

Index

ABUSE OF PROCESS

Challenging service of process, § 10:105

ACCIDENT

New trial, § 40:25

ACCOUNTING

Receivership, § 24:79

ADDITION OF PARTIES

Parties (this index)

ADDRESSES

Form of court papers, § 15:3

ADMISSIONS

Requests for Admission (this index)

Service of process and papers, §§ 10:81, 10:86

ADMONITIONS

Jury, § 29:37

Witness examinations, § 32:26

ADVERSE WITNESSES

Direct examination, §§ 32:21, 32:22

AFFIDAVITS

Form of court papers, § 15:16

AFFIRMATIVE DEFENSES

Answers (this index)

AGENTS

Personal jurisdiction, § 5:24

Service of Process and Papers (this index)

AGGREGATION OF CLAIMS OR PARTIES

Subject matter jurisdiction, amount in controversy, § 3:12

AGREEMENTS

Contracts and Agreements (this index)

ALIEN INSURERS

Personal jurisdiction, actions against nonadmitted insurers, § 6:7

Security for costs, §§ 2:52, 12:73

Service of process and papers, § 10:62

ALTER EGO

Post-trial motion for addition of nonparty defendant to judgment on basis of alter ego, § 40:80

ALTERNATE JURORS

Jury and Jury Trial (this index)

ALTERNATIVE DISPUTE RESOLUTION

Arbitration (this index)

Construction defects, claims for, §§ 2:29, 2:30

Mediation (this index)

Prelawsuit matters, enforcement of homeowners association, §§ 2:33, 2:34

ALTERNATIVE PLEADINGS

Complaints, § 9:30

AMBIGUITY

Demurrers, § 11:13

AMENDMENT OF COMPLAINTS

Generally, §§ 9:53 to 9:68, 36:28 to 36:32

Conditions when motion granted, conforming to evidence at trial, § 36:32

Conforming to evidence at trial

generally, §§ 9:63, 36:28 to 36:32

continuance of trial and other conditions

when motion granted, § 36:32

discretion of court, § 36:31

making of motion, § 36:30

nature and purpose, § 36:28

procedure, §§ 36:29, 36:30

ruling on motion, §§ 36:31, 36:32

timing of motion, § 36:29

Continuance of trial, conforming to evidence at trial, § 36:32

Contradicting previous allegations, § 9:66

Correction of minor mistakes, ex parte amendment, § 9:54

Date. Time and date, below

Default, opening of, § 9:64

Demurrer (this index)

Discretion of court, conforming to evidence at trial, § 36:31

“Doe” defendants, ex parte amendment to name, § 9:56

Evidence at trial, conforming to, § 9:63

Ex parte amendments

addition or deletion of parties or correction of minor mistakes, § 9:54

“Doe” defendants, naming of, § 9:56

Leave to amend, motion for

generally, §§ 9:57 to 9:62

additional considerations for certain types of claims, § 9:60

conforming to evidence at trial, above

effect of amendment not conforming to court order granting leave to amend, § 9:62

effect of amendment without leave of court, § 9:61

leave to amend exercised liberally, § 9:57

AMENDMENT OF COMPLAINTS

—Cont’d

- Leave to amend, motion for—Cont’d
 - timing considerations, § 9:58
- Matter of right, § 9:53
- Motion to strike, amendment after granting of, § 9:55
- New round of pleading, commencement of, § 9:67
- Parties, addition or change of name of parties, §§ 7:35 to 7:38
- Parties, ex parte amendment to add or delete, § 9:54
- Relation-back doctrine, § 9:68
- Ruling on motion, conforming to evidence at trial, §§ 36:31, 36:32
- Sham pleading doctrine, § 9:66
- Substantive changes, effect of
 - generally, §§ 9:64 to 9:68
 - contradicting previous allegations, § 9:66
 - default, opening of, § 9:64
 - new round of pleading, commencement of, § 9:67
 - relation-back doctrine, § 9:68
 - sham pleading doctrine, § 9:66
 - superseding of prior complaint, § 9:65
- Superseding of prior complaint, § 9:65
- Time and date
 - conforming to evidence at trial, motion, § 36:29
 - leave to amend, motion for, § 9:58

AMENDMENT OF JUDGMENT

- Add additional debtors, § 39:20

AMENDMENT OF RESPONSES

- Requests for admission, §§ 21:121, 34:16

AMOUNT IN CONTROVERSY

- Removal to federal court based on diversity of citizenship, § 4:29
- Subject Matter Jurisdiction (this index)

ANSWERS

- Generally, §§ 12:1 to 12:15, 13:1 to 13:9
- Affirmative defenses
 - generally, §§ 12:8 to 12:11
 - “new matter,” assertion of, § 12:8
 - response to affirmative defenses, § 12:11
 - statute of limitations no bar, § 12:10
 - “ultimate facts,” assertion of, § 12:9
- Amended answers, §§ 12:35, 12:38
- Defenses. Affirmative defenses, above
- Demurrers (this index)
- Denials
 - generally, §§ 12:4 to 12:7
 - general denials, § 12:5
 - material allegations must be denied or are deemed admitted, § 12:4
 - specific denials, §§ 12:6, 12:7
- Depositions, motion to compel, § 21:83
- Filing of answer, § 12:15
- Format, § 12:3

ANSWERS—Cont’d

- Function, § 12:1
- General denials, § 12:5
- Intervention, § 8:16
- Judgment on the pleadings, § 13:9
- Material allegations must be denied or are deemed admitted, § 12:4
- “New matter,” assertion of, § 12:8
- Prayer, § 12:12
- Purpose, § 12:1
- Response to affirmative defenses, § 12:11
- Role of answer, §§ 12:1 to 12:3
- Service of answer, § 12:15
- Signature, § 12:13
- Specific denials, §§ 12:6, 12:7
- Statute of limitations no bar, affirmative defenses, § 12:10
- Strike, Motion to (this index)
- Supplemental answers, §§ 12:36, 12:38
- Time to respond, § 12:38
- Timing considerations, § 12:2
- “Ultimate facts,” assertion of, § 12:9
- Verification, § 12:14

ANTI-SLAPP MOTION TO STRIKE

- Generally, §§ 11:58 to 11:66
- Actions, SLAPPback, § 11:65
- Amendment not allowed, § 11:61
- Appeal, immediate, § 11:64
- Discovery, stay of, § 11:60
- Fees and costs, § 11:62
- Immediate appeal, § 11:64
- Procedure, § 11:59
- Ruling, § 11:61
- Sanctions for frivolous motion, § 11:63
- SLAPPback actions, § 11:65

APPEAL AND REVIEW

- Generally, §§ 42:1 to 42:22
- Anti-SLAPP motion to strike, § 11:64
- Appellate division of superior court, appeal to, § 42:22
- Civil case information statement requirement, § 42:20
- Deposit for transcript, §§ 42:18, 42:19
- Disqualification of opposing attorney, § 14:19
- District court of appeal, appeal to, §§ 42:1 to 42:21
- Expedited jury trial, §§ 27:39, 27:47
- Extension of time to appeal by denial of posttrial motions
 - generally, §§ 42:8 to 42:12
 - judgment notwithstanding verdict, motion for, § 42:11
 - new trial, denial of, § 42:9
 - reconsideration, motion for, § 42:12
 - vacation of judgment, motion for, § 42:10
- Fees for filing, §§ 42:18, 42:19
- Filing of notice of appeal. Form and filing of notice of appeal, below

INDEX

APPEAL AND REVIEW—Cont'd

- Form and filing of notice of appeal
 - generally, §§ 42:13 to 42:20
 - civil case information statement requirement, § 42:20
 - filing fees and transcript deposit, §§ 42:18, 42:19
 - form and content, § 42:13
 - liberal construction of notice, § 42:14
 - service of notice of appeal, §§ 42:16, 42:17
 - special service of notice of appeal, § 42:17
 - superior court, filing notice of appeal with, § 42:15
 - time to file notice of appeal, below
- Judgment notwithstanding verdict, extension of time to appeal by denial of motion for, § 42:11
- Jurisdictional nature of timely filing of notice of appeal, § 42:1
- Liberal construction of notice of appeal, § 42:14
- Mandatory nature of timely filing of notice of appeal, § 42:1
- New trial, §§ 27:47, 40:57, 42:9
- Posttrial motions, denial of. Extension of time to appeal by denial of posttrial motions, above
- Premature notice of appeal, effect of, § 42:7
- Reconsideration, extension of time to appeal by denial of motion for, § 42:12
- Record on appeal, § 42:21
- Service of Process and Papers (this index)
- Summary judgment and summary adjudication, § 22:69
- Time to file notice of appeal
 - generally, §§ 42:1 to 42:7
 - appellate division of superior court, § 42:22
 - calculation of time from amended judgments, § 42:6
 - calculation of time from entry of judgment or order, § 42:5
 - calculation of time from notice, § 42:4
 - extension of time to appeal by denial of post-trial motions, above
 - initiation of 60 day time limit, § 42:3
 - mandatory and jurisdictional nature of timely filing of notice of appeal, § 42:1
 - “normal” time limits, § 42:2
 - premature notice of appeal, effect of, § 42:7
- Transcript deposit, §§ 42:18, 42:19
- Vacation of judgment, extension of time to appeal by denial of motion for, § 42:10
- Waiver, expedited jury trial, §§ 27:39, 27:47

APPEARANCE

- Ex parte applications, § 18:7
- Service of Process and Papers (this index)
- Special Appearances (this index)
- Trial Court Delay Reduction Act, case management conference, § 14:29

APPLICATIONS

- Attachment (this index)
- Claim and delivery of personal property, writ of possession, § 24:30

APPOINTMENT

- Reference, Trial by (this index)

APPORTIONMENT

- Discovery, monetary sanctions, § 25:34

APPROACHING WITNESSES

- Generally, § 32:29

APPROVAL

- Consent or Approval (this index)

ARBITRATION

- Contractual
 - agreements, §§ 2:60 to 2:66
 - dismissal, § 20:34
 - joinder of parties, § 8:10
 - jurisdiction of superior courts, § 3:9
 - petition to compel
 - hearing and determination, § 2:66
 - requirements, § 2:65
 - policy, § 2:61
 - tolling, § 20:34
 - waiver
 - generally, § 2:62
 - deadlines, § 2:63
 - litigation, § 2:64
- Judicial
 - costs, after de novo trial, § 41:5
 - motion to set aside, § 40:74
 - tolling, § 20:35

ARCHITECTS

- Security for costs, § 2:51

ASSIGNMENT OF RIGHTS

- Settlement, good faith determination, § 23:54

ASSOCIATIONS

- Parties, § 7:9
- Venue, § 3:33

ATTACHMENT

- Generally, §§ 24:1 to 24:28, 24:83 to 24:100
- Actions in which authorized
 - commercial claims, § 24:6
 - contract claim for money, § 24:4
 - probable validity of claim, § 24:7
 - property, claim secured by, § 24:5
- Additional bonds, § 24:92
- Additional writs
 - ex parte procedure, § 24:20
 - motion procedure, § 24:16
- Application of remedy, § 24:1
- Applications
 - ex parte procedure, § 24:17
 - motion procedure, § 24:11
 - temporary protective order, § 24:22
- Approval of bonds and undertakings, § 24:87
- Bonds and undertakings
 - generally, §§ 24:27, 24:83 to 24:100
 - approval and duration, § 24:87

ATTACHMENT—Cont’d

Bonds and undertakings—Cont’d
 contents, filing and service, § 24:86
 definitions, § 24:84
 deposit in lieu of bond, below
 enforcement of liability on bond, § 24:93
 hearing on objection to bond, § 24:89
 increase or decrease of amount of bond,
 § 24:90
 new, additional or supplemental bond,
 § 24:92
 objections to bonds, §§ 24:88, 24:89
 procedure, §§ 24:86 to 24:93
 purpose, § 24:83
 release or substitution of sureties on litigation
 bond, § 24:91
 sureties on bond, § 24:85
 Commercial claims, § 24:6
 Continuance of hearing, motion procedure,
 § 24:13
 Contract claim for money, § 24:4
 Deposit in lieu of bond
 generally, §§ 24:94 to 24:100
 agreement obligating principal, § 24:98
 amount and value of property, § 24:96
 enforcement against deposit, § 24:99
 interest on deposit, § 24:97
 return of deposit, § 24:100
 types of property that may be deposited,
 § 24:95
 Duration
 bonds and undertakings, § 24:87
 temporary protective order, § 24:26
 Election of remedies, § 24:3
 Enforcement against deposit in lieu of bond,
 § 24:99
 Ex parte procedure
 generally, §§ 24:17 to 24:21
 additional writs, plaintiff may obtain,
 § 24:20
 application for order and writ, § 24:17
 exemptions, claim by defendant, § 24:18
 issuance of order and writ, § 24:19
 setting aside or reduction of order, § 24:21
 temporary protective order in lieu, § 24:24
 Exempt property, § 24:9
 Exemptions
 ex parte procedure, § 24:18
 motion procedure, § 24:12
 Filing of bonds and undertakings, § 24:86
 Hearings
 motion procedure, § 24:14
 objections to bond, § 24:89
 Interest on deposit in lieu of bond, § 24:97
 Issuance
 generally, § 24:28
 ex parte procedure, § 24:19
 motion procedure, § 24:15
 temporary protective order, § 24:23
 Modification of temporary protective order,
 § 24:26

Index-4

ATTACHMENT—Cont’d

Motion procedure
 generally, §§ 24:11 to 24:16
 additional writs, plaintiff may obtain,
 § 24:16
 application for order and writ, § 24:11
 continuance of hearing, § 24:13
 hearing on application, § 24:14
 issuance of order and writ, § 24:15
 notice, opposition, claim of exemptions and
 reply, § 24:12
 Nature of remedy, § 24:1
 New bonds, § 24:92
 Notice, motion procedure, § 24:12
 Objections to bonds, §§ 24:88, 24:89
 Opposition, motion procedure, § 24:12
 Probable validity of claim, § 24:7
 Property, claim secured by, § 24:5
 Property subject to attachment
 generally, §§ 24:8 to 24:10
 amount secured by attachment, § 24:10
 exempt property, § 24:9
 Reduction of order, ex parte procedure, § 24:21
 Release of sureties on litigation bond, § 24:91
 Reply, motion procedure, § 24:12
 Return of deposit in lieu of bond, § 24:100
 Separate from main action, § 24:2
 Service of process and papers
 bonds and undertakings, § 24:86
 temporary protective order, service creates
 lien, § 24:25
 Setting aside of order, ex parte procedure, § 24:21
 Substitution of sureties on litigation bond, § 24:91
 Supplemental bonds, § 24:92
 Sureties on bond, § 24:85
 Temporary protective order
 generally, §§ 24:22 to 24:26
 application by plaintiff, § 24:22
 duration and modification of order, § 24:26
 ex parte writ, order in lieu of, § 24:24
 issuance, § 24:23
 service of order creates lien, § 24:25
 Time and date. Duration, above
 Undertakings. Bonds and undertakings, above

ATTENDANCE

Trial management conferences, § 28:4

**“ATTORNEY AFFIDAVIT OF
 FAULT” RELIEF**

Dismissal, § 20:49

ATTORNEYS

Absolute right of client to change attorney of record,
 § 14:10
 Association of attorneys, attorney of record,
 § 14:11
 Concealment of evidence, § 30:27
 Cooperation, duty, § 1:18
 Court officer, § 1:18

INDEX

ATTORNEYS—Cont'd

Curative instructions to jury, misconduct of attorney, § 30:30

Derogatory statements, § 30:23

Discovery, work product, § 21:19

Disqualification of opposing attorney

- generally, §§ 14:18, 14:19
- late motions, § 14:19
- procedure, § 14:19
- review, § 14:19
- ruling, § 14:19

Ethical considerations, withdrawal by attorney, § 14:16

Fees. Attorneys' Fees (this index)

Form of court papers, first page, § 15:11

Inadmissible matters, reference to, § 30:26

Jury trial, voir dire, §§ 29:15 to 29:19

Management of cases

- generally, §§ 14:10 to 14:19
- disqualification of opposing attorney, above record, attorney of, below
- substitution of attorneys, §§ 14:13, 14:14
- withdrawal by attorney, below

Matters not in evidence, reference to, § 30:25

Misconduct of attorney

- generally, §§ 30:22 to 30:30
- concealment of evidence, § 30:27
- curative instructions to jury, § 30:30
- defined, § 30:22
- derogatory statements, § 30:23
- inadmissible matters, reference to, § 30:26
- matters not in evidence, reference to, § 30:25
- responses to misconduct, §§ 30:29, 30:30
- sympathy or prejudice, appeals to, § 30:24
- types of misconduct, §§ 30:23 to 30:28
- waiver of misconduct by failure to raise, § 30:29

New trial, irregularity in proceedings caused by attorney, § 40:22

Officer of court, § 1:18

Out-of-state attorneys, attorney of record, § 14:12

Personal jurisdiction, general appearance, § 5:7

Prejudice, appeals to, § 30:24

Prelawsuit matters, conspiracy claims, § 2:35

Privilege, attorney-client, § 21:19

Professional conduct,

- motions, § 17:5

Professionalism, duty, § 1:18

Receivership, § 24:78

Record, attorney of

- generally, §§ 14:10 to 14:12
- absolute right of client to change attorney of record, § 14:10
- association of attorneys, § 14:11
- becoming attorney of record, § 14:10
- out-of-state attorneys, § 14:12

Responses to misconduct of attorney, §§ 30:29, 30:30

Review, disqualification of opposing attorney, § 14:19

Service of Process and Papers (this index)

ATTORNEYS—Cont'd

Settlement (this index)

Substitution of attorneys, §§ 14:13, 14:14

Sympathy, appeals to, § 30:24

Trial management conferences, §§ 28:6, 28:7

Waiver of misconduct by failure to raise, § 30:29

Withdrawal by attorney

- generally, §§ 14:15 to 14:17
- ethical considerations, § 14:16
- procedure, § 14:17

Witness, attorney as, § 32:17

Work product, discovery, § 21:19

ATTORNEYS' FEES

Class actions, postcertification proceedings, § 8:51

Court determination, § 41:30

Default and default judgment, § 19:27

Expedited jury trial, § 27:47

Interpleader, § 8:27

Intervention, § 8:20

Lis pendens, expungement, § 24:110

Lodestar method, § 41:30

Substantial benefit doctrine, § 41:31

Summary judgment and summary adjudication, § 22:63

Tort of another doctrine, § 41:32

AUDIO RECORDINGS

Exhibits, § 35:5

Opening statements, § 31:7

BAILIFFS

Generally, § 1:16

BANKRUPTCY

Concurrent jurisdiction, § 3:21

Parties, claims of debtor, § 7:15

BIAS OR PREJUDICE

Attorneys, § 30:24

Judicial misconduct, § 30:12

Witness examinations, § 32:28

BIFURCATION

Judgment notwithstanding verdict, § 40:7

New trial, § 40:36

Severance, compared, § 14:38

Trial management conferences, § 28:26

BILL OF PARTICULARS

Generally, §§ 12:42 to 12:46

Allowing late delivery of bill of particulars, § 12:46

Contract and quasi-contract actions, availability, §§ 12:42 to 12:46

Demand for bill of particulars, generally, §§ 12:42 to 12:46

Information required in bill of particulars, § 12:43

Motion to compel further bill of particulars, § 12:44

Motion to exclude evidence if no bill of particulars delivered, § 12:45

BIOGRAPHICAL INFORMATION

Jury trial, examination by judge, § 29:14

BONDS AND UNDERTAKINGS

Attachment (this index)
Claim and Delivery of Personal Property (this index)
Injunctions (this index)
Receivership (this index)
Security for Costs (this index)
Supplemental Bonds (this index)
Sureties on Bonds (this index)

