlement agreements, § 27:44

timing, procedure for good faith settlement determination, § 27:48

Incompetent's claim. See Minor's or incompetent's claim, compromise of (this group)

Judgments, stipulated. **Judgment Pursuant to Stipulation** (this Index)

Lump-sum payment, § 27:9

Mandatory settlement conferences, §§ 27:36-27:38, 27:61

Minor's or incompetent's claim, compromise of
generally, § 27:56

distribution of funds, § 27:61

forms (this group)

SETTLEMENT—Cont'd

Minor's or incompetent's claim, compromise of—Cont'd

guardian ad litem or conservator, appointment of, § 27:58

hearing on petition for compromise of claim, § 27:60

jurisdiction of court approving compromise of claim, § 27:57

petition for compromise of claim, § 27:59

procedure for obtaining court approval

distribution of funds, § 27:61

forms (this group)

guardian ad litem or conservator, appointment of, § 27:58

hearing, § 27:60

jurisdiction, § 27:57

petition for compromise of claim, § 27:59

requirement of court approval, § 27:56

“More favorable judgment,”

determining. See Statutory offer of settlement (this group)

Notification, court or arbitrator

request for dismissal, § 27:39

Obligations of parties, common

settlement terms, § 27:32

Offer, statutory. See Statutory offer of settlement (this group)

Offer of compromise and proof of acceptance, form, § 27:66

Offer to compromise, § 8:75

Offset, § 27:11

Other considerations, common settlement terms, § 27:34

Parties, common settlement terms for identification of parties, § 27:30

Parties, less than all, § 27:11

Policy favoring settlement, § 27:1

Post-agreement procedures

challenging settlement, § 27:41

enforcing settlement, § 27:40

SETTLEMENT—Cont'd

Post-agreement procedures—Cont'd
 notification, court or arbitrator
 request for dismissal, § 27:39
 notification, duty to notify court
 of settlement, § 27:39
 request for dismissal
 notification, court or arbitra-
 tor, § 27:39
 Practical considerations
 confidentiality provisions and
 other restrictions, § 27:5
 policy favoring settlement,
 § 27:1
 regulation of certain settlements,
 § 27:2
 relief from settlement, § 27:3
 tax consequences, § 27:4
 Recitals, common recitals, § 27:35
 Regulation of certain settlements,
 § 27:2
 Release, §§ 27:33, 27:67
 Relief from settlement, § 27:3
 Request for dismissal, § 27:39
 Settlement conferences. See Confer-
 ences, settlement (this group)
 Sliding scale settlement
 generally, § 27:12
 good faith settlement, determina-
 tion of whether settlement is in
 good faith, § 27:44
 notice of motion to inform jury
 of sliding scale settlement,
 form, § 27:63
 Statutory offer of settlement
 acceptance, §§ 27:24, 27:25
 counteroffer, § 27:25
 effect of judgment, § 27:26
 format of offer, § 27:22
 “more favorable judgment,”
 determining
 burden of proof, § 27:29
 calculation, § 27:28
 evaluating offer and judg-
 ment, § 27:27

SETTLEMENT—Cont'd

Statutory offer of settlement
 —Cont'd
 penalties for failure to accept
 reasonable offer, § 27:21
 procedure
 generally, § 27:19
 acceptance, §§ 27:24, 27:25
 counteroffer, § 27:25
 effect of judgment, § 27:26
 format of offer, § 27:22
 penalties for failure to accept
 reasonable offer, § 27:21
 reasonable offer requirement,
 § 27:20
 rejection, § 27:25
 response, § 27:25
 revocation, offer, § 27:23
 time, offer, § 27:23
 time for acceptance, § 27:24
 reasonable offer requirement,
 § 27:20
 rejection, § 27:25
 response, § 27:25
 revocation, offer, § 27:23
 time, offer, § 27:23
 time for response, § 27:24
 Structured settlement, § 27:10
 Tax consequences, § 27:4
 Terms, common recitals, § 27:35
 Terms, common settlement terms
 dispute, identification of, § 27:31
 obligations of parties, § 27:32
 other considerations, § 27:34
 parties, identification of, § 27:30
 release, § 27:33
 Types of settlement
 lump-sum payment, § 27:9
 offset, § 27:11
 parties, less than all, § 27:11
 sliding scale settlement, § 27:12
 structured settlement, § 27:10
 Voluntary settlement conferences,
 §§ 27:36, 27:37

INDEX

SETTLEMENT CONFERENCES

Settlement (this Index)

SEVERANCE

Generally, §§ 25:17-25:34

Alternatives to motion for severance, § 25:21

Checklist for obtaining or opposing severance, § 25:30

Declaration supporting motion to sever, form, § 25:34

Defensive strategies, § 25:29

Effect of severance on final judgment, § 25:28

Forms

declaration supporting motion to sever, § 25:34

notice of motion for order severing issue, § 25:33

order severing special defense, § 25:32

stipulation to sever special defense, § 25:31

Grounds for motion to sever or bifurcate, § 25:24

Motion to sever, § 25:23

Notice of motion for order severing issue, form, § 25:33

Order of proof and jury trial, strategy, § 25:20

Order on motion for separate trials, § 25:26

Order severing special defense, form, § 25:32

Papers for motion and opposition, § 25:25

Procedural checklist, § 25:30

Review of order granting or denying severance, § 25:27

Statutes authorizing or requiring severance, §§ 25:17, 25:18

Stipulation to separate trial, § 25:22

Stipulation to sever special defense, form, § 25:31

Strategy, §§ 25:19, 25:20, 25:29, 31

SEXUAL ABUSE

Childhood Sexual Abuse (this Index)

SHORTENING AND EXTENDING TIME

Generally, §§ 14:63-14:69

Forms

declaration in support of ex parte application for order shortening time, § 14:67

ex parte application and order extending time to serve notice of motion or reschedule hearing, § 14:69

ex parte application for extension of time to serve pleading and order form, § 12:37

ex parte application for order and order extending time to file motion, § 14:68

ex parte application for order and order shortening time, § 14:66
fast track, § 12:37

Legal and procedural requirements extending time, § 14:64

shortening time, § 14:63

Procedural checklist, § 14:65

SISTER-STATE JUDGMENTS

Generally, §§ 30:100, 30:102

Application for entry of judgment, form, § 30:111

Attorney fees, § 30:108

California judgment, obtaining, § 30:105

Cost awards, § 30:108

Entry, procedure for obtaining, § 30:104

Forms

application for entry of judgment, § 30:111

notice of entry of judgment, § 30:112

Full faith and credit, § 30:103

Interest and cost awards, § 30:108

SISTER-STATE JUDGMENTS

—Cont'd

Judgment creditor against judgment debtor, entry of judgment, § 30:104

Notice of entry, §§ 30:106, 30:112

Stay of enforcement, § 30:110

Vacation of sister-state judgment entered in California, § 30:107

Writ of execution, § 30:109

SLAPP (ANTI-) MOTIONS AND RELATED MATTERS

Anti-SLAPP motion to strike complaint, § 10:110

Exemption of anti-SLAPP claims, § 10:110.25

SLAPPback actions, § 10:110.50

SLIDING SCALE SETTLEMENT

Settlement (this Index)