BRIEFS

Nonjury trial, § 27:5

BUILDING AND CONSTRUCTION PROFESSIONALS

Construction Defects, Claims for (this index)
Parties, § 7:11
Security for Costs (this index)

BURDEN OF PROOF

Class actions, certification of class, § 8:43
Dismissal, § 20:50
Forum non conveniens, § 4:16
Lis pendens, expungement, § 24:108
Personal jurisdiction, establishment of, § 6:8
Service of process and papers, motion for quashing of, § 10:96
Settlement, good faith determination, § 23:68
Summary Judgment and Summary Adjudication (this index)
Transfer of venue, § 4:6

BUSINESS RECORDS

Depositions, subpoenas, § 21:51

BUSINESSES

Associations (this index)
Corporations (this index)
Limited Liability Companies (this index)
Parties, §§ 7:5 to 7:11
Partners and Partnerships (this index)

CALENDAR CALL

Motions, § 17:33

CALIFORNIA SUPREME COURT

Generally, § 1:3

CAPACITY TO SUE OR DEFEND

Parties (this index)

CAPTION

Form of court papers, first page, §§ 15:12, 15:13

CASE MANAGEMENT CONFERENCES

Expedited jury trial, § 27:42
Trial Court Delay Reduction Act (this index)
Trial date, setting of, § 26:1

CASE NUMBER

Form of court papers, first page, § 15:13

CASE TITLE

Form of court papers, first page, § 15:12

CAUSE, CHALLENGES FOR

Jury trial, §§ 29:21, 29:22

CAUSES OF ACTION

Complaints (this index)

CERTIFICATE OF MERIT

Childhood sexual abuse claims, §§ 2:41, 2:42
Prelawsuit matters, claims against construction professionals, § 2:32

CERTIFICATION OF CLASS

Class Actions (this index)

CERTIFIED MAIL

Service of process and papers outside California, § 10:83

CHALLENGES TO JURORS

Jury and Jury Trial (this index)

CHILDHOOD SEXUAL ABUSE CLAIMS

Generally, §§ 2:41 to 2:43
Certificate of merit requirement, §§ 2:41, 2:42
Discovery, limitations for minors in sexual abuse cases, § 21:151
“Doe” pleadings, § 2:43
Prelawsuit matters, §§ 2:41 to 2:43
Special pleading procedures, §§ 2:41, 2:43

CHILDREN AND MINORS

Childhood Sexual Abuse Claims (this index)
Parties (this index)
Service of process and papers, § 10:47
Settlement (this index)
Witnesses, §§ 32:41, 32:42

CHOICE OF LAW

Class actions, § 8:33

CIVIL CASE COVER SHEET

Complaints, § 9:47

CIVIL CASE INFORMATION STATEMENT

Appeal and review, § 42:20

CIVIL DISCOVERY ACT

Discovery (this index)

CLAIM AND DELIVERY OF PERSONAL PROPERTY

Generally, §§ 24:29 to 24:35, 24:83 to 24:100
Additional bond, § 24:92
Application for writ of possession, § 24:30
Approval of bonds and undertakings, § 24:87

INDEX

CLAIM AND DELIVERY OF PERSONAL PROPERTY—Cont'd

Bonds and undertakings
generally, §§ 24:32, 24:83 to 24:100
approval and duration, § 24:87
contents, filing and service, § 24:86
definitions, § 24:84
deposit in lieu of bond, below
enforcement of liability on bond, § 24:93
hearing on objection to bond, § 24:89
increase or decrease of amount of bond,
§ 24:90
new, additional or supplemental bond,
§ 24:92
objections to bonds, §§ 24:88, 24:89
procedure, §§ 24:86 to 24:93
purpose, § 24:83
release or substitution of sureties on litigation
bond, § 24:91
sureties on bond, § 24:85

Deposit in lieu of bond
generally, §§ 24:94 to 24:100
agreement obligating principal, § 24:98
amount and value of property, § 24:96
enforcement against deposit, § 24:99
interest on deposit, § 24:97
return of deposit, § 24:100
types of property that may be deposited,
§ 24:95

Duration of bonds and undertakings, § 24:87
Enforcement against deposit in lieu of bond,
§ 24:99
Enforcement of liability on bond, § 24:93
Ex parte relief, § 24:33
Filing of bonds and undertakings, § 24:86
Hearings, §§ 24:35, 24:89
Interest on deposit in lieu of bond, § 24:97
Nature of remedy, § 24:29
New bond, § 24:92
Notice hearing procedures and opposition,
§ 24:34
Objections to bonds, §§ 24:88, 24:89
Order, § 24:35
Procedure, §§ 24:30 to 24:35
Release of sureties on litigation bond, § 24:91
Return of deposit in lieu of bond, § 24:100
Service of bonds and undertakings, § 24:86
Substitution of sureties on litigation bond, § 24:91
Supplemental bond, § 24:92
Sureties on bond, § 24:85
Temporary restraining order, availability of,
§ 24:31
Undertakings. Bonds and undertakings, above

CLASS ACTIONS

Generally, §§ 8:28 to 8:52
Attorneys' fees, postcertification proceedings,
§ 8:51
Burden of proof, certification of class, § 8:43
Case conferences, § 8:36

CLASS ACTIONS—Cont'd

Certification of class
generally, §§ 8:41 to 8:44
burden of proof, § 8:43
determination and ruling, § 8:44
hearing, § 8:42
motions, § 8:41

Choice of law, § 8:33
Communications, § 8:39
Consumers legal remedies act, actions under,
§ 8:30
Costs, postcertification proceedings, § 8:51
Discovery, §§ 8:38, 8:47
Dismissal, postcertification proceedings, § 8:49
Government claim, notice of, § 8:34
Hearings, certification of class, § 8:42
Judgments, postcertification proceedings, § 8:52
Jurisdiction, § 8:32
Limitations on rulings on the merits, § 8:37
Methods for determining propriety of class
actions, § 8:40
Motions, certification of class, § 8:41
Notices, §§ 8:34, 8:39, 8:45
Opting out of class action, § 8:46
Pleadings, § 8:35
Postcertification proceedings
generally, §§ 8:45 to 8:52
attorneys' fees and costs, § 8:51
discovery, § 8:47
dismissal, § 8:49
judgment, § 8:52
notice to class members, § 8:45
opting out of class action, § 8:46
settlement, § 8:50
Precertification matters, §§ 8:32 to 8:40
Representative suit, compared, § 8:31
Rules of procedure, § 8:29
Settlement, postcertification proceedings, § 8:50
Unfair competition law, actions under, § 8:30
Venue, § 8:32

CLERICAL ERRORS
Judgments, correction, § 39:19
Motion to set aside, § 17:61
Post-trial motions, correction, §§ 40:72, 40:73

CLERK OF COURT

Default and default judgment, entry of, §§ 19:19,
19:20, 19:26 to 19:30
Motions, § 17:32

CLOSING ARGUMENTS

Generally, §§ 37:1 to 37:16
Addressing jury, § 37:6
Admonishment of jury, request for, § 37:15
Challenge to improper closing argument,
§§ 37:15, 37:16
Damages, argument regarding, § 37:11
Demonstrations, use of, § 37:7
Evidence, argument regarding, § 37:10
Law, argument regarding, § 37:9

CLOSING ARGUMENTS—Cont’d

Misconduct during closing argument, §§ 37:13, 37:14
 Objections, § 37:15
 Order of closing arguments, § 37:3
 Rebuttal argument of plaintiff, limitation of, § 37:12
 Remedies for misconduct, § 37:16
 Reporting, § 37:5
 Right to present closing argument, § 37:1
 Scope of closing arguments, generally, §§ 37:8 to 37:16
 Time for presentation, § 37:2
 Time limitations, § 37:4
 Visual aids, use of, § 37:7

COERCION

Judicial Misconduct (this index)

COLLATERAL ATTACK

Personal jurisdiction, § 6:14

COLLATERAL ESTOPPEL

Default and default judgment, entry of, § 19:36

COLLATERAL SOURCE PAYMENTS

Jury trial, voir dire questions, § 29:18

COMMISSIONERS

Generally, § 1:13

“COMMON DEFENSE” DOCTRINE

Discovery, § 21:22

COMMON FUND DOCTRINE

Attorneys’ fees, § 41:31

COMPENSATION

Receivers, § 24:80

COMPETENCY

Protection of cognitively impaired witnesses, § 32:42
 Qualification of witness, §§ 32:15, 32:41
 Witnesses, §§ 32:15, 32:41, 32:42

COMPLAINTS

Generally, §§ 9:1 to 9:72
 “Action,” defined, § 9:1
 Alternative, pleading in, § 9:30
 Amendment of Complaints (this index)
 Answers (this index)
 Causes of action
 generally, §§ 9:17 to 9:21
 “cause of action” and “count,” defined, § 9:17
 facts constituting cause of action, below format requirements, § 9:18
 joinder of causes of action, § 9:20
 separate causes of action, § 9:19
 splitting of causes of action, § 9:21
 Challenges to complaint
 generally, §§ 11:1 to 11:65

COMPLAINTS—Cont’d

Challenges to complaint—Cont’d
 Demurrers (this index)
 dismissal, motion for, § 11:44
 Judgment on the Pleadings (this index)
 Strike, Motion to (this index)
 Changes to face of complaint, § 9:51
 Civil case cover sheet, § 9:47
 Commencement of action, § 9:3
 Common counts, exception to fact pleading for, § 9:25
 Conclusory pleadings sometimes allowed, § 9:26
 Conspiracy allegations, § 9:36
 Corporate entities, designation of parties, § 9:10
 Cross-Complaints (this index)
 Dba’s, designation of parties, § 9:11
 Declaratory relief claims, § 9:40
 Defects in form of complaint, effect of, § 9:52
 “Defense,” defined, § 9:1
 Direct pleading of facts, § 9:24
 Dismissal, motion for, § 11:44
 “Doe” defendants, designation of parties, § 9:14
 Election of remedies, § 9:31
 Electronic filing, § 9:50
 Facts constituting cause of action
 generally, §§ 9:22 to 9:32
 alternative, pleading in, § 9:30
 common counts, exception to fact pleading for, § 9:25
 direct pleading of facts, § 9:24
 election of remedies, § 9:31
 general or conclusory pleadings sometimes allowed, § 9:26
 incorporation by reference, § 9:28
 information and belief, § 9:27
 judicial council pleading forms, § 9:32
 “on or about” allegations, § 9:29
 ultimate facts, § 9:23
 Fax filing, § 9:49
 Filing of complaint
 generally, §§ 9:47 to 9:52
 changes to face of complaint, § 9:51
 civil case cover sheet, § 9:47
 defects in form of complaint, effect of, § 9:52
 electronic filing, § 9:50
 fax filing, § 9:49
 methods of filing, §§ 9:48 to 9:50
 traditional filing, § 9:48
 First page, format, § 9:6
 Format
 generally, §§ 9:5 to 9:8
 causes of action, § 9:18
 first page, § 9:6
 general court document format rules, application of, § 9:5
 judicial council form complaints, use of, § 9:7
 Fraud allegations, § 9:35
 General pleadings sometimes allowed, § 9:26
 Governmental tort claims, § 9:42

INDEX

COMPLAINTS—Cont'd

Incorporation by reference, § 9:28
Information and belief, § 9:27
Intervention, §§ 8:16, 8:17
Joinder of causes of action, § 9:20
Judicial council forms, §§ 9:7, 9:32
Litigation expenses not recoverable as costs or fees, § 9:41
“On or about” allegations, § 9:29
Parties, designation of
 generally, §§ 9:2, 9:9 to 9:16
 corporate entities, § 9:10
 dba’s, entities with, § 9:11
 defects in designating parties, § 9:16
 “Doe” defendants, § 9:14
 partnerships and other entities, § 9:12
 public entities, § 9:15
 representative capacity, party in, § 9:13
Partnerships and other entities, designation of parties, § 9:12
“Pleading around” defense disclosed on face of complaint, § 9:38
Prayer, § 9:44
Preparation of complaint
 generally, §§ 9:1 to 9:46
 “action” and “defense,” defined, § 9:1
 causes of action, above
 commencement of action, § 9:3
 conspiracy allegations, § 9:36
 declaratory relief claims, § 9:40
 duty of defendant to prevent third parties from injuring plaintiff, § 9:39
 facts constituting cause of action, above
 format, above
 fraud allegations, § 9:35
 governmental tort claims, § 9:42
 litigation expenses not recoverable as costs or fees, § 9:41
 parties, designation of, above
 “pleading around” defense disclosed on face of complaint, § 9:38
 prayer, § 9:44
 public officers, claims against, § 9:43
 punitive damages allegations, § 9:37
 purpose and function, § 9:4
 role of complaint, §§ 9:1 to 9:4
 signature, § 9:45
 special pleading requirements, §§ 9:33 to 9:43
 venue allegations, § 9:34
 verification, § 9:46
Public entities, designation of parties, § 9:15
Public officers, claims against, § 9:43
Punitive damages allegations, § 9:37
Reference, trial by, § 27:37
Representative capacity, designation of parties, § 9:13
Role of complaint, §§ 9:1 to 9:4
Separate causes of action, § 9:19
Signature, § 9:45
Special pleading requirements, §§ 9:33 to 9:43

COMPLAINTS—Cont'd

Splitting of causes of action, § 9:21
Supplemental Complaints (this index)
Ultimate facts, § 9:23
Venue allegations, § 9:34
Verification, § 9:46

COMPLEX LITIGATION

Generally, §§ 14:33 to 14:36
Designation as complex case, § 14:34
Determination of what is complex case, § 14:33
Inherent supervisory powers of court, § 14:36
Initial case management conference order, § 14:35
Management, §§ 14:35, 14:36

COMPULSORY JOINDER

Joinder of Parties (this index)

CONCEALMENT OF BIAS

Jurors, misconduct of, § 30:31

CONCEALMENT OF DOCUMENTS

Inspection demands, motions to compel, § 21:147

CONCEALMENT OF EVIDENCE

Attorneys, § 30:27

CONCLUSORY PLEADINGS

Complaints, § 9:26

CONCURRENT JURISDICTION

Generally, §§ 3:16 to 3:21
Bankruptcy of party, effect of, § 3:21
Defined, § 3:16
Federal courts, concurrent jurisdiction with, § 3:19
Nature, §§ 3:16 to 3:21
Other California courts, concurrent jurisdiction with, § 3:17
Other states, concurrent jurisdiction with courts of, § 3:18
Removal of state case to federal court, § 3:20

CONFERENCES

Demurrer, “meet and confer” requirement, conference where leave to amend granted, § 11:5
Discovery, informal discovery conferences, § 21:27
Judgment on the pleadings, mandatory “meet and confer” required prior to filing motion, § 11:38
Settlement (this index)
Strike, motion to, § 11:48
Trial Management Conferences (this index)

CONFESSION OF JUDGMENT

Post-trial motions, setting aside, § 40:76

CONFIDENTIALITY

Settlement, § 23:7

CONFIRMATION

Electronic filing of court papers, § 16:13

CONFLICTS OF INTEREST

Settlement, attorneys, § 23:12

CONFORMING TO EVIDENCE AT TRIAL

Amendment of Complaints (this index)

CONSENT OR APPROVAL

Attachment, bonds and undertakings, § 24:87
 Claim and delivery of personal property, bonds and undertakings, § 24:87
 Demonstrations, § 35:8
 Expedited jury trial, consent order, § 27:39
 Injunctions, bonds and undertakings, § 24:87
 Personal jurisdiction, § 5:8
 Receivership, bonds and undertakings, § 24:87
 Settlement (this index)
 Subject matter jurisdiction, § 3:2
 Venue, § 3:25

CONSENT ORDER

Expedited jury trial, § 27:39

CONSOLIDATION

Generally, §§ 14:41 to 14:50
 Challenge to judge in consolidated case, § 14:50
 Judge's checklist for determining motion for consolidation, § 14:48
 Lead case, identification of, § 14:49
 Notice of related case requirement, § 14:43
 Procedure, § 14:46
 Related procedures, § 14:42
 Ruling on motion, § 14:47
 Timing considerations, § 14:45
 Transfer and consolidation, § 14:44
 Trial management conferences, § 28:27

CONSPIRACY

Complaints, § 9:36
 Prelawsuit matters, attorneys, § 2:35

CONSTITUTIONAL LAW

Due Process (this index)
 Personal jurisdiction, §§ 5:10, 5:11, 6:1

CONSTRUCTION DEFECTS, CLAIMS FOR

Generally, §§ 2:29 to 2:31
 Alternative dispute resolution requirement, §§ 2:29, 2:30
 Associations with more than 20 members, claims by, §§ 2:30, 2:31
 Individual homeowners or associations with fewer than 20 members, claims by, § 2:29
 Prelawsuit matters, generally, §§ 2:29 to 2:31

CONSTRUCTION PROFESSIONALS

Building and Construction Professionals (this index)

CONSUMER ACTIONS

Consumers Legal Remedies Act, class actions, § 8:30
 Default and default judgment, § 19:55

CONSUMER RECORDS

Depositions (this index)

CONTEMPT

Generally, §§ 25:43 to 25:52
 Authority of court, § 25:43
 Coercive punishment, § 25:50
 Criminal vs. civil contempt, § 25:44
 Direct contempt, § 25:47
 Double jeopardy, § 25:52
 Hybrid contempt, § 25:48
 Indirect contempt, § 25:49
 Nature of contempt, § 25:43
 Punishment, §§ 25:50 to 25:52
 Punitive punishment, § 25:51
 State Bar notification, § 25:46
 Stay provisions, mandatory, § 25:45
 Types of civil contempt, §§ 25:47 to 25:49

CONTINUANCES

Generally, §§ 26:13 to 26:15
 Amendment of complaints, conforming to evidence at trial, § 36:32
 Attachment, motion procedure, § 24:13
 Disfavored status, § 26:13
 Efficiency cannot be favored over justice, § 26:15
 Procedure, § 26:14
 Ruling on request, § 26:15
 Summary judgment and summary adjudication, §§ 22:18, 22:43, 22:59
 Trial Court Delay Reduction Act, § 14:23
 Trial management conferences, § 28:9

CONTRACTS AND AGREEMENTS

Arbitration (this index)
 Attorneys' Fees (this index)
 Bill of particulars, availability, §§ 12:42 to 12:46
 Costs, provisions allowing for, § 41:8
 Demurrers, § 11:14
 Expedited jury trial, §§ 27:39, 27:40
 Forum non conveniens, § 4:14
 Parties, § 7:18
 Post-trial motion for addition of nonparty defendant to judgment, § 40:81
 Venue, §§ 3:25, 3:30