SMALL CLAIMS COURTS

Appeal from. **Appeal from Small Claims Courts** (this Index)

Fees, writs, filing, § 46:20

Forms

information on writ proceedings, § 46:24

petitions, § 46:23

Petitions, writs, § 46:21

Writs

generally, § 46:19

appeal pending, § 46:22

fees, filing, § 46:20

information on writ proceedings, § 46:24

petitions, §§ 46:21, 46:23

STANDING

Parties (this Index)

STATUTE OF LIMITATIONS

Answers, affirmative defense, form, § 9:77

Architects, engineers, and land surveyors, declaration of plaintiff's attorney-no consultation

STATUTE OF LIMITATIONS

—Cont'd

and statute of limitations for certificate of merit, form, § 1:22

Class actions, § 32:2.50

Construction work, defects, extension, § 1:186

Cross-complaints, § 9:121

Decedents' estates, claims, § 1:86

Declaratory relief, § 17:26

Health care providers, notice of intention to sue and tolling of statute of limitations, § 1:3

Time limited demands, costs and attorney fees, § 33:11.10

Tribal court judgments, § 30:210

STATUTES AND ORDINANCES

Declaratory relief (this Index)

STATUTORY OFFER OF SETTLEMENT

Settlement (this Index)

STAY OF ENFORCEMENT

Generally, §§ 36:1-36:84

Actions that may be stayed, § 36:2

Appeal alone, stay by

costs, judgments for, § 36:12

mandatory injunctions, § 36:8

partition judgments, § 36:10

probate proceedings, § 36:11

statutory rule, § 36:7

writs of mandate, § 36:9

Appeal from small claims court, § 46:18

Appeal in limited jurisdiction cases, writs, § 45:66

opposition, § 45:67

Application and effect of stay actions that may be stayed, § 36:2

bankruptcy effect, § 36:1

jurisdiction of trial court, effect of stay on, §§ 36:3, 36:5

matters in which trial court jurisdiction is limited, § 36:5

INDEX

STAY OF ENFORCEMENT

—Cont'd

Application and effect of stay

—Cont'd

matters on which trial court may proceed, § 36:4

methods, overview, § 36:1

stipulated stay, § 36:1

Attachment, stay of attachment

orders. See Security, stay by posting (this group)

Child custody cases, stay by

discretionary court order, § 36:40

Construction work, defects, builder, § 1:188

Costs, stay by appeal alone on judgments for costs, § 36:12

Discretionary court order, stay by

child custody cases, § 36:40

corporate records, inspection, § 36:41

detainer, § 36:43

forcible entry and detainer, § 36:43

forms (this group)

nuisance, § 36:41

pending second action on claim, § 36:42

usurpation of office, § 36:41

Effect of stay. See Application and effect of stay (this group)

Enforcement of liability on security.

See Security, stay by posting (this group)

Forcible entry and detainer, stay by discretionary court order, § 36:43

Forms

discretionary court order, stay by, notice of motion and supporting declaration for discretionary stay, §§ 36:80-36:82

security, stay by posting

application for order determining market value of bearer bonds or notes and fixing amount to be

STAY OF ENFORCEMENT

—Cont'd

Forms—Cont'd

security, stay by posting—Cont'd deposits, § 36:78

bond on appeal to stay execution, personal sureties, § 36:63

consent to security in amount less than required by statute, § 36:65

declaration of qualifications of personal surety, § 36:64

deposit in lieu of bond or undertaking, § 36:76

notice of motion and supporting declaration for order waiving security, § 36:67

notice of motion for order dispensing with or limiting security, § 36:72

notice of motion for order fixing security on appeal, § 36:69

notice of motion for order requiring additional security on attachment after judgment, § 36:74

notice of motion for order requiring appellant to provide security on appeal, § 36:71

notice of motion for order staying enforcement of judgment or order affecting custody of minor, § 36:73

notice of motion for order that security is insufficient, § 36:75

order determining market value of bearer bonds or notes and fixing amount to be deposits, § 36:79

order fixing amount of security, § 36:70

STAY OF ENFORCEMENT

—Cont'd

Forms—Cont'd

security, stay by posting—Cont'd
order on motion for waiver of security, § 36:68

stipulation of parties to market value of bearer bonds or notes, § 36:77

waiver of security, § 36:66

supersedeas, stay by writ of petition for writ of supersedeas, § 36:83

writ of supersedeas, § 36:84

temporary stays

application for temporary stay, § 36:57

declaration in support of application for temporary stay, § 36:58

notice of motion and supporting declaration for temporary stay, § 36:60

opposition to motion for temporary stay, § 36:61

order on motion for temporary stay, § 36:62

stipulation of parties to temporary stay, § 36:59

Indigents, exemptions from security, § 36:39

Injunctions, stay by appeal of mandatory injunction, § 36:8

Jurisdiction of trial court, effect of stay on. See Application and effect of stay (this group)

Mandatory injunctions, stay by appeal alone, § 36:8

Methods for obtaining stay

generally, § 36:1

appeal. See Appeal alone, stay by (this group)

discretion of court. See Discretionary court order, stay by (this group)

STAY OF ENFORCEMENT

—Cont'd

Methods for obtaining stay—Cont'd
security. See Security, stay by posting (this group)

supersedeas. See Supersedeas, stay by writ of (this group)

temporary stay, before notice of appeal is filed, § 36:6

Money, stay of judgments and orders for payment of money. See Security, stay by posting (this group)

Nuisance, stay by discretionary court order, § 36:41

Partition judgments, stay by appeal alone, § 36:10

Pending second action on claim, stay by discretionary court order, § 36:42

Personal property, stay of judgments and orders for assignment or delivery of personal property. See Security, stay by posting (this group)

Posting security. See Security, stay by posting (this group)

Probate proceedings, stay by appeal alone, § 36:11

Procedural checklists, §§ 36:54-36:56

Public entities and officers, exemptions from posting security, § 36:38

Real property, conditions and amount of security for stay of judgments and orders directing disposition of real property, § 36:20

Receivers, conditions and amount of security for stay of judgments and orders for appointment of receiver, § 36:21

Security, stay by posting
generally, § 36:13
acting in another's rights, exemptions from security, § 36:37