CONTRIBUTION

Discovery, monetary sanctions, § 25:35

CONVENIENCE OF WITNESSES

Transfer of venue, § 4:3

COOPERATION

Duty, attorneys, § 1:18

COORDINATION

Generally, §§ 14:51 to 14:54

INDEX

COORDINATION—Cont'd

Challenge to coordination judges, § 14:54
General law applicable, § 14:52
Procedure, § 14:53
Trial management conferences, § 28:27

CORPORATIONS

Complaints, designation of parties, § 9:10
Dissolved Corporations (this index)
Foreign Corporations (this index)
Service of Process and Papers (this index)
Venue, § 3:33

CORRECTION

Deposition transcripts, § 21:80
Judgments, clerical errors, §§ 27:47, 39:19

“COST OF PROOF” SANCTIONS

Denials proved false at trial, § 21:127
Mandatory award, § 34:18
Procedure, § 34:19
Unreasonable denial for request for admission,
§ 25:29

COSTS

Generally, §§ 41:1 to 41:15
Anti-SLAPP motion to strike, § 11:62
Attorneys' Fees (this index)
Class actions, postcertification proceedings,
§ 8:51
Complaints, § 9:41
Contract provisions allowing for recovery of
additional costs, § 41:8
“Cost of Proof” Sanctions (this index)
De novo trial after judicial arbitration, effect of
request for, § 41:5
Depositions (this index)
Determination of prevailing party, § 41:2
Discovery response, § 21:7
Entry of costs on judgment, § 41:15
Expedited jury trial, § 27:47
Fees (this index)
Interpleader, § 8:27
Intervention, § 8:20
Lis pendens, expungement, § 24:110
Mandatory award to prevailing party, § 41:1
Offer to compromise, effect of, § 41:4
Postjudgment interest on award, § 41:15
Prevailing party, mandatory award to, § 41:1
Procedure
 generally, §§ 41:11 to 41:15
 entry of costs on judgment, § 41:15
 postjudgment interest on award, § 41:15
Receivers, § 24:80
Recoverable and nonrecoverable costs
 generally, §§ 41:6 to 41:10
 contract provisions allowing for recovery of
 additional costs, § 41:8
 statutes allowing for recovery of additional
 costs, § 41:7
Requests for admission, “cost of proof” sanction.
 “Cost of Proof” Sanctions (this index)

COSTS—Cont'd

Security for Costs (this index)
Service by mail, § 10:32
Settlement, claims of minors and incompetents,
§ 23:42
Special rules applicable to award of costs, § 41:3
Statutes allowing for recovery of additional costs,
§ 41:7
Voluntary dismissal, § 20:9

COUNSEL

Attorneys (this index)

COUNTEROFFERS

Statutory offers to compromise (CCP § 998),
§ 23:34

COURT ATTENDANTS

Generally, § 1:16

COURT CLERKS

Generally, § 1:14

COURT HOLIDAYS

Generally, § 1:8

COURT REPORTERS

Generally, § 1:15
Motions, § 17:34

COURT TITLE

Form of court papers, first page, § 15:12

COURT-APPOINTED EXPERT WITNESSES

Expert Witnesses (this index)

COURTESY

Witness examinations, § 32:28

CREDITOR'S CLAIMS

Decedents' estates, claims against, § 2:22

CRIME VICTIMS

Parties, § 7:30
Trial setting, preferences, § 26:10

CROSS-COMPLAINTS

Generally, §§ 12:16 to 12:34
Amended cross-complaints, §§ 12:37, 12:38
Challenges to cross-complaints, § 13:10
Compulsory cross-complaints, §§ 12:20, 12:29
Content, § 12:26
Default and default judgment, failure to respond,
§ 19:8
Equitable indemnity cross-complaints, § 12:23
Filing of cross-complaint, § 12:27
Format, § 12:25
Function, § 12:16
Independent action, § 12:17
Interpleader, § 8:25
Joining other claims and other parties in cross-
complaints, § 12:24

CROSS-COMPLAINTS—Cont’d

Leave to file, motion for
 generally, §§ 12:29 to 12:31
 compulsory cross-complaint, § 12:29
 permissive cross-complaint, § 12:30
 requirements for motion, § 12:31
 Permissive cross-complaints, §§ 12:21, 12:22,
 12:30
 Preparation, §§ 12:25, 12:26
 Purpose, § 12:16
 Responses to cross-complaints
 generally, §§ 12:32 to 12:34
 cross-complaint in response to cross-com-
 plaint, § 12:34
 response to complaint, similarity, § 12:32
 “special answer,” § 12:33
 Role, §§ 12:16 to 12:19
 Service, §§ 10:10, 12:28
 “Special answer,” responses to cross-complaints,
 § 12:33
 Statute of limitations, effect of, § 12:18
 Subject matter jurisdiction, amount in
 controversy, § 3:13
 Supplemental cross-complaints, §§ 12:37, 12:38
 Time to respond, § 12:38
 Timing considerations, § 12:19

CROSS-EXAMINATION

Evidence and Witnesses (this index)
 Expert witnesses, §§ 33:13, 33:14

CROSS-MOTIONS

Summary judgment and summary adjudication,
 time considerations, § 22:21

CROSS-SECTION REQUIREMENT

Jury trial, pool selection process, § 29:2

CURATIVE INSTRUCTIONS TO JURY

Attorneys, misconduct of, § 30:30
 Judicial misconduct, § 30:21

CUSTODY

Inspection Demands (this index)
 Requests for Admission (this index)

CUT-OFFS

Discovery, time considerations, § 21:12

DAMAGES

Closing arguments, § 37:11
 Expedited jury trial, § 27:40
 New trial, excessiveness or inadequacy, § 40:27
 Punitive Damages (this index)
 Statement of Damages, Request for (this index)

DATE

Time and Date (this index)

DBA’S

Complaints, designation of parties, § 9:11

DE NOVO TRIAL

Costs, judicial arbitration, § 41:5

DEATH OF PARTY

Judgments, entry of, § 39:17
 Substitution of parties, §§ 7:40, 7:41

**DECEDENTS’ ESTATES, CLAIMS
 AGAINST**

Content of claims, § 2:23
 Creditor’s claim requirement, § 2:22
 Filing, §§ 2:24, 2:28
 Form of claims, § 2:23
 Late claims, § 2:27
 Prelawsuit matters
 generally, §§ 2:22 to 2:28
 creditor’s claim requirement, § 2:22
 filing suit, § 2:28
 late claims, § 2:27
 presentation of claims, below
 Presentation of claims
 generally, §§ 2:23 to 2:26
 filing and presenting claim to personal repre-
 sentative, § 2:24
 form and content of claims, § 2:23
 response to claim, § 2:26
 time limit, § 2:25
 Response to claim, § 2:26
 Time limit, § 2:25

DECLARATIONS

Demurrer, § 11:5
 Form of court papers, § 15:16
 Motions, § 17:17

DECLARATORY RELIEF

Complaints, § 9:40

**DEFAULT AND DEFAULT
 JUDGMENT**

Generally, §§ 19:1 to 19:55
 Amendment of complaints, § 9:64
 Attorney fee provisions, § 19:27
 Authority of clerk of court to enter default judg-
 ment, § 19:26
 Clerk of court, entry by, §§ 19:19, 19:20, 19:26 to
 19:30
 Collateral estoppel, entry of default judgment,
 § 19:36
 Consumer actions filed in wrong court, relief
 from, § 19:55
 Court, entry of default judgment by, §§ 19:31 to
 19:35
 Cross-complaint, failure to respond to, § 19:8
 Definition of default, § 19:1
 Documentation, § 19:33
 Effect of entry, § 19:5
 Entry of default
 generally, §§ 19:1 to 19:20
 checklist of clerk for application for entry,
 § 19:20
 clerk, duties of, §§ 19:19, 19:20

INDEX

DEFAULT AND DEFAULT JUDGMENT —Cont'd

Entry of default—Cont'd
cross-complaint, failure to respond to, § 19:8
definition of default, § 19:1
effect of entry, § 19:5
further response after initial response, failure, § 19:7
lack of timely response, determination of, § 19:15
notice of amount of damages sought, § 19:16
notice of application, § 19:13
obligation to warn opposing counsel of intent, § 19:4
open default, § 19:3
permissible response, failure to file, § 19:6
personal injury and wrongful death actions, service of statement of damages, § 19:17
procedures and requirements, §§ 19:10 to 19:20
punitive damages, service of notice of amount claimed, § 19:18
required papers to be submitted to clerk, § 19:11
sanction, court order of default as, § 19:9
service, proof of, § 19:14
time within which to seek entry, § 19:10
venue declaration, § 19:12
waiver of default, § 19:3

Entry of default judgment
generally, §§ 19:21 to 19:36
attorney fee provisions, § 19:27
authority of clerk of court to enter, § 19:26
checklist of clerk for application for entry, § 19:20
clerk of court, entry by, §§ 19:26 to 19:30
court, entry by, §§ 19:31 to 19:35
documentation, § 19:33
effect of default judgment, § 19:36
military service, defendants in, § 19:24
multiple causes of action, § 19:28
multiple defendants, § 19:29
procedure to obtain entry by court clerk, § 19:30
prohibition against certain defendants, § 19:23
prohibition in certain actions, § 19:22
“prove-up,” §§ 19:32, 19:34
Punitive damages, proof of, § 19:35
relief demanded in complaint, default judgment may not exceed, § 19:25
res judicata and collateral estoppel, § 19:36
restrictions and limitations, §§ 19:21 to 19:25
strict application of rules, § 19:21

Excusable neglect. Mistake, inadvertence, surprise or excusable neglect, relief due to, below

Extrinsic fraud or extrinsic mistake, relief due to
generally, §§ 19:49 to 19:52
procedure for making motion, § 19:51
ruling, § 19:52

DEFAULT AND DEFAULT JUDGMENT —Cont'd

Extrinsic fraud or extrinsic mistake, relief due to
—Cont'd
time limit for motion, § 19:50

Fraud. Extrinsic fraud or extrinsic mistake, relief due to, above

Further response after initial response, failure, § 19:7

Inadvertence. Mistake, inadvertence, surprise or excusable neglect, relief due to, below

Lack of timely response, determination of, § 19:15

Military service, defendants in, § 19:24

Mistake, inadvertence, surprise or excusable neglect, relief due to
generally, §§ 19:37 to 19:44, 40:67
conditions and sanctions ordered by court, § 19:44
court error, comparison of relief from, § 19:39
“discretionary” motion, § 19:40
excessive damages, comparison of relief from award of, § 19:39
extrinsic fraud or extrinsic mistake, relief due to, above
“mandatory” motion, § 19:41
procedure for making motion, § 19:42
proposed pleading, requirement of, § 19:42
ruling on motion, § 19:43
time limits, comparison of relief from, § 19:38

Multiple causes of action, § 19:28

Multiple defendants, § 19:29

New trial motion, relief from judicial error in rendering default judgment, § 19:53

Notice
amount of damages sought, § 19:16
application, § 19:13
relief due to lack of notice. Notice, relief due to lack of, below

Notice, relief due to lack of
generally, §§ 19:45 to 19:48
procedure for making motion, § 19:47
ruling and order, § 19:48
time limit for motion, § 19:46

Obligation to warn opposing counsel of intent, § 19:4

Order, relief due to lack of notice, § 19:48

Permissible response, failure to file, § 19:6

Personal injury actions, service of statement of damages, § 19:17

“Prove-up,” entry of default judgment, §§ 19:32, 19:34

Punitive damages, service of notice of amount claimed, § 19:18

Relief demanded in complaint, default judgment may not exceed, § 19:25

Res judicata, entry of default judgment, § 19:36

Ruling on motion
extrinsic fraud or extrinsic mistake, relief due to, § 19:52

DEFAULT AND DEFAULT JUDGMENT—Cont’d

- Ruling on motion—Cont’d
 - mistake, inadvertence, surprise or excusable neglect, relief due to, § 19:43
 - notice, relief due to lack of, § 19:48
- Sanction, court order of default as, § 19:9
- Service, §§ 10:100, 19:14
- Strict application of rules, entry of default judgment, § 19:21
- Surprise. Mistake, inadvertence, surprise or excusable neglect, relief due to, above
- Time and date
 - entry of default, time within which to seek, § 19:10
 - extrinsic fraud or extrinsic mistake, relief due to, § 19:50
 - mistake, inadvertence, surprise or excusable neglect, relief due to, § 19:38
 - notice, relief due to lack of, § 19:46
- Venue declaration, § 19:12
- Void judgment, relief from, § 19:54
- Waiver of default, § 19:3
- Wrongful death actions, service of statement of damages, § 19:17

DEFENSES

- Answers (this index)
- Injunctions, §§ 24:49, 24:50

DELIBERATIONS OF JURY

- Generally, §§ 38:18 to 38:33
- Additional instructions, § 38:32
- Alternate jurors
 - generally, §§ 38:23 to 38:27
 - grounds for discharge of juror, § 38:23
 - hearing on discharge of juror, § 38:24
 - mistrial when no alternate juror available, § 38:27
 - new deliberations, requirement of, § 38:26
 - presence in jury room, § 38:20
 - replacement of discharged juror, §§ 38:23 to 38:27
 - selection of alternate jurors, § 38:25
- Duty to deliberate, § 38:22
- “Dynamite” instructions, § 38:33
- Expedited jury trial, § 27:46
- Foreperson or presiding juror, selection of, § 38:21
- Grounds for discharge of juror, § 38:23
- Hearing on discharge of juror, § 38:24
- Instructions to jury, §§ 38:32, 38:33
- Materials allowed in jury room, §§ 38:28, 38:29
- Misconduct of jurors, §§ 30:39, 30:41
- Mistrial when no alternate juror available, § 38:27
- New deliberations, requirement after addition of alternate jurors, § 38:26
- Persons permitted in jury room, § 38:19
- Presence in jury room, alternate jurors, § 38:20
- Presiding juror or foreperson, selection of, § 38:21
- Reading back testimony, § 38:31

DELIBERATIONS OF JURY—Cont’d

- Replacement of discharged juror with alternate juror, §§ 38:23 to 38:27
- Request for additional materials during deliberations, §§ 38:30 to 38:32
- Rereading instructions, § 38:32
- Selection of alternate jurors, § 38:25

DEMAND FOR JURY

- Jury and Jury Trial (this index)

DEMANDS FOR INSPECTION

- Inspection Demands (this index)

DEMONSTRATIONS

- Generally, §§ 35:8 to 35:11
- Closing arguments, § 37:7
- Discretion of court, § 35:9
- Examples, § 35:10
- Permission of court required, § 35:8
- View by jury, § 35:11

DEMURRERS

- Generally, §§ 11:1 to 11:35, 13:1 to 13:5
- Ambiguity, § 11:13
- Amendments
 - complaints, § 9:55
 - conference where leave granted, § 11:5
- Capacity to sue, lack of, § 11:10
- Cause of action, failure to state facts sufficient to constitute, § 11:7
- Certificates, lack of required, § 11:15
- Conference, leave to amend granted, § 11:5
- Contract, unclear form of, § 11:14
- Date. Time and date, below
- Declaration, § 11:5
- Defective parties, § 11:12
- Discovery, stay on, § 11:28
- Dismissal, §§ 11:35, 20:54
- Exhibits, effect of, § 11:25
- Facts sufficient to constitute cause of action, failure to state, § 11:7
- Function, § 11:1
- “General” and “special” demurrers, compared, § 11:2
- Grounds, generally, §§ 11:6 to 11:15, 13:2
- Hearing and ruling
 - generally, §§ 11:23 to 11:28
 - exhibits, effect of, § 11:25
 - judicial estoppel, effect of, § 11:25
 - judicial notice, effect of, § 11:25
 - leave to amend, § 11:27
 - order granting demurrer, § 11:26
 - stay on discovery, § 11:28
- Judicial estoppel, effect, § 11:25
- Judicial notice, §§ 11:20, 11:25
- Leave to amend, §§ 11:27, 13:5
- Leave to amend granted, conference, § 11:5
- “Meet and confer” mandatory filing requirement, § 11:5
- Memorandum of points and authorities, § 11:19
- Misjoinder of parties, § 11:12

INDEX

DEMURRERS—Cont'd

Nature, § 11:1
Notice of hearing, § 11:18
Order granting demurrer, § 11:26
Overruling of demurrer, § 11:30
Pending action, existence of, § 11:11
Post demurrer proceedings
 generally, §§ 11:29 to 11:35
 dismissal for failure to timely amend, § 11:35
 overruling of demurrer, § 11:30
 reconsideration, motion for, § 11:33
 subsequent demurrers, § 11:34
 sustaining of demurrer, §§ 11:31, 11:32
 time to answer or amend, § 11:29
Procedure, generally, §§ 11:16 to 11:22, 13:4
Reconsideration, motion for, § 11:33
Reply to opposition, § 11:22
Response, § 11:21
Rules governing, § 11:16
Ruling, Hearing and ruling, above
Scope, § 11:3
“Special” and “general” demurrers, compared, § 11:2
Standing to sue, lack of, § 11:8
Stay on discovery, § 11:28
Strike, motion to, §§ 11:46, 11:55
Subject matter jurisdiction, lack of, § 11:9
Subsequent demurrers, § 11:34
Summary adjudication, seeking following unsuccessful demurrer, § 22:4
Sustaining of demurrer, §§ 11:31, 11:32
Time and date
 generally, § 13:3
 answer or amendment, § 11:29
 filing, § 11:4
Uncertainty, § 11:13
Unintelligibility, § 11:13
Waivers for failure to object, § 11:3

DENIALS

Answers (this index)
“Cost of proof,” denials for requests for admissions, §§ 21:127, 25:29
Extension of time to appeal by denial of posttrial motions. Appeal and Review (this index)
Judgment on the pleadings, denial of leave to amend, entry of judgment, § 11:42
Nonjury trial, § 27:14
Strike, motion to, § 11:57
Summary judgment and summary adjudication, § 22:62

DEPOSIT IN COURT

Generally, §§ 24:113, 24:114

DEPOSIT IN LIEU OF BOND

Attachment (this index)
Claim and Delivery of Personal Property (this index)
Injunctions (this index)
Receivership (this index)

DEPOSITIONS

Generally, §§ 21:34 to 21:83
Answer by deponent, motion to compel, § 21:83
Attendance at deposition, motion to compel, § 21:82
Authority, § 21:34
Business records subpoena, § 21:51
Conduct of deposition, §§ 21:70 to 21:77
Consumer records
 generally, §§ 21:53 to 21:57
 notice to consumer, § 21:54
 objections to producing records, § 21:57
 proof of consumer notification, § 21:56
 service and timing of notice to consumer, § 21:55
Correction of transcripts, § 21:80
Costs
 electronically stored information, § 21:63
 transcripts, § 21:79
Custody of transcripts, § 21:80
Defined, § 21:34
Document request, objections to improper, § 21:65
Electronic methods, depositions by, § 21:73
Electronically stored information, §§ 21:49, 21:63
Employment records
 generally, §§ 21:58 to 21:62
 notice to employee, § 21:59
 objections to producing records, § 21:62
 proof of employee notification, § 21:61
 service and timing of notice to employee, § 21:60
Entities, §§ 21:37, 21:39
Evidence
 consumer records, proof of consumer notification, § 21:56
 employment records, proof of employee notification, § 21:61
 use of deposition testimony at trial, below
Expert witnesses
 generally, §§ 21:187 to 21:191
 fees of experts, §§ 21:190, 21:191
 geographic limits, § 21:188
 special cut-off dates, § 21:189
 videotaped deposition, use as substantive testimony, § 34:3
Fees of experts, §§ 21:190, 21:191
Foreign country depositions, § 21:44
Form of production, electronically stored information, § 21:63
Geographic limits, expert witnesses, § 21:188
Impeachment, use of deposition testimony for, § 34:8
Leave of court, § 21:35
Limits, electronically stored information, § 21:63
Lodging of deposition transcripts, § 34:6
Method of examination, § 21:75
Motions to compel
 generally, §§ 21:81 to 21:84
 answer by deponent, § 21:83
 attendance at deposition, § 21:82