INDEX

STAY OF ENFORCEMENT

—Cont'd

Security, stay by posting—Cont'd
attachment, stay of attachment orders
amount of security, § 36:23
conditions of security, § 36:23
post-levy, where appellant has already levied attachment, § 36:24
deposit in lieu of bond or undertaking, sureties, § 36:14
discretionary stay
application limited to property in possession, § 36:26
conditions of security, § 36:25
enforcement of liability on security
appellant and sureties, enforcement against, § 36:34
surety's rights, § 36:35
time for enforcement, § 36:36
exemptions from security
indigents, § 36:39
parties acting in another's rights, § 36:37
public entities and officers, § 36:38
forms (this group)
indigents, exemptions from security, § 36:39
judgments and orders stayed
attachment, stay of attachment orders (this group)
discretion of trial court, undertaking in (this group)
money, stay of judgments and orders for payment of money (this group)
multiple acts, conditions and amount of security for stay of judgments and orders

STAY OF ENFORCEMENT

—Cont'd

Security, stay by posting—Cont'd
judgments and orders stayed
—Cont'd
requiring two or more acts, § 36:22
personal property, stay of judgments and orders for assignment or delivery of personal property (this group)
real property, conditions and amount of security for stay of judgments and orders directing disposition of real property, § 36:20
receivers, conditions and amount of security for stay of judgments and orders for appointment of receiver, § 36:21
modification after setting security, § 36:33
money, stay of judgments and orders for payment of money
amount, § 36:16
conditions of security, § 36:15
money judgments not requiring security, § 36:17
multiple acts, conditions and amount of security for stay of judgments and orders requiring two or more acts, § 36:22
objections to sufficiency
grounds, § 36:29
hearing on objections, § 36:32
modification after setting security, § 36:33
order on objections, § 36:32
procedural checklist, § 36:55
response to objections, § 36:31
time for objections, § 36:30

STAY OF ENFORCEMENT

—Cont'd

Security, stay by posting—Cont'd
 personal property, stay of judgments and orders for assignment or delivery of personal property
 amount, § 36:19
 conditions of security, § 36:18
 procedure for obtaining stay by security
 filing and service of security, § 36:28
 trial order fixing amount, § 36:27
 public entities and officers, exemptions from security, § 36:38
 real property, conditions and amount of security for stay of judgments and orders directing disposition of real property, § 36:20
 receivers, conditions and amount of security for stay of judgments and orders for appointment of receiver, § 36:21
 sureties, deposit in lieu of bond or undertaking, § 36:14
 Sister-state judgments, § 30:110
 Small claims court, appeals, § 46:18
 Supersedeas, stay by writ of
 forms (this group)
 nature and application of supersedeas
 automatic stay, enforcement, § 36:46
 discretionary order, refused, § 36:48
 enforcement, § 36:46
 security, stay conditioned on, § 36:47
 statutes, no statutory provision for stay, § 36:49

STAY OF ENFORCEMENT

—Cont'd

Supersedeas, stay by writ of
 —Cont'd
 nature and application of supersedeas—Cont'd
 temporary stay pending action, § 36:45
 procedure for obtaining supersedeas
 determination, § 36:53
 filing and serving petition, § 36:51
 format, § 36:51
 hearing, § 36:53
 opposition, § 36:52
 prerequisites, § 36:50
 procedural checklist, § 36:56
 review, § 36:53
 Temporary stays
 forms (this group)
 pre-notice of appeal, § 36:6
 supersedeas, temporary stay pending action, § 36:45
 Tribal court judgments, § 30:213
 Usurpation of office, stay by discretionary court order, § 36:41
 Writ of supersedeas. See Supersedeas, stay by writ of (this group)
 Writs of mandate, stay by appeal alone, § 36:9

STIPULATIONS

Consolidation of actions, consolidation by stipulation, §§ 25:5, 25:12
 Judgments. **Judgment Pursuant to Stipulation** (this Index)
 Limited jurisdiction cases in the trial court, reclassification, §§ 34:10, 34:12
 Referee, stipulation or motion for order appointing, § 26:162
 Submission of agreed case, stipulation to agreed facts, form, § 19:14

INDEX

STRIKING PLEADING

Motion to Strike (this Index)

SUBMISSION OF AGREED CASE

Generally, §§ **19:1-19:15**

Declaration of attorneys, form, § **19:13**

Declaratory relief distinguished, § **19:3**

Forms

declaration of attorneys, § **19:13**

judgment on submitted controversy, § **19:15**

stipulation to agreed facts, § **19:14**

submission of agreed case, § **19:12**

Judgment on submitted controversy, form, § **19:15**

Nature, § **19:1**

Post-action, submission after action filed, § **19:10**

Pre-action, submission before action filed
procedure

appeal, § **19:9**

checklist, § **19:11**

enforcement, § **19:8**

filing, § **19:7**

forms (this group)

hearing, § **19:8**

judgment, § **19:8**

requirements of agreed statement

affidavit, § **19:6**

question in difference, § **19:5**

Public interest in settlement, § **19:2**

Purpose, § **19:1**

Stipulation to agreed facts, form, § **19:14**

Summary judgment distinguished, § **19:4**

SUBPOENAS

Arbitration, hearings, § **26:129**

SUBPOENAS—Cont'd

Service of process and other papers, form, § **6:101**

Third party records, § **30:5.50**

SUBSTANTIAL BENEFIT THEORY

Attorney fees. **Attorney Fees** (this Index)

SUBSTITUTIONS

Attorneys, law and motion rules as to format of court papers, § **2:23**

Format of court papers, law and motion rules, § **2:23**

Parties (this Index)

SUMMARY ADJUDICATION

Summary Judgment (this Index)

SUMMARY JUDGMENT

Generally, §§ **21:1-21:67**

Adjudication. See Summary adjudication (this group)

Admissions, § **21:21**

Affidavits and declarations. See Supporting evidence (this group)

Appellate review of court's ruling

appeal of summary judgment

appealability, § **21:47**

multiple parties, action

involving, § **21:48**

scope of review, § **21:49**

writ, review by

generally, § **21:50**

time limits for filing petition

for writ, § **21:51**

Burden of proof. See Hearing and ruling by court (this group)

Declaratory relief, § **17:41**

Depositions, § **21:22**

Evidence

objections to evidence,

§ **21:32.50**

supporting. See Supporting evidence (this group)