DEPOSITIONS—Cont’d

- Motions to compel—Cont’d
 - production at deposition, § 21:82
 - subpoena, compliance with, § 21:81
 - worksheet of judge for ruling on motion, § 21:84
- Notice
 - generally, §§ 21:45 to 21:47
 - amount of notice, § 21:47
 - consumer records, notice to consumer, § 21:54
 - content of notice, § 21:46
 - employment records, notice to employee, § 21:59
 - response to improper deposition notice or subpoena, below
- Oath, administration of, § 21:71
- Objections
 - assertion at depositions, § 21:77
 - consumer records, production of, § 21:57
 - deposition notice or subpoena, response to improper, § 21:65
 - document request sent with notice, response to improper, § 21:65
 - employment records, production of, § 21:62
 - “records only” subpoena, § 21:67
 - valid grounds, chart, § 21:78
- Officers, § 21:70
- Out-of-state residents, place of depositions, § 21:42
- Parties, § 21:37
- Persons who may attend depositions, § 21:74
- Persons whose depositions may be taken, §§ 21:37 to 21:39
- Place of depositions
 - generally, §§ 21:40 to 21:44
 - basic statutory limitations, § 21:40
 - foreign country depositions, § 21:44
 - motion for extended location, § 21:41
 - out-of-state residents, § 21:42
 - seeking deposition commission, § 21:43
- Preparation of transcripts, § 21:79
- Production, electronically stored information, § 21:63
- Production at deposition, motion to compel, § 21:82
- Professionalism, standards of, § 21:76
- Protective order, motion for, § 21:69
- Questions, valid grounds of objections, § 21:78
- Reading transcripts, § 21:80
- Recording of testimony, § 21:72
- Records and testimony subpoena, § 21:52
- Reporters, § 21:70
- Response to improper deposition notice or subpoena
 - generally, §§ 21:65 to 21:69
 - motion for protective order, § 21:69
 - motion to quash defective notice, § 21:66
 - motion to quash subpoena, § 21:68
 - objections, §§ 21:65, 21:67
 - stay of deposition, § 21:66

DEPOSITIONS—Cont’d

- Rules of evidence, evidence as subject to, § 34:1
- Scope of examination, § 21:75
- Seeking deposition commission, § 21:43
- Service of process and papers
 - consumer records, notice to consumer, § 21:55
 - employment records, notice to employee, § 21:60
- Signing transcripts, § 21:80
- Single deposition of natural persons, § 21:38
- Special cut-off dates, expert witnesses, § 21:189
- Stay of deposition, response to improper deposition notice or subpoena, § 21:66
- Subpoenas
 - generally, §§ 21:48 to 21:52
 - business records subpoena, § 21:51
 - consumer records, above
 - electronically stored information, §§ 21:49, 21:63
 - employment records, above
 - expense, undue burden, electronically stored information, § 21:63
 - form of production, electronically stored information, § 21:63
 - limits, electronically stored information, § 21:63
 - motions to compel compliance, § 21:81
 - objections, “records only” subpoena, § 21:67
 - production, electronically stored information, § 21:63
 - records and testimony subpoena, § 21:52
 - response to improper deposition notice or subpoena, above
 - testimony only subpoena, § 21:50
 - undue burden for expense, electronically stored information, § 21:63
- Telephone, depositions by, § 21:73
- Testimony only subpoena, § 21:50
- Time and date
 - conduct of deposition, limits, § 21:75
 - consumer records, notice to consumer, § 21:55
 - employment records, notice to employee, § 21:60
 - taking of depositions, § 21:36
- Transcripts, §§ 21:79, 21:80
- Undue burden for expense, electronically stored information, § 21:63
- Use of deposition testimony at trial
 - generally, §§ 34:1 to 34:8
 - different lawsuit, use of deposition from, § 34:5
 - expert videotaped deposition, use as substantive testimony, § 34:3
 - impeachment, use of deposition testimony for, § 34:8
 - introduction of deposition testimony at trial, § 34:7
 - lodging of deposition transcripts, § 34:6
 - procedure, §§ 34:6 to 34:8

INDEX

DEPOSITIONS—Cont'd

- Use of deposition testimony at trial—Cont'd
 - right to introduce, § 34:2
 - rules of evidence, evidence as subject to, § 34:1
 - videotaped deposition, use of, §§ 34:3, 34:4
- Valid grounds of objections to questions, chart, § 21:78
- Videoconference, depositions by, §§ 21:73, 34:3, 34:4
- Witnesses, § 21:37
- Written questions, depositions upon, § 21:64

DEPUTY CLERKS

- Generally, § 1:14

DERIVATIVE ACTIONS

- Security for Costs (this index)

DEROGATORY STATEMENTS

- Attorneys, § 30:23

DILIGENCE

- Substitute service, § 10:26

DIRECT CONTEMPT

- Contempt, § 25:47

DIRECTED VERDICTS

- Generally, §§ 36:13 to 36:19
- Judgment, § 36:19
- Judgment notwithstanding verdict, § 40:2
- Making of motion, § 36:16
- Nature, § 36:13
- Nonsuit, use of same standards as, §§ 36:14, 36:18
- Opening statements, § 31:11
- Order, § 36:19
- Procedure, §§ 36:15 to 36:17
- Purpose, § 36:13
- Reopening case, § 36:17
- Ruling on motion, § 36:18
- Timing of motion, § 36:15
- Trial, motion made during, §§ 36:13 to 36:19

DIRECTORS

- Personal jurisdiction, § 5:24

DISABILITY OF PARTY

- Substitution of parties, §§ 7:40, 7:41

DISCOURTESY

- Judicial misconduct, § 30:11

DISCOVERY

- Generally, §§ 21:1 to 21:193
- Admission, requests for. Requests for Admission (this index)
- Anti-SLAPP motion to strike, § 11:60
- Apportionment of monetary sanctions, § 25:34
- Attorney work product, § 21:19
- Calculated to lead to discovery of admissible evidence, § 21:16

DISCOVERY—Cont'd

- Civil Discovery Act
 - generally, §§ 21:1 to 21:7
 - allocating response costs, § 21:7
 - application of Act, § 21:2
 - failure to comply with discovery procedures, relief for, § 21:6
 - medical exams and sexual conduct, requirement of court order, § 21:4
 - methods of discovery, § 21:3
 - purpose of discovery, § 21:1
 - self-executing nature of discovery, § 21:4
 - stipulations modifying procedures, § 21:5
- Class actions, §§ 8:38, 8:47
- “Common defense” doctrine, § 21:22
- Contribution, monetary sanctions, § 25:35
- Cost allocation, response, § 21:7
- Cut-offs, time considerations, § 21:12
- Demands for inspection. Inspection Demands (this index)
- Demurrers, § 11:28
- Depositions (this index)
- Discretion of court, nonmonetary sanctions, § 25:39
- Electronically stored information, § 21:21
- Enforcement
 - right to discovery, § 21:27
 - sanctions award, § 21:30
- Expert Witnesses (this index)
- “Good cause,” showing of, § 21:17
- Hearings, sanctions, § 25:42
- Informal discovery conferences, § 21:27
- Initial disclosure of relevant information, § 21:32
- Inspection Demands (this index)
- Interrogatories (this index)
- “Joint interest” doctrine, § 21:22
- Liberal construction of right to discovery, § 21:13
- In limine motions, § 28:16
- Limitations. Scope and limitations, below
- Limited civil actions, § 21:33
- Mediation communications, confidentiality of, § 21:23
- Mental examinations. Physical and Mental Examinations (this index)
- Misuse of discovery process, sanctions, §§ 21:28, 25:27
- Motions, §§ 17:18, 21:27
- Orders, sanctions, § 25:42
- Personal jurisdiction, continuance of hearing, § 6:5
- Physical and Mental Examinations (this index)
- Pleadings, effect of status of, § 21:9
- Priority, § 21:11
- Privileges and similar protections
 - generally, §§ 21:18 to 21:23
 - assertion of privilege, § 21:20
 - attorney work product, § 21:19
 - attorney-client, § 21:19
 - “common defense” or “joint interest” doctrine, § 21:22
 - electronically stored information, § 21:21

DISCOVERY—Cont’d

Privileges and similar protections—Cont’d
mediation communications, confidentiality of, § 21:23
privilege log, providing, § 21:20
waiver of privilege, § 21:21

Protective orders
generally, §§ 21:24 to 21:26
nature and purpose, § 21:24
procedure, § 21:25
sanctions against losing party, § 21:26

Reference, §§ 21:31, 27:33

Relevance to subject matter, § 21:15

Requests for Admission (this index)

Response cost allocation, § 21:7

Sanctions
generally, §§ 21:28 to 21:30, 25:27 to 25:42
amount of monetary sanctions, § 25:36
apportionment of monetary sanctions, § 25:34
available sanctions, § 21:29
contribution, monetary sanctions, § 25:35
“cost of Proof” Sanctions (this index)
discretion of court, nonmonetary sanctions, § 25:39
enforcement of sanctions award, § 21:30
hearings, § 25:42
mandatory nature of monetary sanctions, § 25:31
misuse of discovery process, §§ 21:28, 25:27
monetary sanctions, generally, §§ 25:30 to 25:37
motion for sanctions, § 21:30
nonmonetary sanctions, generally, §§ 25:38 to 25:41
orders, § 25:42
persons who may be awarded monetary sanctions, § 25:32
persons who may be subject to monetary sanctions, § 25:33
policies affecting imposition of nonmonetary sanctions, § 25:40
procedure, §§ 25:37, 25:41
protective orders, losing party, § 21:26
requests for admission, denials proved false at trial. “Cost of Proof” Sanctions (this index)
types of sanctions available, § 25:28

Scope and limitations
generally, §§ 21:13 to 21:17
calculated to lead to discovery of admissible evidence, § 21:16
“good cause,” showing of, § 21:17
liberal construction of right to discovery, § 21:13
relevance to subject matter, § 21:15
test for discoverability, § 21:14

Self-executing nature of discovery, § 21:4

Sequence, § 21:10

Settlement offers and discussions, § 23:3

DISCOVERY—Cont’d

Sexual conduct, requirement of court order, § 21:4

Stipulations modifying procedures, § 21:5

Summary judgment and summary adjudication, §§ 22:14, 22:31

Test for discoverability, § 21:14

Time considerations
generally, §§ 21:8 to 21:12
cut-offs, § 21:12
outset, hold at, § 21:8
pleadings, effect of status of, § 21:9
priority, § 21:11
sequence, § 21:10

Waiver of privilege, § 21:21

DISCRETION OF COURT

Demonstrations, § 35:9

Discovery, nonmonetary sanctions, § 25:39

Dismissal, § 20:52

Evidence, exclusion of relevant, § 30:5

Forum non conveniens, § 4:17

Motions, § 17:6

New trial, § 40:50

Personal jurisdiction, ruling on motion for quashing of service and summons, § 6:10

DISCRIMINATION

Business discrimination victims, § 7:30

Jury trial, peremptory challenges, §§ 29:26 to 29:29

Unruh Civil Rights Act, § 7:30

DISMISSAL

Generally, §§ 20:1 to 20:60

“Attorney affidavit of fault” relief, § 20:49

Burden of proof on motion, § 20:50

Class actions, postcertification proceedings, § 8:49

Complaints, § 11:44

Contractual arbitration, tolling during, § 20:34

Delay in bringing action to trial, mandatory dismissal for
generally, §§ 20:26 to 20:41
calculation of time of tolling, § 20:36
contractual arbitration, tolling during, § 20:34
duty of plaintiff to request trial within five year period, § 20:28
extensions, exceptions and excuses, §§ 20:29 to 20:37
five years, action must be brought to trial within, § 20:26
impossibility, impracticability or futility, tolling based on, § 20:31
judicial arbitration or mediation, tolling during, § 20:35
measurement of five year period, § 20:27
motion to dismiss, §§ 20:38 to 20:40
preferential trial setting to avoid mandatory dismissal, § 20:40
retrial, dismissal for delay in, § 20:41

INDEX

DISMISSAL—Cont'd

Delay in bringing action to trial, mandatory dismissal for—Cont'd

- ruling on motion to dismiss, § 20:39
- settlement, § 20:30
- stay, tolling when in effect, § 20:33
- stipulation extending time, § 20:29
- suspension of jurisdiction of court, tolling based on, § 20:32
- waiver and estoppel, § 20:37

Delay in prosecution, discretion dismissal for

- generally, §§ 20:42 to 20:53
- “attorney affidavit of fault” relief, § 20:49
- burden of proof on motion, § 20:50
- discretion of court, § 20:52
- extensions, exceptions and excuses, § 20:43
- factors relevant to determination of motion, § 20:48
- motion to dismiss, §§ 20:44 to 20:49
- moving and opposing paper requirements, § 20:47
- order, § 20:53
- persons who may bring motion, § 20:44
- prejudice not required, § 20:51
- ruling on motion, §§ 20:50 to 20:53
- special 45 day notice requirement for motion by party, § 20:45
- 20 day notice requirement for motion by court, § 20:46
- two years, dismissal after, § 20:42

Delay in service, mandatory dismissal for

- generally, §§ 20:12 to 20:25
- attorney affidavit of default relief, § 20:25
- computation of time for service, § 20:13
- default relief, no attorney affidavit of, § 20:25
- defendant “not amenable” to service, § 20:19
- exceptions and extensions, §§ 20:15 to 20:17
- general appearance by defendant, § 20:15
- impossibility, impracticability or futility of service, § 20:22
- motion to dismiss, §§ 20:23 to 20:25
- ruling on motion to dismiss, § 20:24
- service and return time requirements, § 20:12
- statutory excuses for delay, §§ 20:18 to 20:22
- stay affecting service, action subject to, § 20:20
- stipulation to extend time, § 20:16
- validity of service, challenge to, § 20:21
- waiver and estoppel, § 20:17

Demurrers, §§ 11:35, 20:54

Discretion of court, § 20:52

Estoppel. Waiver and estoppel, below

Extensions, exceptions and excuses

- delay in bringing action to trial, mandatory dismissal for, §§ 20:29 to 20:37
- delay in prosecution, discretion dismissal for, § 20:43

DISMISSAL—Cont'd

Extensions, exceptions and excuses—Cont'd

- delay in service, mandatory dismissal for, §§ 20:15 to 20:17

Futility of service. Impossibility, impracticability or futility of service, below

Impossibility, impracticability or futility of service

- delay in bringing action to trial, mandatory dismissal for, § 20:31
- delay in service, mandatory dismissal for, § 20:22

Inherent power of court, § 20:57

Intervention, § 8:18

Involuntary dismissal not based on delay

- generally, §§ 20:54 to 20:60
- demurrer or motion to strike, dismissal after, § 20:54
- grounds, §§ 20:54 to 20:57
- inherent power of court, § 20:57
- motion to dismiss, §§ 20:58 to 20:60
- relief from involuntary dismissals, § 20:60
- rules of court, violation of, § 20:56
- ruling on motion, § 20:59
- statutory grounds, § 20:55

Judicial arbitration or mediation, tolling during, § 20:35

Mistake, inadvertence, surprise or excusable neglect, relief due to, § 40:67

Preferential trial setting to avoid mandatory dismissal, § 20:40

Retrial, dismissal for delay in, § 20:41

Ruling on motion

- delay in bringing action to trial, mandatory dismissal for, § 20:39
- delay in prosecution, discretion dismissal for, §§ 20:50 to 20:53
- delay in service, mandatory dismissal for, § 20:24

Sanctions, CCP § 128.7, § 25:18

Security for Costs (this index)

Settlement, §§ 20:30, 23:14

Stay, tolling when in effect, § 20:33

Stay affecting service, action subject to, § 20:20

Stipulation to extend time, §§ 20:16, 20:29

Strike, dismissal after motion to, § 20:54

Suspension of jurisdiction of court, tolling based on, § 20:32

Voluntary Dismissal (this index)

Waiver and estoppel

- delay in bringing action to trial, mandatory dismissal for, § 20:37
- delay in service, mandatory dismissal for, § 20:17

DISQUALIFICATION

Attorneys (this index)

Judges. Disqualification of Judge (this index)

DISQUALIFICATION OF JUDGE

Generally, §§ 14:1 to 14:9

Cause, disqualification for, §§ 14:1 to 14:3

DISQUALIFICATION OF JUDGE

—Cont’d

Challenge to peremptory disqualification, § 14:9
 Motions, §§ 14:3, 17:29
 Peremptory disqualification
 generally, §§ 14:4 to 14:9
 challenge to determination, § 14:9
 chart of deadlines for making peremptory challenges, § 14:7
 time limitations, § 14:5
 trial order, following new, § 14:6
 Time limitations, peremptory disqualification, § 14:5
 Voluntary disqualification, § 14:2

DISSOLUTION

Temporary restraining orders, § 24:55

DISSOLVED CORPORATIONS

Parties, § 7:7
 Service of process and papers, § 10:59

DIVERSITY OF CITIZENSHIP

Removal to federal court, §§ 4:28, 4:29

DOCUMENTARY EVIDENCE

Generally, § 34:19
 Introduction of, procedure, § 34:20
 Objections to improper document request sent with notice, § 21:65
 Summary judgment and summary adjudication, § 22:32

DOCUMENTATION

Default and default judgment, § 19:33

“DOE” DEFENDANTS

Addition of parties, § 7:39
 Amendment of complaints, ex parte amendment to name, § 9:56
 Complaints, designation of parties, § 9:14
 Service of process and papers, §§ 10:7, 10:52

DOMESTIC CORPORATIONS

Parties, § 7:5

DOMICILE

Personal jurisdiction, nonresident individuals, § 5:13

DOUBLE JEOPARDY

Contempt, § 25:52

DROP BOX

Filing of court papers, § 16:2

DUE PROCESS

Sanctions (this index)
 Service of Process and Papers (this index)

“DYNAMITE” INSTRUCTIONS

Deliberations of jury, § 38:33

ELDER ABUSE CLAIMS

Parties, § 7:24

ELECTION OF REMEDIES

Attachment, § 24:3
 Complaints, § 9:31

ELECTRONIC FILING

Complaints, § 9:50
 Filing of Court Papers (this index)

ELECTRONIC METHODS

Depositions, § 21:73
 Service after appearance, § 16:23

ELECTRONICALLY STORED INFORMATION

Depositions, §§ 21:49, 21:63
 Discovery, § 21:21

EMPLOYERS AND EMPLOYEES

Depositions (this index)
 Personal jurisdiction, § 5:24

ENDS OF JUSTICE

Transfer of venue, § 4:3

ENGINEERS

Security for costs, § 2:51

ENTRY OF DEFAULT

Default and Default Judgment (this index)

ENTRY OF DEFAULT JUDGMENT

Default and Default Judgment (this index)

EQUITABLE DEFENSES

Injunctions, § 24:50

ESTATES

Parties, §§ 7:4, 7:14

ESTOPPEL

Waiver or Estoppel (this index)

ETHICAL CONSIDERATIONS

Attorneys, withdrawal by, § 14:16
 Sanctions, protection of client’s interests, § 25:3
 Settlement (this index)

EVIDENCE AND WITNESSES

Generally, §§ 30:4 to 30:9, 32:1 to 32:49
 Admonitions, witness examinations, § 32:26
 Adverse witnesses, direct examination of, §§ 32:21, 32:22
 Answers to questions
 generally, §§ 32:47 to 32:50
 motion to strike nonresponsive answers, § 32:48
 opinion testimony, § 32:49
 responsive nature of answers, §§ 32:47, 32:48
 witness opens the door rule, § 32:50
 Approaching witness, § 32:29

INDEX

EVIDENCE AND WITNESSES—Cont'd

Attorney as witness, qualification of witnesses, § 32:17

Bias, witness examinations, § 32:28

Burden of Proof (this index)

Challenge to notice to attend trial, § 32:13

Challenge to subpoena of nonparty witnesses, § 32:7

Child witnesses, §§ 32:41, 32:42

Closing arguments, § 37:10

Communication between witness and judge or jury, § 32:36

Compelling witnesses to testify

- generally, §§ 32:1 to 32:13
- challenge to notice to attend trial, § 32:13
- challenge to subpoena of nonparty witnesses, § 32:7
- changing time of appearance of nonparty witnesses, § 32:8
- duty to testify, § 32:1
- failure of nonparty witness to appear or testify, remedies for, § 32:9
- nonparty witnesses, generally, §§ 32:3 to 32:9
- notice to attend trial and/or produce documents, § 32:10
- “on call” status of nonparty witnesses, § 32:8
- party and party-affiliated witnesses, §§ 32:10 to 32:13
- persons present may be compelled to testify, § 32:2
- service of subpoena on nonparty witnesses, § 32:5
- subpoena of nonparty witnesses, § 32:3
- tender of fees, §§ 32:6, 32:12
- time for notice to attend trial and/or produce documents, § 32:11
- time required for subpoena of nonparty witnesses, § 32:4

Competency, §§ 32:15, 32:41, 32:42

Consultation during testimony, § 32:34

Control of questioning by court, § 32:43

Court, calling of witnesses and questioning of witnesses by, §§ 32:23, 32:24

Courtesy, witness examinations, § 32:28

Court’s comment, instructing jury, § 38:14

Cross-examination and redirect examination

- adverse parties and witnesses, § 32:22
- scope of examination, § 32:20

Demonstrations (this index)

Depositions (this index)

Discretion of court to exclude relevant evidence, § 30:5

Examination of witnesses, generally, §§ 32:18 to 32:49

Excusing witnesses, § 32:35

Exhibits (this index)

Expedited jury trial, § 27:45

Expert Witnesses (this index)

Familiarity, avoidance of, § 32:30

EVIDENCE AND WITNESSES—Cont'd

Form of questions

- generally, §§ 32:43 to 32:46
- common objections to form of questions, § 32:44
- control of questioning by court, § 32:43
- leading questions, § 32:46
- stating objections, § 32:45

Forum non conveniens, § 4:16

Gestures, use during examination of witness, § 32:33

Guidelines for questioning witnesses, § 32:31

Instructing jury, court’s comment, § 38:14

Interpreters, use of, §§ 32:39, 32:40

Interrogatory responses, use of. Interrogatories (this index)

Judge as witness, qualification of witnesses, § 32:17

Judicial misconduct, receipt out-of-court, § 30:17

Judicial Notice (this index)

Juror as witness, qualification of witnesses, § 32:17

Jury instruction, court’s comment on evidence, § 38:14

Language interpreters, use of, § 32:39

Leading questions, § 32:46

In limine motions, § 28:14

Lis pendens, expungement, § 24:108

Mediator as witness, qualification of witnesses, § 32:17

Motions (this index)

New trial, §§ 40:28, 40:49

Notice to attend trial and/or produce documents, § 32:10

Oath requirement, qualification of witnesses, §§ 32:14, 32:41

Objections

- generally, §§ 30:6 to 30:9
- expedited jury trial, § 27:45
- form of question, § 30:7
- offered evidence, § 30:8
- privilege, objections based on, § 30:9
- stating objections, § 32:45

“On call” status of nonparty witnesses, § 32:8

Opens the door, answers to questions, § 32:50

Order of witness examinations, § 32:19

Perjured testimony, § 32:38

Personal knowledge requirement, qualification of witnesses, § 32:16

Place to stand, witness examinations, § 32:27

Preliminary fact determinations, § 30:4

Privilege, objections based on, § 30:9

Protection of cognitively impaired witnesses, § 32:42

Purpose of witness examination, § 32:18

Qualification of witnesses

- generally, §§ 32:14 to 32:17
- child witnesses, §§ 32:41, 32:42
- competency, §§ 32:15, 32:41, 32:42
- judge, mediator, juror or attorney as witness, § 32:17

EVIDENCE AND WITNESSES—Cont'd

- Qualification of witnesses—Cont'd
 - oath requirement, §§ 32:14, 32:41
 - personal knowledge requirement, § 32:16
 - protection of cognitively impaired witnesses, § 32:42
- Recalling witnesses, § 32:35
- Redirect examination. Cross-examination and redirect examination, above
- Refreshing recollection of witness with writing, § 35:7
- Requests for admission responses, use of. Requests for Admission (this index)
- Responsive nature of answers to questions, §§ 32:47, 32:48
- Sanctions, due process, § 25:7
- Scheduling of witness examination, § 32:25
- Self-incrimination, privilege against, § 32:37
- Service of subpoena on nonparty witnesses, § 32:5
- Settlement, good faith determination, § 23:68
- Sign language interpreters, use of, § 32:40
- Subpoena of nonparty witnesses, § 32:3
- Summary judgment and summary adjudication, opposition papers, §§ 22:42, 22:43
- Tender of fees, compelling witnesses to testify, §§ 32:6, 32:12
- Time for notice to attend trial and/or produce documents, § 32:11
- Time required for subpoena of nonparty witnesses, § 32:4
- Transfer of venue, § 4:6
- Types of witness examination, § 32:18
- Writings, use during examination of witness, §§ 32:32, 35:6, 35:7

EX PARTE APPLICATIONS

- Generally, §§ 18:1 to 18:13
- Appearance, § 18:7
- Applicability, §§ 18:2, 18:3
- Application requirements, § 18:5
- Filing of application, § 18:9
- Notice and declaration regarding notice, § 18:4
- Opposition, § 18:11
- Oral argument, § 18:12
- Order, § 18:13
- Person to whom presented, § 18:8
- Presentation of application, § 18:9
- Procedure, §§ 18:4 to 18:13
- Receivership, appointment, § 24:68
- Ruling, § 18:13
- Service of application before hearing, § 18:10
- Showing required, § 18:6

EX PARTE PROCEDURE

- Amendment of Complaints (this index)
- Applications. Ex Parte Applications (this index)
- Attachment (this index)
- Claim and delivery of personal property, § 24:33
- Judicial misconduct, improper communications, § 30:18
- Settlement, good faith determination, § 23:66

EXCEPTIONS

- Dismissal (this index)

EXCESSIVE OR INADEQUATE DAMAGES

- Expedited jury trial, § 27:47

EXCUSABLE NEGLIGENCE, RELIEF DUE TO

- Mistake, Inadvertence, Surprise or Excusable Neglect, Relief Due to (this index)

EXCUSES

- Dismissal (this index)

EXEMPT PROPERTY

- Attachment, § 24:9

EXEMPTIONS

- Attachment (this index)

EXHAUSTION OF REMEDIES

- Generally, §§ 2:1 to 2:5
- Administrative remedies, §§ 2:1 to 2:4
- Challenging exhaustion, § 2:2
- Exceptions to rule, § 2:3
- Grievance procedures, § 2:5
- Pleading exhaustion, § 2:2
- Primary jurisdiction doctrine, compared, § 2:4

EXHIBITS

- Generally, §§ 35:1 to 35:5
- Audio recordings, use of, § 35:5
- Demurrers, § 11:25
- Form of court papers, § 15:7
- Jury, access by, § 29:39
- Marking of exhibits, § 35:3
- Objections, § 35:2
- Organization of exhibits, § 35:3
- Preliminary considerations, §§ 35:1 to 35:3
- Pretrial preparation, exchange and submission, § 35:1
- Stipulation on foundation, § 35:2
- Use of exhibits during trial, §§ 35:4, 35:5
- Video recordings, use of, § 35:5
- Withdrawal, § 35:2

EXPEDITED JURY TRIAL

- Generally, §§ 27:38 to 27:48
- Agreements of consent order, § 27:39
- Amount of damages, §§ 27:40, 27:47
- Appeals, §§ 27:39, 27:47
- Case presentation, § 27:44
- Conference, pretrial, § 27:42
- Consent order, § 27:39
- Correction of judgment for clerical error, § 27:47
- Costs and attorney fees, § 27:47
- Damages, § 27:40
- Deliberation, § 27:46
- Enforcement of judgment, § 27:47
- Excessive or inadequate damages, § 27:47
- High/low agreements, § 27:40

INDEX

EXPEDITED JURY TRIAL—Cont'd

Limitations as to time, § 27:43
Mandatory, §§ 27:38, 27:48
Modifications, consent order, § 27:39
Motions, § 27:47
New trial motion, § 27:47
Objections to evidence, § 27:45
Post-trial motions and appeals, waiver, § 27:47
Pretrial
 conferences, § 27:42
 submissions, § 27:41
Pretrial conference, § 27:42
Pretrial procedures, § 27:42
Rules of evidence, applicability, § 27:45
Selection of jurors, § 27:43
Service, pretrial submissions, § 27:41
Setting aside verdict, waiver, § 27:47
Stipulations
 case presentation, § 27:44
 consent order, § 27:39
 pretrial conferences, § 27:42
 rules of evidence, § 27:45
Submissions, pretrial, § 27:41
Time limits, § 27:43
Trial management conferences, § 27:42
Verdict, § 27:46
Voir dire, § 27:43
Voluntary, §§ 27:38 to 27:47
Waiver of post-trial motions and appeals,
 §§ 27:39, 27:47

EXPEDITED PROCEDURE

Jury trial. Expedited Jury Trial (this index)
Settlement, enforcement of, § 23:73

EXPENSES

Costs (this index)

EXPERIMENTS

Jury and jury trial, § 30:34

EXPERT WITNESSES

Generally, §§ 33:1 to 33:18
Amendment of expert witness designation, motion
for, § 21:193
Augmentation of expert witness designation,
motion for, § 21:193
Basis of expert opinion testimony
 generally, §§ 33:5 to 33:7
 opinion or statement of another, opinion
 based on, § 33:6
 scientific methods, opinion based on, § 33:7
Challenges to expert opinion testimony
 generally, §§ 33:8 to 33:10
 in limine motions, § 33:8
 objections to improper testimony, § 33:10
 strike, motion to, § 33:10
 voir dire of witness, § 33:9
Court-appointed expert witnesses
 generally, §§ 33:16 to 33:18
 authority to appoint, § 33:16
 examination of expert, § 33:17

EXPERT WITNESSES—Cont'd

Court-appointed expert witnesses—Cont'd
 parties' right to call other experts, § 33:17
 payment of expert, § 33:18
Cross-examination, §§ 33:13, 33:14
Depositions (this index)
Direct examination, §§ 33:11, 33:12
Disclosure
 generally, §§ 21:175 to 21:194
 augmentation or amendment of expert wit-
 ness designation, motion for, § 21:193
Depositions (this index)
 exclusion of expert testimony for failure to
 comply with exchange rules, §§ 21:192 to
 21:194
 expert designation and information
 exchange, §§ 21:180 to 21:186
 form and content of demand, § 21:178
 information to be exchanged, § 21:181
 late submission of expert witness informa-
 tion, motion for, § 21:194
 motion to compel disclosure, § 21:183
 nonprivileged reports, exchange of, § 21:182
 objections, § 21:179
 persons who may make demand for
 exchange, § 21:176
 procedure for demand, §§ 21:178, 21:179
 protective order, § 21:179
 purpose, function and authority, § 21:175
 relief from exclusion of expert testimony for
 failure to comply with exchange rules,
 §§ 21:193, 21:194
 service of demand for exchange, § 21:176
 simultaneous exchange, § 21:180
 supplemental expert witness lists, § 21:185
 time restrictions on demand for exchange,
 § 21:177
 withdrawal of designated expert, § 21:186
 worksheet of judge for ruling on motion to
 compel, § 21:184
Discovery. Disclosure, above
Exclusion of expert testimony for failure to
comply with exchange rules, §§ 21:192 to
21:194
Hypothetical questions, § 33:12
Jury evaluation of testimony, § 33:15
In limine motions, §§ 28:15, 33:8
Nonprivileged reports, exchange of, § 21:182
Number of experts, court may limit, § 33:2
Objections, §§ 21:179, 33:10
Opinion of another, opinion based on, § 33:6
Payment of court-appointed expert witnesses,
 § 33:18
Physical and mental examination by court-ap-
pointed expert, § 21:168
Pretrial designation requirements, § 33:1
Protective order, disclosure, § 21:179
Qualification of expert witnesses, § 33:4
Right to call expert witnesses, §§ 33:1, 33:2
Scientific methods, opinion based on, § 33:7
Service of demand for exchange, § 21:176

EXPERT WITNESSES—Cont’d

Simultaneous exchange, § 21:180
 Statement of another, opinion based on, § 33:6
 Strike, motion to, § 33:10
 Subjects of expert opinion testimony, § 33:3
 Summary judgment and summary adjudication, § 22:30
 Supplemental expert witness lists, § 21:185
 Time restrictions on demand for exchange, § 21:177
 Voir dire, § 33:9
 Withdrawal of designated expert, § 21:186

EXPUNGEMENT

Lis Pendens (this index)

EXTENSION OF TIME

Appeal and Review (this index)
 Dismissal (this index)

EXTRINSIC FRAUD OR EXTRINSIC MISTAKE, RELIEF DUE TO

Generally, §§ 17:62 to 17:65, 40:68 to 40:71
 Default and Default Judgment (this index)
 Definition of extrinsic fraud and mistake, § 40:69
 Hearings, § 40:71
 Inherent power of court, § 17:62
 Ruling on motion, § 40:71
 Time limitations, § 17:65
 Time requirements, § 40:70

FACSIMILE FILINGS

Filing of Court Papers (this index)

FAST TRACK RULES

Service, time to file proof of, § 10:88

FEDERAL COURTS

Concurrent jurisdiction, § 3:19
 Removal to Federal Court (this index)

FEDERAL QUESTION

Removal to federal court, §§ 4:26, 4:27

FEES

Anti-SLAPP motion to strike, § 11:62
 Appeal and review, filing, §§ 42:18, 42:19
 Attorneys’ Fees (this index)
 Costs (this index)
 Depositions, expert witnesses, §§ 21:190, 21:191
 Filing of court papers, §§ 16:3, 16:12
 Jury and Jury Trial (this index)
 Service of process and papers, § 10:19

FICTITIOUS NAME

Parties, doing business under, § 7:10

FILING OF COURT PAPERS

Generally, §§ 16:1 to 16:15
 Access to electronically filed documents, § 16:15
 Agency filings, facsimile filings, § 16:6
 Answers, § 12:15
 Appeal and Review (this index)

FILING OF COURT PAPERS—Cont’d

Attachment, bonds and undertakings, § 24:86
 Claim and delivery of personal property, bonds and undertakings, § 24:86
 Complaints (this index)
 Confirmation, electronic filings, § 16:13
 Court hours for filings, §§ 16:8, 16:13
 Cross-complaints, § 12:27
 Decedents’ estates, claims against, §§ 2:24, 2:28
 Drop box, § 16:2
 Electronic Filing (this index)
 Electronic filings
 generally, §§ 16:10 to 16:15
 access to electronically filed documents, § 16:15
 confirmation, § 16:13
 court hours for electronic filings, § 16:13
 electronic file stamp and summons, § 16:14
 fees, payment of, § 16:12
 permissibility, § 16:10
 signature requirements, § 16:11
 Ex parte applications, § 18:9
 Facsimile filings
 generally, §§ 16:4 to 16:9
 agency filings, § 16:6
 court hours for fax filings, § 16:8
 direct filings, § 16:5
 mechanical requirements, § 16:7
 permissibility, § 16:4
 transmission errors, relief for, § 16:9
 Fees, §§ 16:3, 16:12
 Injunctions, order and undertaking, §§ 24:62, 24:86
 Mechanical requirements, facsimile filings, § 16:7
 Motions, § 17:21
 New Trial (this index)
 Protection of privacy, § 16:1
 Receivership, bonds and undertakings, § 24:86
 Returned checks, § 16:3
 Service, return of, § 10:72
 Signature requirements, electronic filings, § 16:11

FIRST PAGE

Form of Court Papers (this index)

FOOTER REQUIREMENT

Form of court papers, § 15:8

FOREIGN CORPORATIONS

Parties, § 7:5
 Personal Jurisdiction (this index)
 Security for costs, § 2:49
 Service of process and papers, § 10:61

FOREIGN COUNTRIES

Depositions, § 21:44
 Service of Process and Papers (this index)

FOREIGN INSURERS

Alien Insurers (this index)

INDEX

FOREIGN PARTNERSHIPS

Service of process and papers, § 10:65

FOREIGN STATES

Service of Process and Papers (this index)

FOREIGN UNINCORPORATED ASSOCIATIONS

Service of process and papers, § 10:65

FOREPERSON

Deliberations of jury, § 38:21

FORFEITED POWERS

Parties, corporations, § 7:6

FORM OF COURT PAPERS

Generally, §§ 15:1 to 15:16

Address, § 15:3

Affidavits, § 15:16

Attorney information, first page, § 15:11

Caption, first page, §§ 15:12, 15:13

Case number, first page, § 15:13

Case title, first page, § 15:12

Changes to paper or copies, § 15:9

Color of print, § 15:5

Complaints (this index)

Court title, first page, § 15:12

Declarations, § 15:16

Definition of court “papers,” § 15:2

Exhibits, § 15:7

First page

generally, §§ 15:11 to 15:13

attorney information, § 15:11

caption, §§ 15:12, 15:13

case number and “title block,” § 15:13

court title and case title, § 15:12

Footer requirement, § 15:8

Governing law, § 15:1

Hole punching, § 15:7

Judicial council forms, § 15:14

Judicial Council Forms (this index)