SUMMARY JUDGMENT

—Cont'd

First amendment cases, use of summary judgment in, § 21:5

Forms

declaration in support of or in opposition to motion for summary judgment, § 21:60

judicial notice, requests for request for court to take judicial notice of matters in opposition to motion for summary judgment, § 21:62

supporting matters, request for court to take judicial notice of matters in support of motion for summary judgment, § 21:61

notice of motion

notice of motion for summary adjudication, § 21:55

notice of motion for summary judgment, § 21:54

orders

order denying motion for summary adjudication, § 21:66

order denying motion for summary judgment, § 21:65

order granting motion for summary adjudication, § 21:64

order granting motion for summary judgment, § 21:63

separate statements

summary adjudication separate statement in opposition to motion for summary adjudication, § 21:59

separate statement of undisputed material facts in support of

SUMMARY JUDGMENT

—Cont'd

Forms—Cont'd

separate statements—Cont'd summary adjudication

—Cont'd

motion for summary adjudication, § 21:58

summary judgment

separate statement in opposition to motion for summary judgment, § 21:57

separate statement of undisputed material facts in support of motion for summary judgment, § 21:56

summary judgment, § 21:67

Hearing and ruling by court

appeal. See Appellate review of court's ruling (this group)

burden of proof

construction of affidavits, § 21:40

moving party, § 21:38

opposing party, § 21:39

challenging ruling in trial court

motion denied, § 21:46

motion granted, § 21:45

objections to evidence

generally, § 21:36

form, § 21:37

orders

denying motion, § 21:43

forms (this group)

granting motion, § 21:42

sanctions for affidavits presented in bad faith, § 21:44

sanctions for affidavits presented in bad faith, § 21:44

standards for ruling by court, statutory provisions, § 21:41

time for hearing, § 21:35

INDEX

SUMMARY JUDGMENT

—Cont'd

- Judgment on pleadings compared, § 21:4
- Judgment pursuant to stipulation, summary judgment distinguished, § 20:7
- Judicial notice. See Supporting evidence (this group)
- Materiality, § 21:2
- Moving for summary judgment or summary adjudication
 - evidence, supporting. See Supporting evidence (this group)
 - local rules, preemption of local rules as to form and format of motion and papers, § 21:12
 - moving papers
 - generally, § 21:12
 - local rules, preemption of local rules as to form and format of motion and papers, § 21:12
 - notice of motion, § 21:13
 - points and authorities, § 21:14
 - notice of motion, § 21:13
 - points and authorities, § 21:14
 - procedure
 - reply to opposition, § 21:30
 - service of notice of motion, § 21:29
 - time for making motion, § 21:28
- Multiple defendants, special rule where summary judgment granted as to one of several defendants in action involving injury to person or property, § 21:8
- Nature of summary judgment, § 21:1
- Notice of motion for summary judgment or summary adjudication
 - generally, § 21:13
 - forms (this group)
- Objections to evidence. See Hearing and ruling by court (this group)

SUMMARY JUDGMENT

—Cont'd

- Opposing motion for summary judgment or summary adjudication
 - evidence, objections to, § 21:32.50
 - opposition papers, § 21:31
 - procedure
 - continuance of hearing, § 21:34
 - time for filing opposition, § 21:33
 - separate statement in opposition, form and content, §§ 21:32, 21:57, 21:59
- Orders. See Hearing and ruling by court (this group)
- Pleadings
 - reliance on pleadings, § 21:23
 - role of pleadings, § 21:3
- Points and authorities in support of motion for summary judgment or summary adjudication, § 21:14
- Procedural checklists
 - moving party, matters to be considered by, § 21:52
 - opposing party, matters to be considered by, § 21:53
- Procedure
 - checklists. See procedural checklists (this group)
 - moving. See Moving for summary judgment or summary adjudication (this group)
 - opposition. See Opposing motion for summary judgment or summary adjudication (this group)
- Purpose of summary judgment, § 21:1
- Reply to opposition, § 21:30
- Sanctions for affidavits presented in bad faith, § 21:44
- Separate statement in opposition to motion for summary judgment or summary adjudication, form and content, § 21:32

SUMMARY JUDGMENT

—Cont'd

Separate statement of undisputed material facts. See Supporting evidence (this group)

Service of notice of motion, § 21:29

Summary adjudication

- generally, § 21:9
- denial, motion for summary judgment following denial of summary adjudication, § 21:11
- forms (this group)
- motions. See Moving for summary judgment or summary adjudication (this group)
- procedure, § 21:10
- summary judgment
 - distinguished, § 21:1

Summary judgment, form, § 21:67

Supporting evidence

- generally, §§ 21:15, 21:16
- admissions, § 21:21
- affidavits and declarations
 - generally, § 21:17
 - admissible evidence, § 21:18
 - competency requirement, § 21:18
 - declaration in support of or in opposition to motion for summary judgment, form, § 21:60
- documentary evidence, § 21:20
- facts, evidentiary facts requirement, § 21:19
- personal knowledge requirement, § 21:18
- sanctions for affidavits presented in bad faith, § 21:44

depositions, § 21:22

format of evidence, § 21:16

judicial notice

- generally, § 21:24
- court file, judicial notice of, § 21:25
- forms (this group)

SUMMARY JUDGMENT

—Cont'd

Supporting evidence—Cont'd

- judicial notice—Cont'd
 - requesting judicial notice, § 21:25
- pleadings, reliance on, § 21:23
- separate statement of undisputed material facts. See undisputed material facts, separate statement of (this group)
- undisputed material facts, separate statement of
 - generally, § 21:26
 - form and content, §§ 21:27, 21:56, 21:58

Timing

- hearing, time for, § 21:35
- motion, time for making, § 21:28
- opposition, time for filing, § 21:33
- writ, time limits for filing petition for writ of review, § 21:51

Unavailability of summary judgment, § 21:7

Undisputed material facts, separate statement of. See Supporting evidence (this group)

Unlawful detainer and forcible entry cases, use of summary judgment in, § 21:6

Writ, review by. See Appellate review of court's ruling (this group)

SUMMONS

Electronic service, § 2:45

Service of Process (this Index)

SUPERIOR COURTS

Alternative Dispute Resolution (this index)

Appeal from superior court. **Appeal from Superior Court** (this Index)

Format of Court Papers (this Index)

INDEX

SUPERSEDEAS

Appeal, stay of enforcement by writ of supersedeas. **Stay of Enforcement** (this Index)

SUPPLEMENTAL COMPLAINTS

Complaints (this Index)

SUPREME COURT OF CALIFORNIA

Generally, §§ **43:1-43:54**

Addresses, § **43:2**

Affirmance, § **43:23**

Amicus curiae letters, § **43:14**

Answer to petition for review, §§ **43:12, 43:28**

Authority of review, § **43:7**

Briefs. See **Review** (this group)

Court's own motion, review on, § **43:8**

Denial of review. See **Review** (this group)

Dismissal for improvident grant of review, § **43:24**

Disposition. See **Review** (this group)

Filing papers, § **43:2**

Finality of supreme court opinion, § **43:26**

Forms

petition for transfer from court of appeal before decision, § **43:6**
review

cover, § **43:30**

index of contents, § **43:31**

notice of intent to rely on court of appeal brief, § **43:33**

petition for review, § **43:32**

Grant or denial of review. See **Review** (this group)

Hearing, review, § **43:22**

Modification, § **43:23**

Oral argument, review, § **43:22**

Petition for review. See **Review** (this group)