Line spacing and numbering, § 15:6

Motion papers, § 15:15

Numbering of lines, § 15:6

Numbering of pages, § 15:7

Printing process, § 15:5

Separately numbered causes of action/defenses, § 15:10

Signature, § 15:3

Size and type of paper, § 15:4

Telephone number, § 15:3

“Title block,” first page, § 15:13

Type style and size, § 15:5

FORUM NON CONVENIENS

Generally, §§ 4:11 to 4:20

Availability of suitable alternate forum, § 4:12

Burden of proof, § 4:16

Contractual forum selection clause, effect, § 4:14

Discretion of court, § 4:17

Evidence, § 4:16

FORUM NON CONVENIENS—Cont’d

Nature, §§ 4:11 to 4:14

Order, § 4:19

Procedural requirements, §§ 4:15, 4:16

Ruling on motion

generally, §§ 4:17 to 4:20

considerations of judge for ruling on motion, § 4:18

discretion of court, § 4:17

order, § 4:19

subsequent proceedings, § 4:20

Subsequent proceedings, § 4:20

Timing, § 4:15

FORUM SELECTION

Personal jurisdiction, clauses, § 5:8

Venue (this index)

FRAUD

Complaints, § 9:35

Extrinsic Fraud or Extrinsic Mistake, Relief Due to (this index)

FUTILITY

Dismissal (this index)

GEOGRAPHIC LIMITS

Depositions, expert witnesses, § 21:188

GESTURES

Witnesses, examination of, § 32:33

GOOD CAUSE

Discovery, § 21:17

Physical and mental examinations, § 21:165

GOOD FAITH

Settlement (this index)

GOVERNING LAW

Form of court papers, § 15:1

Trial management conferences, § 28:5

GOVERNMENT ENTITIES

Generally, §§ 2:6 to 2:18

Challenging lack of compliance, § 2:7

Class actions, § 8:34

Complaints, § 9:42

Content of claim, § 2:10

Exceptions to claims requirement, § 2:8

Excuses to claims requirement, § 2:8

Form of claim, § 2:10

Government Claims Act requirements, §§ 2:6 to 2:8

Late claims

generally, §§ 2:14 to 2:16

court may grant relief, § 2:16

entity may grant relief, § 2:15

Parties, § 7:26

Persons who must submit claim, § 2:9

Pleading lack of compliance, § 2:7

Prelawsuit matters

generally, §§ 2:6 to 2:18

GOVERNMENT ENTITIES—Cont’d

Prelawsuit matters—Cont’d
 exceptions and excuses to claims requirement, § 2:8
 Government Claims Act requirements, §§ 2:6 to 2:8
 late claims, above
 pleading and challenging lack of compliance, § 2:7
 presentation of claims, below
 time restrictions for filing suit, §§ 2:17, 2:18
 Presentation of claims
 generally, §§ 2:9 to 2:13
 form and content of claim, § 2:10
 persons who must submit claim, § 2:9
 proper entity, presentation to, § 2:11
 response to claim by entity, § 2:13
 time limit for presenting claim, § 2:12
 Proper entity, presentation to, § 2:11
 Response to claim by entity, § 2:13
 Time and date
 filing suit, §§ 2:17, 2:18
 late claims, above
 presentation of claim, § 2:12
 Venue, § 3:34

GRIEVANCE PROCEDURES

Exhaustion of remedies, § 2:5

GUARDIANS AD LITEM

Generally, §§ 2:54 to 2:57
 Failure to appoint, effect of, § 2:57
 Hearing, § 2:55
 Petition, § 2:55
 Powers and duties, § 2:56
 Prelawsuit matters, generally, §§ 2:54 to 2:57

HAGUE CONVENTION

Service in foreign country, §§ 10:43, 10:44

HEARINGS

Attachment (this index)
 Claim and delivery of personal property, §§ 24:35, 24:89
 Class actions, certification of class, § 8:42
 Deliberations of jury, discharge of juror, § 38:24
 Demurrers (this index)
 Discovery, sanctions, § 25:42
 Extrinsic fraud or mistake, equitable relief due to, § 40:71
 Guardians ad litem, § 2:55
 Injunctions (this index)
 Interpleader, § 8:26
 Judgment notwithstanding verdict, § 40:9
 Mistake, inadvertence, surprise or excusable neglect, relief due to, § 40:66
 Motions (this index)
 New Trial (this index)
 Nonjury trial, objections to proposed statement of decision, § 27:25
 Receivership, objection to bond, § 24:89
 Sanctions, due process, § 25:7

HEARINGS—Cont’d

Settlement (this index)
 Sister state judgment, vacation of, § 40:79
 Vacation and entry of different judgment, § 40:61

HIGH/LOW AGREEMENTS

Expedited jury trial, § 27:40

HOLE PUNCHING

Form of court papers, § 15:7

HOLIDAYS

Generally, § 1:8

HOMEOWNERS ASSOCIATIONS

Parties, § 7:29
 Prelawsuit matters, enforcement of, §§ 2:33, 2:34

HUSBAND AND WIFE

Parties, § 7:3

HYBRID CONTEMPT

Contempt, § 25:48

HYPOTHETICAL QUESTIONS

Expert witnesses, § 33:12

IMPEACHMENT

Depositions, use of testimony, § 34:8

IMPOSSIBILITY

Dismissal (this index)

IMPRACTICABILITY

Dismissal (this index)

IN CHAMBERS HEARINGS

Motions, § 17:36

IN LIMINE MOTIONS

Generally, §§ 28:13 to 28:20
 Discovery issues, § 28:16
 Evidentiary issues, § 28:14
 Expert issues, § 28:15
 Expert testimony, challenges to, § 33:8
 Improper use of motion, § 28:17
 Making motions, § 28:18
 Nature, § 28:13
 Objections, violation of orders, § 28:20
 Procedure, §§ 28:18 to 28:20
 Purpose, § 28:13
 Ruling on motions, § 28:19
 Violation of orders, § 28:20

IN REM JURISDICTION

Personal jurisdiction, compared, § 5:2

INADVERTENCE, RELIEF DUE TO

Mistake, Inadvertence, Surprise or Excusable Neglect, Relief Due to (this index)

INATTENTIVENESS

Jurors, misconduct of, § 30:33

INDEX

INCOMPETENT PERSONS

Parties, § 7:2
Service of process and papers, § 10:48
Settlement (this index)

INCORPORATION BY REFERENCE

Complaints, § 9:28

INDEMNITY CLAIMS

Settlement, good faith determination, §§ 23:50, 23:72

INDIGENT PERSONS

Prelawsuit matters, § 2:58
Security for costs, waiver, § 12:49
Waiver of fees, § 2:58

INDIRECT CONTEMPT

Contempt, § 25:49

INFANTS

Children and Minors (this index)

INFORMATION AND BELIEF

Complaints, § 9:27

INHERENT POWER OF COURT

Complex litigation, § 14:36
Dismissal, § 20:57
Motions, §§ 17:49, 17:62
Trial courts, § 1:9

INJUNCTIONS

Generally, §§ 24:36 to 24:64, 24:83 to 24:100
Additional bond, § 24:92
Approval of bonds and undertakings, § 24:87
Bonds and undertakings
 generally, §§ 24:83 to 24:100
 approval and duration, § 24:87
 contents, filing and service, §§ 24:62, 24:86
 definitions, § 24:84
 deposit in lieu of bond, below
 enforcement of liability on bond, § 24:93
 hearing on objection to bond, § 24:89
 increase or decrease of amount of bond,
 § 24:90
 new, additional or supplemental bond,
 § 24:92
 objections to bonds, §§ 24:88, 24:89
 preliminary injunctions, undertaking required
 upon issuance, § 24:61
 procedure, §§ 24:86 to 24:93
 purpose, § 24:83
 release or substitution of sureties on litigation
 bond, § 24:91
 sureties on bond, § 24:85
Classification by duration, § 24:38
Classification by effect, § 24:37
Considerations for relief, §§ 24:45 to 24:48
Defenses, §§ 24:49, 24:50
Deposit in lieu of bond
 generally, §§ 24:94 to 24:100

INJUNCTIONS—Cont'd

Deposit in lieu of bond—Cont'd
 agreement obligating principal, § 24:98
 amount and value of property, § 24:96
 enforcement against deposit, § 24:99
 interest on deposit, § 24:97
 return of deposit, § 24:100
 types of property that may be deposited,
 § 24:95
Dissolution of temporary restraining orders,
 § 24:55
Duration of bonds and undertakings, § 24:87
Enforcement
 generally, § 24:64
 deposit in lieu of bond, § 24:99
 liability on bond, § 24:93
Equitable defenses, § 24:50
Filing of order and undertaking, §§ 24:62, 24:86
Hearings
 objection to bond, § 24:89
 preliminary injunctions, § 24:59
 temporary restraining orders, § 24:53
Interest on deposit in lieu of bond, § 24:97
Interim harm, § 24:45
Irreparable injury, § 24:47
Jurisdiction, § 24:40
Legal defenses, § 24:49
Legal remedy inadequate, § 24:46
Likelihood of success, § 24:45
Modification of temporary restraining orders,
 § 24:55
Multiple actions, avoidance of, § 24:48
Nature and purpose, §§ 24:36 to 24:39
New bond, § 24:92
Notice
 preliminary injunctions, § 24:57
 temporary restraining orders, § 24:51
Objections to bonds, §§ 24:88, 24:89
Overview, § 24:45
Peremptory challenge of judge who issued
 temporary restraining order, § 24:56
Permanent injunctions, §§ 24:38, 24:63
Persons bound by injunction, § 24:39
Preliminary injunction order, issuance of, § 24:60
Preliminary injunctions
 generally, §§ 24:38, 24:57 to 24:62
 filing and service of order and undertaking,
 § 24:62
 hearing, § 24:59
 notice, § 24:57
 preliminary injunction order, issuance of,
 § 24:60
 required papers, § 24:58
 undertaking required upon issuance, § 24:61
Prerequisites to relief, §§ 24:40 to 24:44
Prohibitory vs. mandatory injunctions, § 24:37
Release of sureties on litigation bond, § 24:91
Return of deposit in lieu of bond, § 24:100
Security for costs, § 12:71
Service of order and undertaking, §§ 24:62, 24:86
Standing, § 24:41

INJUNCTIONS—Cont’d

- Statutory authority, § 24:43
- Substitution of sureties on litigation bond, § 24:91
- Supplemental bond, § 24:92
- Sureties on bond, § 24:85
- Temporary restraining orders
 - generally, §§ 24:38, 24:51 to 24:56
 - dissolution or modification, § 24:55
 - hearing, § 24:53
 - issuance, § 24:53
 - notice, § 24:51
 - peremptory challenge of judge who issued order, § 24:56
 - required papers, § 24:52
 - setting preliminary injunction hearing and service requirements, § 24:54
- Timing of injunction, § 24:44
- Undertakings. Bonds and undertakings, above
- Venue, § 24:42

INSPECTION DEMANDS

- Generally, §§ 21:128 to 21:147
- Authority, § 21:128
- Comparison chart of inspection demand motions to compel, § 21:146
- Custody
 - original demand, § 21:134
 - original response, § 21:142
- Date. Time and date, below
- Defined, § 21:128
- Form and format rules
 - responses, § 21:137
 - use of demands, § 21:132
- Motions to compel
 - generally, §§ 21:143 to 21:147
 - comparison of motions, § 21:146
 - compliance as agreed, § 21:145
 - further response, § 21:144
 - “good cause” requirement, further response, § 21:144
 - new trial and sanctions, concealment of documents, § 21:147
- Number of demands, § 21:131
- Objections to demands, §§ 21:139, 21:140
- Persons upon whom demands may be served, § 21:130
- Responses
 - generally, §§ 21:135 to 21:142
 - content of response, § 21:138
 - form and format rules, § 21:137
 - “good cause” requirement, § 21:144
 - motions to compel further response, § 21:144
 - objections to demands, §§ 21:139, 21:140
 - service and custody of original response, § 21:142
 - signing and verifying demands, § 21:141
 - time for response, § 21:135
 - waiver of right to object by untimely response, § 21:136
- Sanctions, concealment of documents, § 21:147

INSPECTION DEMANDS—Cont’d

- Service of process and papers
 - original demand, § 21:134
 - original response, § 21:142
- Signing of demands, § 21:141
- Time and date
 - response, § 21:135
 - service, § 21:129
- Use of demands
 - generally, §§ 21:131 to 21:134
 - form and format rules, § 21:132
 - number of demands, § 21:131
 - scope of demands, § 21:133
 - service and custody of original demand, § 21:134
- Verification of demands, § 21:141
- Waiver of right to object by untimely response, § 21:136

INSTRUCTIONS TO JURY

- Generally, §§ 38:1 to 38:17
- California civil jury instructions, § 38:5
- Comment on evidence by court, § 38:14
- Correction of errors in instructions, § 38:17
- Court’s comment on evidence, § 38:14
- Curative Instructions to Jury (this index)
- Deliberations of jury, §§ 38:32, 38:33
- Duty of court to instruct on the law, § 38:13
- Duty to prepare proper instructions, § 38:3
- Final argument, settlement on instructions before, § 38:11
- Form and format, § 38:10
- Function, § 38:1
- Manner of instruction, § 38:16
- Objections, preservation of, § 38:12
- Preinstructions to jury, § 29:42
- Procedure, §§ 38:9, 38:10
- Requirements for proper instructions, § 38:2
- Right to instructions, § 38:4
- Settlement on instructions, §§ 38:11, 38:12
- Source of instructions
 - generally, §§ 38:5 to 38:8
 - California civil jury instructions, § 38:5
 - case law, § 38:7
 - statutes, § 38:6
- Time to submit proposed instructions, § 38:9
- Timing of instructions, § 38:15
- Trial management conferences, motion for preinstructions, § 28:28

INSURANCE

- Alien Insurers (this index)
- Jury trial, voir dire questions, § 29:18
- Parties, §§ 7:19, 7:41
- Service of process and papers, § 10:50

INTEMPERANCE

- Judicial misconduct, § 30:11

INTENTIONAL TORTS

- Personal jurisdiction, torts committed elsewhere causing effect in California, § 5:18

INDEX

INTEREST ON MONEY

- Attachment, deposit in lieu of bond, § 24:97
- Claim and delivery of personal property, deposit in lieu of bond, § 24:97
- Injunctions, deposit in lieu of bond, § 24:97
- Prejudgment Interest (this index)
- Receivership, deposit in lieu of bond, § 24:97

INTERMEDIATE COURTS OF APPEAL

- Generally, § 1:2

INTERPLEADER

- Generally, §§ 8:21 to 8:27
- Attorneys' fees and costs, § 8:27
- Cross-complaints, § 8:25
- Defendant as stakeholder, procedure for compelling interpleader, § 8:24
- Hearing on interpleader, § 8:26
- Nature and purpose, § 8:21
- Plaintiff as stakeholder, procedure for compelling interpleader, § 8:23
- Procedure for compelling interpleader, §§ 8:23 to 8:25
- Proceedings after initiation of interpleader action, §§ 8:26, 8:27
- Restraining orders, § 8:26
- Ruling on interpleader, § 8:26
- Scope, § 8:22

INTERPRETERS

- Generally, § 1:17
- Evidence and witnesses, §§ 32:39, 32:40

INTERROGATORIES

- Generally, §§ 21:85 to 21:105
- Amended responses, § 21:102
- Authority, § 21:85
- Binding effect, use of interrogatory responses at trial, § 34:10
- Copying of records, option to allow, § 21:97
- Custody of original responses, § 21:101
- Date. Time and date, below
- Defined, § 21:85
- Different lawsuit, use of interrogatory answers from, § 34:11
- Form and format rules
 - responses, § 21:95
 - especially prepared interrogatories, § 21:90
- Inspection of records, option to allow, § 21:97
- Judicial Council form interrogatories, § 21:88
- Limit of 35 for specially prepared interrogatories, § 21:89
- Motions to compel
 - generally, §§ 21:103 to 21:105
 - answers to interrogatories, § 21:103
 - further response to interrogatories, § 21:104
 - relief from waiver of right to compel further response, § 21:105
- Objections to interrogatories, assertion of, §§ 21:98, 21:99

INTERROGATORIES—Cont'd

- Person upon whom interrogatories may be served, § 21:87
- Responses
 - generally, §§ 21:93 to 21:102
 - amended responses, § 21:102
 - answering interrogatories, § 21:96
 - form and format rules for responses, § 21:95
 - further response, motions to compel, § 21:104
 - inspection and copying of records, option to allow, § 21:97
 - motions to compel, above
 - objections to interrogatories, assertion of, §§ 21:98, 21:99
 - relief from waiver of right to compel further response, § 21:105
 - service and custody of original responses, § 21:101
 - signing and verifying responses, § 21:100
 - time for response, § 21:93
 - waiver of right to object by untimely response, § 21:94
- Rules of evidence, evidence as subject to, § 34:1
- Scope of interrogatories, § 21:91
- Service of process and papers
 - original interrogatories, § 21:92
 - original responses, § 21:101
- Signing of responses, § 21:100
- Summary judgment and summary adjudication, § 22:34
- Time and date
 - response, § 21:93
 - service of interrogatories, § 21:86
- Use of interrogatory responses at trial
 - generally, §§ 34:1, 34:9 to 34:12
 - binding effect, § 34:10
 - different lawsuit, use of interrogatory answers from, § 34:11
 - procedure, § 34:12
 - right to introduce, § 34:9
 - rules of evidence, evidence as subject to, § 34:1
- Verification of responses, § 21:100
- Waiver of right to object by untimely response, § 21:94

INTERVENTION

- Generally, §§ 8:11 to 8:20
- Attorneys' fees and costs, § 8:20
- Dismissal statutes, application of, § 8:18
- Effect of intervention, § 8:19
- Matter of right, intervention as, § 8:13
- Methods of intervention, § 8:14
- Nature and purpose, §§ 8:11 to 8:13
- Permissive intervention, § 8:12
- Procedure, §§ 8:14, 8:15
- Proceedings when leave granted, §§ 8:16 to 8:20
- Responses to complaint-in-intervention, § 8:17
- Substance of complaint or answer in intervention and service, § 8:16

INTERVENTION—Cont’d

Time for application, § 8:15

INVENTORY

Receivership, § 24:79

INVESTIGATIONS

Jury trial, § 30:34

IRREPARABLE INJURY

Injunctions, § 24:47

ISSUANCE

Attachment (this index)

JOINDER OF CAUSES OF ACTION

Complaints, § 9:20

JOINDER OF PARTIES

Generally, §§ 8:1 to 8:10

Arbitration agreement, effect on joinder, § 8:10

Challenges to improper joinder, § 8:8

Compulsory joinder

generally, §§ 8:1 to 8:5

necessary and indispensable parties, §§ 8:1 to 8:3

nonjoinder of necessary and indispensable parties, §§ 8:3 to 8:5

procedures for addressing nonjoinder of party, §§ 8:4, 8:5

Necessary and indispensable parties, compulsory joinder, §§ 8:1 to 8:3

Nonjoinder of necessary and indispensable parties, §§ 8:3 to 8:5

Permissive joinder

generally, §§ 8:6 to 8:10

arbitration agreement, effect on joinder, § 8:10

challenges to improper joinder, § 8:8

defendants, § 8:7

plaintiffs, § 8:6

separate trials, authority of court to order, § 8:9

Separate trials, authority of court to order, § 8:9

“JOINT INTEREST” DOCTRINE

Discovery, § 21:22

JOINT STOCK COMPANIES AND ASSOCIATIONS

Service of process and papers, § 10:68

JUDGES

Generally, § 1:12

Misconduct. Judicial Misconduct (this index)