SUPREME COURT OF CALIFORNIA—Cont'd

Rehearing

authority, § **43:34**

grounds, § **43:34**

procedural checklist, § **43:36**

procedure, §§ **43:35, 43:36**

Remittitur, § **43:26**

Reply to answer to petition for review, § **43:13**

Retransfer to court of appeal, § **43:25**

Reversal, § **43:23**

Review

affirmance, § **43:23**

amicus curiae letters, § **43:14**

answer to petition for review, §§ **43:12, 43:28**

authority, § **43:7**

briefs

generally, § **43:19**

content, § **43:21**

form, §§ **43:30, 43:31**

format, § **43:20**

notice of intent to rely on court of appeal brief, forms, § **43:33**

procedural checklists, §§ **43:27-43:29**

proof of service, § **43:19**

time considerations, § **43:19**

denial of review. See **grant or denial of review** (this group)

dismissal for improvident grant of review, § **43:24**

disposition

affirmance, § **43:23**

dismissal for improvident grant of review, § **43:24**

finality of supreme court opinion, § **43:26**

modification, § **43:23**

remittitur, § **43:26**

reversal, § **43:23**

**SUPREME COURT OF
CALIFORNIA—Cont'd**

Review—Cont'd
 disposition—Cont'd
 transfer or retransfer to court
 of appeal, § 43:25
 finality of supreme court opinion,
 § 43:26
 forms (this group)
 grant or denial of review
 denial, § 43:18
 grant, § 43:17
 grounds, § 43:15
 hearing, § 43:22
 modification, § 43:23
 oral argument, § 43:22
 petition for review
 answer, §§ 43:12, 43:28
 format, § 43:9
 petition, §§ 43:27, 43:32
 proof of service, § 43:11
 reply, § 43:13
 statement of issues, § 43:10
 time considerations, § 43:11
 remittitur, § 43:26
 reply to answer to petition for
 review, § 43:13
 reversal, § 43:23
 review on court's own motion,
 § 43:8
 scope of review
 grounds, § 43:15
 limitations, § 43:16
 transfer or retransfer to court of
 appeal, § 43:25
Scope of review
 review, generally. See Review
 (this group)
 state bar court. See State bar
 court review (this group)
State bar court review
 generally, §§ 43:37-43:54
 authority, § 43:37
 disposition
 decision, § 43:49

**SUPREME COURT OF
CALIFORNIA—Cont'd**

State bar court review—Cont'd
 disposition—Cont'd
 denial, § 43:48
 finality decision, § 43:49
 remand, § 43:48
 petition for review
 disciplined attorney petitions,
 time considerations,
 § 43:39
 filing, § 43:41
 papers, § 43:38
 service, § 43:41
 state bar counsel petitions,
 time considerations,
 § 43:40
 time considerations,
 §§ 43:39, 43:40
 procedural checklists
 disciplined attorney, matters
 to be considered in seeking
 review, § 43:50
 state bar, matters to be
 considered in opposing
 review, § 43:51
 state bar's chief trial counsel,
 matters to be considered in
 seeking review, § 43:52
 supplemental briefing, mat-
 ters to be considered,
 § 43:53
 supreme court, matters to be
 considered by, § 43:54
 scope of review
 burden of proof, § 43:46
 grounds, § 43:45
 oral argument, § 43:47
 supplemental briefing
 mandatory supplemental
 briefing, § 43:42
 permissive supplemental
 briefing, § 43:44
 procedural checklist, § 43:53
 replies, §§ 43:42, 43:44

INDEX

SUPREME COURT OF CALIFORNIA—Cont'd

- State bar court review—Cont'd
 - supplemental briefing—Cont'd
 - when supplemental briefing not required, § 43:43
- Transfer from court of appeal before decision
 - generally, § 43:3
 - authority, § 43:3
 - grounds, § 43:3
 - petition for transfer from court of appeal before decision, form, § 43:6
 - procedure, §§ 43:4, 43:5
- Transfer to court of appeal, § 43:25

SUPREME COURT OF UNITED STATES

- Generally, §§ 44:1-44:39
- Admission to practice, § 44:6
- Amicus curiae, proceedings on merits, § 44:25
- Appearances, § 44:4
- Appendices, proceedings on merits.
 - See Certiorari, review of state court decisions by (this group)
- Applications, § 44:5
- Attorneys
 - admission to practice, § 44:6
 - appearance of counsel, § 44:4
- Briefs
 - merits, proceedings on, §§ 44:21-44:26, 44:35, 44:38, 44:39
 - supplemental briefs, §§ 44:17, 44:26
- Certiorari, review of state court decisions by
 - amicus curiae, proceedings on merits, § 44:25
 - appendices, proceedings on merits
 - joint appendix, § 44:27
 - requirements, § 44:21
 - briefs on merits, §§ 44:21-44:26, 44:35, 44:38, 44:39

SUPREME COURT OF UNITED STATES—Cont'd

- Certiorari, review of state court decisions by—Cont'd
 - costs, proceedings on merits, § 44:30
 - cross-petition, § 44:13
 - dismissal
 - improvidently granted, dismissal as, § 44:19
 - proceedings on merits, § 44:29
- disposition
 - petition for certiorari, § 44:19
 - proceedings on merits, § 44:29
- exhaustion of state remedies, § 44:8
- forms (this group)
- independent and adequate state grounds for decision, § 44:9
- joint appendix, proceedings on merits, § 44:27
- jurisdiction
 - generally, § 44:7
 - exhaustion of state remedies, § 44:8
 - independent and adequate state grounds for decision, § 44:9
 - state court rendering judgment, § 44:8
- merits, proceedings on
 - amicus curiae, § 44:25
 - appendices, requirements for, § 44:21
 - briefs, requirements for, §§ 44:21, 44:35
 - costs, § 44:30
 - dismissal, § 44:29
 - disposition, § 44:29
 - forms (this group)
 - joint appendix, § 44:27
 - oral argument, § 44:28
 - petitioner's brief, § 44:22

SUPREME COURT OF UNITED STATES—Cont'd

Certiorari, review of state court decisions by—Cont'd

- merits, proceedings on—Cont'd
 - rehearing, § 44:31
 - reply brief, § 44:24
 - respondent's brief, § 44:23
 - supplemental brief, § 44:26
- opposition brief, petition for certiorari, §§ 44:15, 44:34
- oral argument, proceedings on merits, § 44:28
- petitioner's brief, proceedings on merits, § 44:22
- petition for certiorari, §§ 44:10-44:12
- procedural checklists, §§ 44:32-44:35
- procedure, petition for writ of certiorari
 - contents of petition, § 44:12
 - cross-petition, § 44:13
 - dismissal as improvidently granted, § 44:19
 - disposition of petition, § 44:19
 - merits, proceedings on (this group)
 - opposition brief, § 44:15
 - petition for certiorari, § 44:10
 - procedural checklists, §§ 44:32-44:35
 - record, transmission of, § 44:14
 - rehearing of denial of petition for writ of certiorari, § 44:20
 - reply, § 44:16
 - stay of enforcement pending review, § 44:18
 - supplemental brief, § 44:17
 - time considerations for filing petition, § 44:11
 - transmission of record, § 44:14