Witness, judge as, § 32:17

JUDGMENT NOTWITHSTANDING VERDICT

Generally, §§ 40:1 to 40:14

Appeal, extension of time to appeal by denial of motion, § 42:11

Bifurcated trials, § 40:7

JUDGMENT NOTWITHSTANDING VERDICT—Cont’d

Date. Time and date, below

Defective verdicts, not remedy for, § 40:4

Directed verdict motion not required, § 40:2

Grounds, §§ 40:3, 40:4

Hearing on motion, § 40:9

Motion, generally, § 40:8

Nature of motion, §§ 40:1, 40:2

Nonsuit motion not required, § 40:2

Opposition to motion, § 40:8

Pending appeal, effect of, § 40:13

Procedure, § 40:8

Reconsideration, § 40:12

Ruling on motion

generally, §§ 40:10 to 40:14

checklist of judge for ruling on motion, § 40:14

pending appeal, effect of, § 40:13

reconsideration, § 40:12

standards, § 40:10

time limits, § 40:11

Substantial evidence, jury verdict not supported by, § 40:3

Time and date

generally, §§ 40:5 to 40:7

bifurcated trials, § 40:7

court, motion by, § 40:6

party, motion by, § 40:5

ruling on motion, § 40:11

JUDGMENT ON THE PLEADINGS

Generally, §§ 11:36 to 11:43, 36:3 to 36:4

Amendments, untimely or not filed, § 11:41

Answers, § 13:9

Common law vs. statutory motion, § 11:37

Conference where leave to amend granted, § 11:38

Declaration, § 11:38

Denial of leave to amend, entry of judgment, § 11:42

Judicial notice, § 11:39

Leave to amend, §§ 11:40, 11:42, 36:4

Mandatory “meet and confer” required prior to filing motion, § 11:38

Nature of motion, §§ 11:36, 36:2

Purpose of motion, § 36:2

Summary judgment motion treated as motion for judgment on the pleadings, § 11:43

Trial, motion made during, §§ 36:2 to 36:4

Trial management conferences, § 28:24

JUDGMENTS

Generally, §§ 39:10 to 39:20

Amendment to add additional debtors, § 39:20

Class actions, postcertification proceedings, § 8:52

Content, § 39:13

Correction of clerical errors, §§ 27:47, 39:19

Death of party, entry after, § 39:17

Debtors, amendment of judgment to add, § 39:20

INDEX

JUDGMENTS—Cont'd

Directed verdicts, § 36:19
Entry by clerk, § 39:15
Form, § 39:13
Nature, § 39:10
Nonjury Trial (this index)
Notice of entry, § 39:18
Nunc pro tunc judgment, entry of, § 39:16
One final judgment rule, § 39:11
Purpose, § 39:10
Rendition by court, § 39:14
Res judicata, § 39:12
Sister State Judgment, Vacation of (this index)
Void Judgments (this index)

JUDICIAL ADMISSIONS

Summary judgment and summary adjudication, § 22:9

JUDICIAL ARBITRATION OR MEDIATION

Dismissal, § 20:35

JUDICIAL COUNCIL FORMS

Generally, § 15:14
Complaints, §§ 9:7, 9:32
Interrogatories, § 21:88
Service, return of summons, § 10:73
Settlement, claims of minors and incompetents, § 23:43

JUDICIAL ESTOPPEL

Summary judgment and summary adjudication, § 22:37

JUDICIAL MISCONDUCT

Generally, §§ 30:10 to 30:21
Bias, § 30:12
Coercion
 communication with jury, § 30:19
 settlement, § 30:15
 waiver of right, § 30:14
Communication with jury, improper, § 30:19
Curative instructions to jury, § 30:21
Discourtesy, § 30:11
Evidence, receipt out-of-court, § 30:17
Ex parte communications, § 30:18
Examination of witness, impairment of, § 30:16
Intemperance, § 30:11
Partiality, § 30:13
Prejudging, § 30:13
Prejudice, § 30:12
Responses to misconduct, §§ 30:20, 30:21
Settlement, coercion of, § 30:15
Standards, § 30:10
Types of misconduct, §§ 30:11 to 30:19
Waiver
 coercion of waiver of right, § 30:14
 failure to raise misconduct, § 30:20

JUDICIAL NOTICE

Demurrers, § 11:20

JUDICIAL NOTICE—Cont'd

Judgment on the pleadings, § 11:39
Motions, § 17:20
Summary judgment and summary adjudication, § 22:36

JURISDICTION

Appeal, jurisdictional nature of timely filing of notice of, § 42:1
Class actions, § 8:32
Concurrent Jurisdiction (this index)
Forum Non Conveniens (this index)
Injunctions, § 24:40
Motions, § 17:6
Personal Jurisdiction (this index)
Removal to Federal Court (this index)
Service of Process and Papers (this index)
Subject Matter Jurisdiction (this index)
Voluntary dismissal, § 20:7

JURY AND JURY TRIAL

Generally, §§ 26:16 to 26:19, 29:1 to 29:45, 38:1 to 38:33

Access to evidence by jury, §§ 29:39, 29:40
Admonitions to jury, § 29:37

Alternate jurors

generally, §§ 29:30 to 29:35
Deliberations of Jury (this index)
duties and treatment, § 29:34
number of alternate jurors, § 29:31
procedure for selection, § 29:33
replacement of regular juror, § 29:35
time for selection, § 29:32

Attorneys, voir dire by, §§ 29:15 to 29:19

Biographical information, examination by judge, § 29:14

Cause, challenges for, §§ 29:21, 29:22

Challenges to improper demands for jury trial, § 26:19

Challenges to prospective jurors

generally, §§ 29:20 to 29:29
cause, challenges for, §§ 29:21, 29:22
discriminatory use of peremptory challenges, §§ 29:26 to 29:29
entire panel, challenges to, § 29:20
number of peremptory challenges, § 29:24
peremptory challenges, §§ 29:23 to 29:29
remedies, discriminatory use of peremptory challenges, § 29:29
time to raise discriminatory use of peremptory challenges, § 29:27

Collateral source payments, voir dire questions referring to, § 29:18

Concealment of bias, misconduct of jurors, § 30:31

Cross-section requirement, pool selection process, § 29:2

Date. Time and date, below

Deliberations of Jury (this index)

Demand for jury

generally, §§ 26:16 to 26:19
challenges to improper demands, § 26:19

JURY AND JURY TRIAL—Cont'd

Demand for jury—Cont'd
 relief from waiver of jury, § 26:18
 right to jury trial, § 26:16
 waiver of jury trial, §§ 26:17, 26:18

Discriminatory use of peremptory challenges, §§ 29:26 to 29:29

Exhibits, access by jury, § 29:39

Expedited Jury Trial (this index)

Experiments outside courtroom, § 30:34

Explanations to jury, § 29:36

Fees
 generally, §§ 29:43 to 29:45
 procedure, § 29:44
 refunds, § 29:45

Ground rules for jury, § 29:36

Improper communications, misconduct of jurors, § 30:32

Inattentiveness, misconduct of jurors, § 30:33

Instructions to Jury (this index)

Insurance, voir dire questions referring to, § 29:18

Investigations outside courtroom, § 30:34

Jury room, taking unauthorized material into, § 30:35

Law, failure to follow, § 30:40

Length of jury service, pool selection process, § 29:5

List of qualified jurors, creation of, § 29:3

Management of jury, generally, §§ 29:36 to 29:42

Matters outside record, consideration of, § 30:38

Misconduct of jurors
 generally, §§ 30:31 to 30:46
 concealment of bias, § 30:31
 deliberate, failure to, § 30:41
 deliberations, unauthorized separation during, § 30:39
 duty of court to conduct inquiry, § 30:43
 experiments or investigations outside courtroom, § 30:34
 improper communications, § 30:32
 inattentiveness, § 30:33
 jury room, taking unauthorized material into, § 30:35
 law, failure to follow, § 30:40
 matters outside record, consideration of, § 30:38
 news media, obtaining information from, § 30:37
 prejudging case, § 30:31
 remedies where misconduct raised before or after verdict, §§ 30:44, 30:45
 responses to misconduct, §§ 30:42 to 30:46
 types of misconduct, §§ 30:31 to 30:41
 view of scene without authorization, § 30:36
 waiver of misconduct by failure to raise, § 30:42

Mistrial, voir dire, § 29:19

New trial, jury misconduct, § 40:24

News media, obtaining information from, § 30:37

Nonjury Trial (this index)

Note taking by jury, § 29:38

JURY AND JURY TRIAL—Cont'd

Number of alternate jurors, § 29:31

Number of peremptory challenges, § 29:24

Objections to improper questions, voir dire, § 29:19

Panel of jurors for trial
 generally, §§ 29:6 to 29:8
 entrance of panel, § 29:7
 filling jury box, § 29:8
 preliminary matters, § 29:7
 selection of panel, § 29:6
 size of panel, § 29:6

Peremptory challenges, §§ 29:23 to 29:29

Pool selection process
 generally, §§ 29:1 to 29:5
 definitions, § 29:1
 length of jury service, § 29:5
 list of qualified jurors, creation of, § 29:3
 representative cross-section requirement, § 29:2
 undue hardship, excuse from jury service for, § 29:4

Prejudging case, misconduct of jurors, § 30:31

Questioning of witnesses by jurors, § 29:41

Questionnaires for jurors, voir dire, §§ 27:42, 29:11, 29:12

Refunds of fees, § 29:45

Remedies, discriminatory use of peremptory challenges, § 29:29

Replacement of regular juror with alternate juror, § 29:35

Representative cross-section requirement, pool selection process, § 29:2

Responses to misconduct of jurors, §§ 30:42 to 30:46

Right to jury trial, § 26:16

Selection of panel of jurors for trial, §§ 27:43, 29:6

Settlement, voir dire questions referring to, § 29:18

Size of panel of jurors for trial, § 29:6

Time and date
 alternate jurors, selection of, § 29:32
 Expedited Jury Trial (this index)
 peremptory challenges, raising of discriminatory use of, § 29:27

Undue hardship, excuse from jury service for, § 29:4

View by Jury (this index)

Voir dire
 generally, §§ 29:9 to 29:19
 attorneys, examination by, §§ 29:15 to 29:19
 authority to use juror questionnaires, § 29:11
 biographical information, examination by judge, § 29:14
 expedited jury trial, § 27:43
 insurance, settlement or collateral source payments, questions referring to, § 29:18
 judge, examination by, §§ 29:13, 29:14
 mistrial, § 29:19
 nature and purpose, § 29:9

INDEX

JURY AND JURY TRIAL—Cont'd

Voir dire—Cont'd
objections to improper questions, § 29:19
procedure, § 29:10
questionnaires for jurors, §§ 27:42, 29:11,
29:12
use of juror questionnaires, § 29:12
Waiver of jury trial, §§ 26:17, 26:18
Waiver of misconduct of jurors by failure to raise,
§ 30:42
Witness, juror as, § 32:17

LAWYERS

Attorneys (this index)

LEAD CASE

Consolidation, identification, § 14:49

LEADING QUESTIONS

Evidence and witnesses, § 32:46

LEAVE OF COURT

Amendment of Complaints (this index)
Cross-Complaints (this index)
Demurrers, §§ 11:5, 11:27, 13:5
Depositions, § 21:35
Judgment on the pleadings, §§ 11:40, 11:42, 36:4
Lis pendens, expungement, § 24:112

LIENHOLDERS

Settlement, § 23:11

LIKELIHOOD OF SUCCESS

Injunctions, § 24:45

LIMITATION OF ACTIONS

Statute of Limitations (this index)

LIMITED LIABILITY COMPANIES

Parties, § 7:8
Service of process and papers, §§ 10:66, 10:67

LINE SPACING AND NUMBERING

Form of court papers, § 15:6

LIQUIDATED DAMAGES

Prejudgment interest, § 41:34

LIS PENDENS

Generally, §§ 24:101 to 24:24:112
Attorneys' fees, expungement, § 24:110
Burden of proof, expungement, § 24:108
Costs, expungement, § 24:110
Effective date of expungement order, § 24:111
Evidence, expungement, § 24:108
Expungement
generally, §§ 24:105 to 24:112
attorneys' fees and costs, § 24:110
effective date of expungement order,
§ 24:111
evidence and burden of proof, § 24:108
grounds for motion, § 24:106

LIS PENDENS—Cont'd

Expungement—Cont'd
leave of court for subsequent lis pendens by
same party, § 24:112
motion to expunge, generally, § 24:105
procedure, generally, § 24:107
recording of expungement order, § 24:111
ruling on motion, § 24:109
Leave of court for subsequent lis pendens by same
party, expungement, § 24:112
Motion to require undertaking as condition to
maintenance of lis pendens, § 24:104
Nature, § 24:101
Purpose, § 24:101
Recordation, § 24:102
Recording of expungement order, § 24:111
Ruling on motion for expungement, § 24:109
Service, § 24:102
Withdrawal, § 24:103

LITIGATION EXPENSES

Costs (this index)

LOCAL ACTIONS

Venue, §§ 3:26, 3:27

LOCAL AGENCIES

Service of process and papers, § 10:70

LOCATION

Place or Location (this index)

LODESTAR METHOD

Attorneys' fees, § 41:30

LONG ARM STATUTE

Personal jurisdiction, § 5:9

MAIL, SERVICE BY

Service of Process and Papers (this index)

MANAGEMENT OF CASES

Generally, §§ 14:1 to 14:54
Attorneys (this index)
Complex Litigation (this index)
Consolidation (this index)
Coordination (this index)
Disqualification of Judge (this index)
Severance (this index)
Trial Court Delay Reduction Act (this index)

MARRIED PERSONS

Parties, § 7:3

“MARY CARTER” SETTLEMENT AGREEMENTS

Good faith settlement determination, § 23:60

MEDIATION

Discovery, confidentiality of communications,
§ 21:23
Witness, mediator as, § 32:17

MEDICAL CARE PROVIDERS

Medical Malpractice Claims (this index)
 Punitive damages, leave of court required, §§ 2:37 to 2:39
 Security for Costs (this index)

MEDICAL MALPRACTICE CLAIMS

Generally, §§ 2:19 to 2:21
 Content of notice of intent to sue, § 2:20
 Form of notice of intent to sue, § 2:20
 Notice of intent to sue, generally, §§ 2:19 to 2:21
 Prelawsuit matters, generally, §§ 2:19 to 2:21
 Tolling effect of notice of intent to sue, § 2:21

MEMORANDUM OF POINTS AND AUTHORITIES

Demurrers, § 11:19
 Motions (this index)
 New trial, §§ 40:40, 40:45

MENTAL EXAMINATIONS

Physical and Mental Examinations (this index)

MERGED CORPORATIONS

Parties, § 7:7

MILITARY SERVICE

Default and default judgment, § 19:24

MINIMUM CONTACTS

Personal jurisdiction, constitutional limitations, §§ 5:10, 6:1

MINORS

Children and Minors (this index)

MISCONDUCT

Generally, §§ 30:10 to 30:46
 Attorneys (this index)
 Judicial Misconduct (this index)
 Jury and Jury Trial (this index)

MISJOINDER OF PARTIES

Demurrers, § 11:12

MISTAKE, INADVERTENCE, SURPRISE OR EXCUSABLE NEGLIGENCE, RELIEF DUE TO

Generally, §§ 17:44 to 17:46, 17:52 to 17:59, 40:64 to 40:67
 Burden of proof and evidence, § 17:58
 Chart of options, § 17:46
 Default and Default Judgment (this index)
 Discretion of court, § 17:59
 Dismissal, relief from, § 40:67
 Extrinsic Fraud or Extrinsic Mistake, Relief Due to (this index)
 Grounds for relief, § 17:54
 Hearings, § 40:66
 Imputing attorney negligence to client, § 17:55
 Judgment, relief from, §§ 40:64 to 40:66
 Law of case, § 17:45
 Option chart, § 17:46

MISTAKE, INADVERTENCE, SURPRISE OR EXCUSABLE NEGLIGENCE, RELIEF DUE TO —Cont'd

Other related limitations, § 17:53
 Procedural considerations, § 17:57
 Questionable applicability for general motion relief, § 17:52
 Ruling on motion, § 40:66
 Summary judgment and summary adjudication, § 22:67
 Time requirements, §§ 17:56, 40:65

MISTAKES

Clerical Errors (this index)
 Mistake, Inadvertence, Surprise or Excusable Neglect, Relief Due to (this index)

MISTRIAL

Generally, §§ 36:20 to 36:27
 Alternative remedies, preference for, § 36:27
 Date. Time and date, below
 Deliberations of jury, absence of alternate juror, § 38:27
 Determination of motion, § 36:26
 Discretionary mistrial, § 36:22
 Jury trial, voir dire, § 29:19
 Making of motion, § 36:25
 Mandatory mistrial, § 36:21
 Nature, § 36:20
 Procedure, §§ 36:23 to 36:25
 Purpose, § 36:20
 Ruling on motion, § 36:26
 Time and date
 motion, § 36:24
 objection and admonition request, § 36:23
 Trial, motion made during, §§ 36:20 to 36:27

MIXED ACTIONS

Venue, § 3:32

MOTIONS

Generally, §§ 17:1 to 17:65, 36:1 to 36:37
 Amendment of Complaints (this index)
 Amount of notice, § 17:10
 Attachment (this index)
 Calendar call, § 17:33
 Change of venue, § 3:35
 Checklist of judge for motions, § 17:25
 Clerical mistakes, motion to set aside, § 17:61
 Clerk, role of, § 17:32
 Components
 generally, §§ 17:9 to 17:20
 amount of notice, § 17:10
 basic requirements, § 17:9
 evidence, below
 memorandum of points and authorities, below
 statement of order sought and grounds, § 17:11
 Content of motions, §§ 17:7, 17:8
 Court reporter, § 17:34

INDEX

MOTIONS—Cont'd

Declarations, § 17:17
Defined, § 17:1
Depositions (this index)
Directed Verdicts (this index)
Discovery materials, § 17:18
Discretion of court, § 17:6
Disqualification of judge, § 17:29
Essential elements, § 17:2
Evidence
 generally, §§ 17:16 to 17:20
 declarations, § 17:17
 discovery materials, § 17:18
 judicially noticeable materials, § 17:20
 mistake, inadvertence, surprise, excusable
 neglect or fraud, motion for relief for,
 § 17:58
 oral testimony, § 17:16
 other materials, § 17:19
Expedited jury trial, § 27:47
Extrinsic Fraud or Extrinsic Mistake, Relief Due
to (this index)
Filing, § 17:21
Form of court papers, §§ 15:15, 17:7, 17:8
Forum selection, § 3:35
Hearings
 generally, §§ 17:27 to 17:40
 calendar call, § 17:33
 in chambers hearings, § 17:36
 clerk, role of, § 17:32
 court reporter, § 17:34
 disqualification of judge, § 17:29
 oral argument, §§ 17:37 to 17:40
 prehearing considerations, §§ 17:27 to 17:31
 presentation of oral testimony, § 17:38
 referee, appointment of, § 17:31
 remote appearances, § 17:35
 right to oral argument, § 17:37
 stipulations, below
 telephonic appearances, § 17:35
 tentative rulings, § 17:30
Imputing attorney negligence to client, § 17:55
Inherent power of court, §§ 17:49, 17:62
In chambers hearings, § 17:36
Judgment on the Pleadings (this index)
Judicially noticeable materials, § 17:20
Jurisdiction, § 17:6
Jury, motions during trial made outside of, § 36:1
Memorandum of points and authorities
 generally, §§ 17:13 to 17:15
 contents, § 17:14
 form and format, § 17:15
Mistake, Inadvertence, Surprise, Excusable
 Neglect or Fraud, Relief due to (this index)
Mistrial (this index)
New trial, relief from judicial error in rendering
default judgment, § 19:53
Notice
 “joinder” with another party’s motion,
 § 17:8