SUPREME COURT OF UNITED STATES—Cont'd

Certiorari, review of state court decisions by—Cont'd

- record, transmission of record for petition for certiorari, § 44:14
- rehearing
 - denial of petition for writ of certiorari, § 44:20
 - proceedings on merits, § 44:31
- reply
 - petition for certiorari, § 44:16
 - proceedings on merits, § 44:24
- respondent's brief, proceedings on merits, § 44:23
- stay of enforcement pending review, § 44:18
- supplemental brief
 - petition for certiorari, § 44:17
 - proceedings on merits, § 44:26
- time considerations for filing petition for certiorari, § 44:11
- transmission of record, petition for certiorari, § 44:14

Costs, proceedings on merits, § 44:30

Counsel, appearance of, § 44:4

Cross-petition for certiorari, § 44:13

Dismissal. See Certiorari, review of state court decisions by (this group)

Disposition. See Certiorari, review of state court decisions by (this group)

Exhaustion of state remedies, review of state court decisions by certiorari, § 44:8

Format requirements, § 44:3

Forms

- cover for certiorari brief on merits, § 44:38
- cover for petition for writ of certiorari, § 44:36

INDEX

SUPREME COURT OF UNITED STATES—Cont'd

Forms—Cont'd

- table of contents for certiorari brief on merits, § 44:39
- table of contents to petition for writ of certiorari, § 44:37

Independent and adequate state grounds for decision, review of state court decisions by certiorari, § 44:9

Joint appendix, proceedings on merits, § 44:27

Jurisdiction

- generally, § 44:1
- certiorari. See Certiorari, review of state court decisions by (this group)

Motions, § 44:5

Oral argument, proceedings on merits, § 44:28

Papers, §§ 44:2, 44:32

Parties, appearance of, § 44:4

Petitioner's brief, proceedings on merits, § 44:22

Printing requirements, § 44:3

Procedural checklists, §§ 44:32-44:35

Quorum, justices necessary for decision, § 44:1

Rules of Supreme Court, § 44:1

Service of papers, § 44:2

Term of Supreme Court, § 44:1

Time considerations, § 44:2

SURPRISE

Relief From Judgment on Grounds of Mistake, Inadvertence, Surprise, or Excusable Neglect (this Index)

TAXATION

Declaratory relief, § 17:13

Settlement, tax consequences, § 27:4

TELEPHONE APPEARANCE

Generally, § 14:107

TELEPHONE APPEARANCE —Cont'd

Changed circumstances, § 14:110

Ex parte hearings, § 14:109

Notice, § 14:108

TEMPORARY RESTRAINING ORDERS

Injunctions (this Index)

TIME OR DATE

Appeal from small claims court, § 46:2

Appeal in Limited Jurisdiction Cases (this Index)

Demurrers (this index)

Electronic filing, format of court papers, § 2:39

Preservation of Evidence (this index)

Shortening and Extending Time (this Index)

Trial Court Delay Reduction Act. Fast Track (this Index)

TORT ACTIONS

Answers (this Index)

Demands for Relief (this Index)

TORTS

Jurisdiction, act outside state causing effect in state as basis of personal jurisdiction over individual in tort action, § 4:9

TRANSFERS TO COURT OF APPEAL

Appeal in limited jurisdiction cases, § 45:5

TRANSITORY ACTIONS

Venue (this Index)

TRIAL COURT DELAY REDUCTION ACT

Fast Track (this Index)

TRIALS

New trial motions. **Motions for New Trial** (this Index)

TRIAL SETTING

Generally, §§ **23:1-23:46**

Advancing. See Motions to advance, specially set, or reset (this group)

Age, trial-setting preferences based on, §§ **23:22, 23:47-23:50**

Appearance at trial. See Forms (this group)

Appearances

appearance at trial. See Forms (this group)

service of process and other papers, civil subpoena, form, § **6:101**

telephone appearances, statewide rules governing, § **23:20**

Arbitration status conference, § **23:17**

At-issue memorandum

challenging, § **23:5**

content, § **23:3**

filing, § **23:4**

forms (this group)

purpose, § **23:3**

removal of case from civil active list, § **23:6**

service, § **23:4**

Attendance and production of documents at trial. See Forms (this group)

Case conferences, class actions, § **32:7**

Case management conference. See Conferences before trial (this group)

Conferences before trial

arbitration status conference, § **23:17**

case management conference availability, § **23:7**

contents of case management conference order, § **23:9**

TRIAL SETTING—Cont'd

Conferences before trial—Cont'd

case management conference

—Cont'd

effect of case management conference order, § **23:10**

purpose, § **23:7**

timing and manner, § **23:8**

delay reduction, conferences

established by local delay

reduction rules, § **23:19**

forms (this group)

mandatory settlement conference, § **23:18**

trial setting conference

alternative for smaller courts, § **23:16**

appearances, § **23:13**

availability, § **23:11**

contents of trial setting conference order, § **23:15**

matters discussed, § **23:14**

timing, § **23:12**

Continuances

appellate review, § **23:33**

expenses, imposition of resulting, § **23:31**

fast track, effect of, § **23:32**

forms (this group)

grounds for obtaining continuances, § **23:29**

procedure for obtaining continuances, § **23:30**

Court procedures, § **23:2**

Delay reduction, conferences

established by local delay reduction rules, § **23:19**

Demand for jury trial

appellate review, § **23:37**

availability of jury trial, § **23:34**

forms (this group)

procedure for demanding trial by jury, § **23:35**

waiver and reinstatement of trial by jury, § **23:36**

INDEX

TRIAL SETTING—Cont'd

Forms

- appearance at trial. See attendance and production of documents at trial (this group)
- appearances. See attendance and production of documents at trial (this group)
- at-issue memorandum
 - notice of case management conference, § 23:39
 - notice of motion and supporting declaration to strike at-issue memorandum, § 23:42
 - notice of related case, § 23:44
 - order striking at-issue memorandum, § 23:43
 - request for trial setting, § 23:41
 - status and setting conference statement, § 23:40
- attendance and production of documents at trial
 - civil subpoena (duces tecum) for personal appearance and production of documents and things at trial or hearing and declaration, § 23:64
 - civil subpoena for personal appearance at trial or hearing, § 23:60
 - notice of motion to compel production of documents or other materials at trial in accordance with notice to appear, § 23:62
 - notice to attorney in lieu of service of subpoena for attendance at trial and demand for production of documents, § 23:58
 - notice to party to appear at trial, § 23:59

TRIAL SETTING—Cont'd

Forms—Cont'd

- attendance and production of documents at trial—Cont'd
 - objection to notice to appear, § 23:61
 - order requiring production of documents or other materials at trial, § 23:63
- conferences before trial
 - attorney's declaration in support of motion for order setting case management conference, § 23:46
 - notice of motion for order setting case management conference, § 23:45
- continuances
 - attorney's declaration in support of motion for continuance on ground that attorney will be engaged in trial of another case, § 23:55
 - notice of motion for continuance of trial date, § 23:54
- demand for jury trial
 - attorney's declaration in support of motion for order granting relief from waiver of jury trial, § 23:57
 - notice of motion for order granting relief from waiver of jury trial, § 23:56
- motions to advance, specially set, or reset
 - attorney's declaration in support of motion for order advancing trial date or specially setting case for trial to avoid statutory deadline, § 23:52
 - notice of motion for order advancing trial date or specially setting case for trial to avoid statutory

TRIAL SETTING—Cont'd

Forms—Cont'd

motions to advance, specially set,
or reset—Cont'd

deadline, § 23:51

order advancing, resetting, or
specially setting a case for
trial setting conference or
trial, § 23:53

preferences in trial setting

moving party's declaration in
support of motion for order
granting preference in trial
setting for party over 70,
§ 23:48

notice of motion for order
granting preference in trial
setting for party over 70,
§ 23:47

order establishing preference,
§ 23:50

physician's or attorney's dec-
laration in support of
motion for order granting
preference in trial setting
for party over 70, § 23:49

production of documents at trial.

See attendance and production
of documents at trial (this
group)

Illness, trial-setting preferences
based on, § 23:23

Interests of justice, trial-setting pref-
erences based on, § 23:24

Jury trial. See Demand for jury trial
(this group)

Long causes

generally, § 23:2

procedural checklist of events
involved in setting long cause
for trial, § 23:38

Mandatory settlement conference,
§ 23:18

Motions to advance, specially set, or
reset

forms (this group)

TRIAL SETTING—Cont'd

Motions to advance, specially set, or
reset—Cont'd

trials

procedure, § 23:27

reasons, § 23:26

trial-setting conferences, proce-
dure for obtaining special set-
ting of conference, § 23:28

Preferences in trial setting

age, preferences based on,
§ 23:22

forms (this group)

illness, preferences based on,
§ 23:23

interests of justice, § 23:24

statutory preferences, other,
§ 23:25

Procedural checklist, events involved
in setting long cause for trial,
§ 23:38

Production of documents at trial. See
Forms (this group)

Resetting. See Motions to advance,
specially set, or reset (this group)

Sanctions for noncompliance with
rules governing conferences,
§ 23:21

Sources of authority, § 23:1

Specially setting. See Motions to
advance, specially set, or reset
(this group)

Special setting, procedure for,
§ 23:27

Telephone appearances, statewide
rules governing, § 23:20

Trial setting conference. See Confer-
ences before trial (this group)

Video recorded depositions, use at
trial, special requirements,
§ 13:301

TRIBAL COURT JUDGMENTS

Generally, § 30:200

Application in superior court
contents, § 30:204

INDEX

TRIBAL COURT JUDGMENTS

—Cont'd

Application in superior court

—Cont'd

filing, § 30:203

form, § 30:225

notice to respondent, §§ 30:205, 30:226

Burden of proof, § 30:209

Communication and cooperation
with tribal court judge, § 30:211

Contents of application, § 30:204

Definitions, § 30:201

Entry of judgment to enforce,
§ 30:212

Excluded judgments under
TCCMJA, § 30:202

Filing application in superior court,
§ 30:203

Mandatory grounds for nonrecognition,
§ 30:207

Nonrecognition

mandatory grounds, § 30:207

permissive grounds, § 30:208

Notice to respondent of application,
§§ 30:205, 30:226

Objections from respondent,
§ 30:206

Permissive grounds for nonrecognition,
§ 30:208

Statute of limitations, § 30:210

Stay of enforcement, § 30:213

TURNOVER ORDER IN AID OF EXECUTION

Enforcement of Judgments (this
Index)

UNCONSCIONABILITY

Alternative Dispute Resolution
(this index)

UNINCORPORATED ASSOCIATIONS

Jurisdiction, personal jurisdiction
over associations, § 4:20

UNINCORPORATED

ASSOCIATIONS—Cont'd

Venue, actions against associations,
§ 4:78

UNITED STATES SUPREME COURT

Supreme Court of United States
(this Index)

USURPATION OF OFFICE

Inspection of records, nuisance,
§ 36:41

VACATING JUDGMENTS

**Motion to Vacate Judgment and
Enter Different Judgment** (this
Index)

VENUE

Generally, §§ 4:67-4:79

Classification of actions for venue,
§ 4:68

Consent, effect of, § 4:69

Contract, effect of, § 4:69

Corporations, actions against, § 4:78

Forms, § 4:70

allegations as to venue, § 3:31

motion for change of venue

declaration in opposition to
motion to change venue,
§§ 10:91, 10:94

declaration in support of
countermotion to retain
venue, § 10:98

declaration in support of
motion to change venue
based on wrong court,
§ 10:88

declaration in support of
motion to change venue for
convenience of witnesses,
§ 10:90

declaration in support of
motion to change venue in
action by local govern-
ment, § 10:96

VENUE—Cont'd

Forms, § 4:70—Cont'd

motion for change of venue
—Cont'd

declaration in support of
motion to change venue on
fair trial grounds, § 10:92
memorandum of points and
authorities in opposition to
motion for change of
venue, § 10:93

notice of countermotion to
retain venue, § 10:97

notice of motion and support-
ing declaration to dismiss
for failure to pay costs on
change of venue, § 10:102

notice of motion to change
venue based on wrong
court, § 10:87

notice of motion to change
venue for convenience, fair
trial, or no qualified judge,
§ 10:89

notice of motion to change
venue in action by local
government, § 10:95

order changing venue,
§ 10:99

order denying motion to
change venue, § 10:100

order dismissing action for
failure to pay costs on
change of venue, § 10:103

order granting countermotion
to retain venue, § 10:101

petition for writ of mandate
to challenge venue,
§ 10:104

stipulation and order chang-
ing venue, § 10:86

Government entities, actions against,
§ 4:79

Local actions

no real property, local actions
involving, § 4:72

VENUE—Cont'd

Local actions—Cont'd

real property, local actions
involving, § 4:71

Mixed actions, joinder of causes of
action or parties, § 4:77

Motion for change of venue

generally, §§ 10:64-10:104

action by or against county, city,
or local agency, § 10:68

convenience of witnesses,
§ 10:67

Forms (this Index)

grounds, § 10:65

nature of venue, jurisdiction and
forum no conveniens
distinguished, § 10:64

post-order proceedings

court to which action
transferred, § 10:78

original court's loss of juris-
diction, § 10:77

payment of costs and fees
prior to transfer, § 10:80

renewed motion to change
venue, § 10:83

review of orders, § 10:82

time to file responsive plead-
ing after motion for change
of venue, § 10:81

transmittal of pleadings and
papers, § 10:79

procedural checklists, §§ 10:84,
10:85

procedure

attorney fees, award of,
§ 10:76

checklists, §§ 10:84, 10:85

costs, award of, § 10:76

countermotion to retain
venue, §§ 10:74, 10:98,
10:101

Forms (this Index)

notice of motion, §§ 10:71,
10:87, 10:95

INDEX

VENUE—Cont'd

Motion for change of venue—Cont'd
procedure—Cont'd

opposing affidavits or declarations, §§ **10:73, 10:91, 10:94**

post-order proceedings (this group)

ruling on motion to change venue, § **10:75**

supporting affidavits or declarations, §§ **10:72, 10:88, 10:90, 10:92, 10:96, 10:98**

time for motion, § **10:70**

suspension of court's power on filing motion, § **10:69**

wrong court, § **10:66**

Real property, local actions involving, § **4:71**

Transitory actions

actions triable at defendant's residence, §§ **4:73-4:75**

contract actions, actions triable at defendant's residence and elsewhere, § **4:75**

joinder, effect of joinder of defendants in transitory actions, § **4:76**

torts, actions triable at defendant's residence and elsewhere, § **4:74**

Unincorporated association, actions against, § **4:78**

VERIFICATION OF PLEADINGS

Generally, §§ **11:19-11:25, 11:28, 11:33-11:36**

Advantages and disadvantages, § **11:23**

Failure to verify, § **11:24**

Forms

attorney, verification by party's attorney, § **11:34**

corporate officer, verification by, § **11:36**

VERIFICATION OF

PLEADINGS—Cont'd

Forms—Cont'd

party, verification by, § **11:33**

third party, verification by, § **11:35**

Privileges, effect of verification on specific privileges, § **11:25**

Procedural checklist, § **11:28**

Requirements, form and execution, § **11:22**

When verification required, § **11:20**

Who may verify, § **11:21**

VEXATIOUS LITIGANTS

Amount of security, § **15:51**

Definition of vexatious litigant, § **15:46**

Dismissal of action on failure to post security, § **15:52**

Forms

declaration in support of motion for order requiring plaintiff to furnish security, § **15:56**

motion and supporting declaration for order granting leave for vexatious litigant to file new lawsuit, § **15:61**

notice of motion and motion for order requiring plaintiff to furnish security, § **15:55**

notice of motion and supporting declaration for prefilng order preventing filing by vexatious litigant, § **15:59**

notice that vexatious litigant is subject to prefilng order, § **15:60**

order granting leave for vexatious litigant to file new lawsuit, § **15:62**

order requiring plaintiff to furnish security, § **15:57**

prefiling order, § **15:58**

removal of names from statewide list, §§ **15:63, 15:64**

VEXATIOUS LITIGANTS

—Cont'd

- Hearing, § **15:50**
- Order to furnish security, §§ **15:51, 15:57**
- Prefiling order prohibiting filing of new litigation, §§ **15:53, 15:58-15:60**
- Procedural checklist, § **15:54**
- Purpose of vexatious litigants statutes, § **15:45**
- Stay of litigation, § **15:49**
- Timing and grounds for requesting security, § **15:48**
- Validity of vexatious litigants statutes, § **15:47**

VOIR DIRE

- Fast track, § **12:44**

VOLUNTARY DISMISSALS

- Generally, §§ **22:1-22:20**
- Attorney fees, § **22:6**
- Conditions on right of dismissal, § **22:3**
- Costs, § **22:6**
- Demurrers, special tactical considerations for voluntary dismissal in response to demurrer, § **22:8**
- Effect of dismissal, § **22:5**
- Forms
 - judgment of dismissal, § **22:19**
 - notice of entry of dismissal and proof of service, § **22:18**
 - order of dismissal, § **22:20**
 - request for dismissal, § **22:17**
 - stipulation to dismiss action without prejudice, § **22:16**
- Judgment of dismissal, form, § **22:19**
- Notice of entry of dismissal and proof of service, form, § **22:18**
- Order of dismissal
 - entry and filing, § **22:11**
 - form, § **22:20**

VOLUNTARY DISMISSALS

—Cont'd

- Procedural checklists
 - matters to be considered by dismissing plaintiff, § **22:14**
 - responsive procedures to voluntary dismissal, § **22:15**
 - Procedure
 - checklists. See Procedural Checklists (this group)
 - costs, defendant's recovery of costs, § **22:12**
 - motion for dismissal, § **22:10**
 - order, entry and filing of, § **22:11**
 - request for dismissal, §§ **22:9, 22:17**
 - review and relief, § **22:13**
 - Responsive procedures to voluntary dismissal, procedural checklist, § **22:15**
 - Retention of jurisdiction, § **22:5.50**
 - Right to obtain voluntary dismissal, § **22:2**
 - Statutory authority, § **22:1**
 - Stipulation to dismiss action without prejudice, form, § **22:16**
 - Tactical considerations
 - demurrers, special considerations for voluntary dismissal in response to demurrer, § **22:8**
 - uses of voluntary dismissals, § **22:7**
 - Trial, voluntary dismissal during trial, § **22:4**
- ## **WAIVER**
- Affidavits and declarations, sufficiency, § **11:15**
 - Affirmative defense, form, § **9:95**
 - Alternative Dispute Resolution** (this index)
 - Attachment, § **16:7**
 - Default and default judgments, § **18:3**
 - Fee waiver with request for court reporter, § **14:103**

INDEX

WAIVER—Cont'd

Removal to federal court, § **5:4**

WITNESSES

Expert Witness Information (this Index)

Limited Jurisdiction Cases in the Trial Court (this Index)

WRIT OF SUPERSEDEAS

Supersedeas (this Index)

WRITS

Appeal From Small Claims Court (this Index)

Execution, writs of. **Enforcement of Judgments** (this Index)

Extraordinary Writs (this Index)

Small Claims Courts (this Index)

WRITS—Cont'd

Supersedeas (this Index)

WRONGFUL DEATH ACTIONS

Answers, form, § **9:70**

Guardians ad litem

order approving compromise of claim of minor or incompetent plaintiff -personal injury or wrongful death, form, § **1:124**

petition for approval of compromise of claim of minor or incompetent plaintiff-personal injury or wrongful death, form, § **1:123**

X-RAYS

Discovery, §§ **13:261-13:263**