MOTIONS—Cont'd

Notice—Cont'd
 motions during trial made without notice,
 § 36:1
 ruling, § 17:43
 unavailability, § 17:5
Opposition papers, § 17:23
Oral argument, §§ 17:37 to 17:40
Oral motions during trial, § 36:1
Oral testimony, § 17:16
Order, § 17:42
Posthearing procedures
 generally, §§ 17:41 to 17:43
 notice of ruling, § 17:43
 order, § 17:42
 ruling on motion, § 17:41
Post-Trial Motions (this index)
Prehearing considerations, §§ 17:27 to 17:31
Presentation of oral testimony, § 17:38
Professionalism, § 17:5
Reconsideration (this index)
Referee, appointment of, § 17:31
Remote appearances, § 17:35
Renewal of prior motion, motion for, § 17:51
Reopening of Case-in-Chief (this index)
Reply papers, § 17:24
Requests for Admission (this index)
Review of papers by court, § 17:25
Rules governing motions, §§ 17:3, 17:4
Ruling on motion, § 17:41
Service, § 17:22
Statement of order sought and grounds, § 17:11
Stipulations
 calendar, taking motion hearing off, § 17:28
 commissioner, to, § 17:31
 continuance of motion hearing, § 17:27
Successive motions for summary judgment and
summary adjudication, § 22:5
Telephonic appearances, § 17:35
Tentative rulings, § 17:30
Transfer of venue, § 3:35
Unavailability, notice of, § 17:5
Uncontested motions, § 17:26
Venue, forum selection, § 3:35
Violations of rules, § 17:4
Void orders, motions to set aside, § 17:60

MULTIPLE ACTIONS

Injunctions, § 24:48

MULTIPLE CAUSES OF ACTION

Default and default judgment, § 19:28

MULTIPLE PARTIES

Default and default judgment, § 19:29
Statutory offers to compromise (CCP § 998),
§ 23:30

“NEW MATTER”

Answers, § 12:8

NEW TRIAL

Generally, §§ 40:15 to 40:57
 Accident, § 40:25
 Appeals, §§ 40:57, 42:9
 Attorney, irregularity in proceedings caused by, § 40:22
 Bifurcated trial, effect of, § 40:36
 Chart of alternative post-trial motions, § 40:19
 Comparison to other post-trial motions, § 40:18
 Competency of jury, § 40:23
 Conditional grant or denial of new trial, § 40:54
 Court, irregularity in proceedings caused by, § 40:21
 Damages, excessive or inadequate, § 40:27
 Date. Time and date, below
 Discretion of court, § 40:50
 Error in law during trial, § 40:30
 Evidence, §§ 40:28, 40:49
 Excessive damages, § 40:27
 Expedited jury trial, § 27:47
 Filing
 counter-affidavits and evidence, § 40:44
 notice, § 40:39
 Grounds, generally, §§ 40:20 to 40:31
 Hearing on motion
 generally, §§ 40:47 to 40:49
 conduct of hearing and evidence considered, § 40:49
 same judge requirement, § 40:47
 time for hearing set by court, § 40:48
 Inadequate damages, § 40:27
 Irregularity in proceedings, generally, § 40:20
 Jurisdictional nature of time limits, § 40:33
 Jury formation or competency, § 40:23
 Jury misconduct, § 40:24
 Law, verdict or decision against, § 40:29
 Memorandum of points and authorities, §§ 40:40, 40:45
 Misconduct of jury, § 40:24
 Motion to strike moving party's affidavit, § 40:46
 Nature of motion, §§ 40:15 to 40:19
 Newly discovered evidence, § 40:26
 Nonjury trials, ruling on motion, § 40:55
 Notice, §§ 40:37, 40:38, 40:39, 40:43
 Other grounds, § 40:31
 Partial new trial, §§ 40:16, 40:53
 Partially hung jury, effect of, § 40:36
 Preservation of grounds during trial, § 40:17
 Procedure, §§ 40:38 to 40:46
 Punitive damages, § 40:32
 Relief from judicial error in rendering default judgment, § 19:53
 Ruling on motion
 generally, §§ 40:50 to 40:58
 appeal, effect of, § 40:57
 checklist of judge for ruling on motion, § 40:58
 conditional grant or denial of new trial, § 40:54
 discretion of court, § 40:50
 effect of order, § 40:56

NEW TRIAL—Cont'd

Ruling on motion—Cont'd
 nonjury trials, § 40:55
 partial new trial, § 40:53
 specification of grounds and reasons, § 40:52
 time limit for ruling, § 40:51
 Same judge requirement, hearing on motion, § 40:47
 Service of notice, § 40:39
 Specification of grounds and reasons, ruling on motion, § 40:52
 Summary judgment and summary adjudication, § 22:66
 Supporting affidavits and declarations, § 40:41
 Supporting evidence, §§ 40:41, 40:42
 Surprise, § 40:25
 Time and date
 generally, §§ 40:33 to 40:37
 after entry of judgment, § 40:35
 bifurcated trial or partially hung jury, effect of, § 40:36
 before entry of judgment, § 40:34
 hearing, time set by court, § 40:48
 jurisdictional nature of time limits, § 40:33
 notice, effect of premature, § 40:37
 ruling on motion, § 40:51

NEWLY DISCOVERED EVIDENCE

New trial, § 40:26

NO HIRE PROVISIONS

Settlement, ethical and legal limitations, § 23:6

NONJURY TRIAL

Generally, §§ 27:1 to 27:37
 Announcement of tentative decision, § 27:16
 Contents of tentative decision, § 27:16
 Denial of motion, § 27:14
 Entry of statement of decision, § 27:26
 Hearing on objections to proposed statement of decision, § 27:25
 Judgment, motion for
 generally, §§ 27:10 to 27:14
 denial, partial grant or complete grant of motion, § 27:14
 making and opposing motion, § 27:12
 nature and purpose, § 27:10
 nonsuit, compared, § 27:11
 procedure, §§ 27:12 to 27:14
 weighing of evidence by court, § 27:13
 New trial, ruling on motion, § 40:55
 Objections to proposed statement of decision, §§ 27:24, 27:25
 Order of proceeding, § 27:6
 Partial grant of motion, § 27:14
 Preparation of proposed statement of decision, § 27:21
 Procedure, §§ 27:4 to 27:9
 Reference, Trial by (this index)
 Reopening of case, § 27:9
 Statement of decision
 generally, §§ 27:17 to 27:26

INDEX

NONJURY TRIAL—Cont'd

Statement of decision—Cont'd
content of statement, § 27:23
entry of statement, § 27:26
form and content of request, § 27:20
form of statement, § 27:22
hearing on objections to proposed statement,
§ 27:25
nature and purpose, § 27:17
objections to proposed statement, §§ 27:24,
27:25
preparation of proposed statement, § 27:21
procedure, §§ 27:19 to 27:26
time for request, § 27:19
Sua sponte reconsideration of rulings, § 27:8
Tactical considerations, § 27:2
Tentative decision, §§ 27:15, 27:16
Time for request for statement of decision,
§ 27:19
Trial briefs, § 27:5
Trial management conference, § 27:4
Trier of fact, judge as, § 27:3
Weighing of evidence by court, § 27:13

NONPROFIT CORPORATIONS

Prelawsuit matters, claims against directors and
officers, § 2:36

NONRESIDENTS

Personal Jurisdiction (this index)
Security for Costs (this index)
Service of Process and Papers (this index)

NOTE TAKING

Jury trial, § 29:38

NOTICE

Attachment, motion procedure, § 24:12
Class actions, §§ 8:34, 8:39, 8:45
Consolidation, related case requirement, § 14:43
Default and Default Judgment (this index)
Demurrers, hearings, § 11:18
Depositions (this index)
Ex parte applications, § 18:4
Injunctions (this index)
Judgments, entry of, § 39:18
Judicial Notice (this index)
Lis Pendens (this index)
Medical malpractice claims, intent to sue, §§ 2:19
to 2:21
Motions (this index)
New trial, §§ 40:37, 40:38, 40:39, 40:43
Personal jurisdiction, hearing on motion for
quashing of service and summons, § 6:4
Sanctions (this index)
Service by mail, § 10:31
Settlement, §§ 23:10, 23:13
Summary judgment and summary adjudication,
§§ 22:15, 22:23, 22:24
Trial Setting (this index)
Witnesses, attendance at trial and/or production of
documents, § 32:10

NUMBERING OF LINES

Form of court papers, § 15:6

NUMBERING OF PAGES

Form of court papers, § 15:7

NUNC PRO TUNC JUDGMENT

Entry of judgment, § 39:16

OATHS

Depositions, § 21:71
Witnesses, qualification of, §§ 32:14, 32:41

OBJECTIONS

Attachment, bonds, §§ 24:88, 24:89
Claim and delivery of personal property, bonds,
§§ 24:88, 24:89
Closing arguments, § 37:15
Depositions (this index)
Evidence and Witnesses (this index)
Exhibits, § 35:2
Expedited jury trial, § 27:45
Expert witnesses, §§ 21:179, 33:10
Injunctions, bonds, §§ 24:88, 24:89
Inspection demands, §§ 21:139, 21:140
Instructions to jury, § 38:12
Interrogatories, §§ 21:98, 21:99
Jury trial, voir dire, § 29:19
In limine motions, violation of orders, § 28:20
Nonjury trial, proposed statement of decision,
§§ 27:24, 27:25
Opening statements, § 31:9
Receivership, bonds, §§ 24:88, 24:89
Referee, appointment of, § 27:32
Requests for admission, §§ 21:117, 21:118
Security for costs, nonresident plaintiffs, § 12:54
Special verdict form, § 39:5
Summary judgment and summary adjudication,
§§ 22:20, 22:44, 22:45

OFFERS TO COMPROMISE

Settlement (this index)

OFFICERS

Attorneys as officer of court, § 1:18
Depositions, § 21:70
Personal jurisdiction, § 5:24

OFFSETS

Settlement, good faith determination, § 23:63

“ON OR ABOUT” ALLEGATIONS

Complaints, § 9:29

OPENING STATEMENTS

Generally, §§ 31:1 to 31:11
Auditory aids, use of, § 31:7
Cause of action, statement of, § 31:6
Contents, §§ 31:6, 31:7
Defense, statement of, § 31:6
Directed verdict, motion for, § 31:11
Exclusion of witnesses, § 31:5
Expedited jury trial, § 27:42

OPENING STATEMENTS—Cont'd

Insufficiency of opening statement, § 31:11
 Legal deficiency of opening statement, § 31:11
 Nature, § 31:1
 Nonsuit, motion for, § 31:11
 Objections, § 31:9
 Order of opening statements, § 31:2
 Prohibited statements, § 31:8
 Purpose, § 31:1
 Remedies for improper statements, § 31:10
 Reporting, § 31:4
 Time limitations, § 31:3
 Visual aids, use of, § 31:7

OPENING THE DOOR

Evidence and witnesses, § 32:50

OPTING OUT

Class actions, § 8:46

ORAL ARGUMENT

Ex parte applications, § 18:12
 Motions, §§ 17:37 to 17:40
 Summary judgment and summary adjudication, § 22:54

ORDER OF TRIAL

Generally, §§ 30:1 to 30:3
 Bifurcation of punitive damage claims, § 30:3
 Normal sequence, § 30:1
 Punitive damages, bifurcation, § 30:3
 Trial management conferences, motion to alter, § 28:29
 Trying certain issues before others, § 30:2

ORDERS

Demurrers, § 11:26
 Directed verdicts, § 36:19
 Discovery, sanctions, § 25:42
 Ex parte applications, § 18:13
 Expedited jury trial, consent order, § 27:39
 Forum non conveniens, § 4:19
 Motions, § 17:42
 Physical and Mental Examinations (this index)
 Protective Orders (this index)
 Sanctions (this index)
 Security for Costs (this index)
 Show cause orders. Orders to Show Cause (this index)
 Summary Judgment and Summary Adjudication (this index)

ORDERS TO SHOW CAUSE

Generally, §§ 18:14, 18:15
 Procedure, § 18:15

OUT-OF-STATE ATTORNEYS

Attorney of record, § 14:12

OUT-OF-STATE CORPORATIONS

Service of process and papers, § 10:58

OUT-OF-STATE RESIDENTS

Depositions, place of, § 21:42

OVERNIGHT DELIVERY SERVICE

Service after appearance, § 16:21

OVERRULING

Demurrers, § 11:30

PANEL OF JURORS

Jury and Jury Trial (this index)

PARENT AND CHILD

Children and Minors (this index)

PARENT AND SUBSIDIARY CORPORATIONS

Personal jurisdiction, § 5:23

PARTIALITY

Judicial misconduct, § 30:13

PARTIALLY HUNG JURY

New trial, § 40:36

PARTIES

Generally, §§ 7:1 to 7:42
 Addition of parties
 generally, §§ 7:35 to 7:39
 amendment of complaint to add or change name of parties, §§ 7:35 to 7:38
 changing name of defendant, § 7:38
 changing name of plaintiff, § 7:37
 “Doe” defendants, § 7:39
 leave to add new parties, § 7:36
 matter of right, adding new parties as, § 7:35
 Amendment of complaints, §§ 7:35 to 7:38, 9:54
 Assigned claims, § 7:16
 Associations, § 7:9
 Bankruptcy, claims of debtor in, § 7:15
 Building contractors, § 7:11
 Business discrimination victims, § 7:30
 Businesses, §§ 7:5 to 7:11
 Capacity to sue or defend
 generally, §§ 7:1 to 7:12
 building contractors, § 7:11
 businesses, §§ 7:5 to 7:11
 challenging lack of capacity, § 7:12
 demurrers, § 11:10
 dissolved or merged corporations, § 7:7
 domestic and foreign corporations, § 7:5
 estates and personal representatives, § 7:4
 fictitious name, doing business under, § 7:10
 limited liability companies, § 7:8
 married persons, § 7:3
 minors and incompetent persons, § 7:2
 partnerships and associations, § 7:9
 suspended or forfeited powers, corporations with, § 7:6
 Challenging lack of capacity, § 7:12
 Challenging standing, § 7:34

INDEX

PARTIES—Cont'd

Children and minors
generally, § 7:2
parents' claims on behalf of child, § 7:23

Class Actions (this index)

Complaints (this index)

Contract claims, § 7:18

Crime victims, § 7:30

Death of party, substitution of parties, §§ 7:40, 7:41

Decedent's claims, § 7:21

Depositions, § 21:37

Disability of party, substitution of parties, §§ 7:40, 7:41

Dissolved corporations, § 7:7

"Doe" Defendants (this index)

Domestic corporations, § 7:5

Elder abuse claims, § 7:24

Estates, §§ 7:4, 7:14

Fictitious name, doing business under, § 7:10

Foreign corporations, § 7:5

Forfeited powers, corporations with, § 7:6

Governmental action, challenge to, § 7:26

Homeowners association, § 7:29

Incompetent persons, § 7:2

Insurance claims and coverage, §§ 7:19, 7:41

Interpleader (this index)

Intervention (this index)

Joinder of Parties (this index)

Leave to add new parties, § 7:36

Limited liability companies, § 7:8

Married persons, § 7:3

Matter of right, adding new parties as, § 7:35

Merged corporations, § 7:7

Minors. Children and minors, above

Multiple Parties (this index)

Parents' claims on behalf of child, § 7:23

Partnerships, § 7:9

Personal representatives, § 7:4

Power of attorney, holder of, § 7:31

Preplew lawsuit matters, § 2:68

Prevailing Party (this index)

Real party in interest requirement, §§ 7:13 to 7:31

Regulation, challenge to, § 7:25

Representative actions by associations and others, § 7:28

Standing to sue
generally, §§ 7:13 to 7:34
assigned claims, § 7:16
bankruptcy, claims of debtor in, § 7:15
challenging standing, § 7:34
contract claims, § 7:18
crime victims, § 7:30
decedent's claims, § 7:21
demurrers, § 11:8
elder abuse claims, § 7:24
estate or trust, claims by and against, § 7:14
governmental action, challenge to, § 7:26
homeowners association, § 7:29
injunctions, § 24:41
insurance claims, § 7:19

PARTIES—Cont'd

Standing to sue—Cont'd
parents' claims on behalf of child, § 7:23
power of attorney, holder of, § 7:31
preplew lawsuit matters, § 2:68
real party in interest requirement, §§ 7:13 to 7:31
representative actions by associations and others, § 7:28
statute or regulation, challenge to, § 7:25
stockholder claims, § 7:20
subrogated claims, § 7:17
taxpayer actions, § 7:27
Unfair Competition Law, § 7:32
wrongful death actions, § 7:22

Statute, challenge to, § 7:25

Stockholder claims, § 7:20

Subrogated claims, § 7:17

Substitution of parties
generally, §§ 7:40 to 7:42
abatement on disability or death of party, lack of, § 7:40
disability or death of party, §§ 7:40, 7:41
insurance coverage, disability or death of party, § 7:41
transfer of interest, § 7:42

Suspended powers, corporations with, § 7:6

Taxpayer actions, § 7:27

Transfer of interest, substitution of parties, § 7:42

Trust, claims by and against, § 7:14

Unfair Competition Law, § 7:32

Unruh Civil Rights Act, § 7:30

Victims of crimes, § 7:30

Wrongful death actions, § 7:22

PARTNERS AND PARTNERSHIPS

Complaints, designation of parties, § 9:12

Parties, § 7:9

Personal jurisdiction, § 5:24

Service of Process and Papers (this index)

PAYMENT

Court-appointed expert witnesses, § 33:18

PEACE OFFICERS

Service of process and papers, § 10:17

PENALTIES

Sanctions (this index)

PENDING ACTIONS

Demurrers, § 11:11

PENDING APPEAL

Judgment notwithstanding verdict, § 40:13

PEREMPTORY CHALLENGES

Disqualification of Judge (this index)

Jury trial, §§ 29:23 to 29:29

Temporary restraining order, judge who issued, § 24:56

PERJURY

Evidence and witnesses, § 32:38

PERMANENT INJUNCTIONS

Generally, §§ 24:38, 24:63

PERMISSION

Consent or Approval (this index)

PERMISSIVE JOINDER

Joinder of Parties (this index)

PERSONAL INJURIES

Default and default judgment, service of statement of damages, § 19:17

Physical and Mental Examinations (this index)

Statement of Damages, Request for (this index)

PERSONAL JURISDICTION

Generally, §§ 5:1 to 5:24, 6:1 to 6:14

Agents, § 5:24

Alien insurers, actions against nonadmitted, § 6:7

Attorney, general appearance through, § 5:7

Burden to establish jurisdiction, § 6:8

Challenges to personal jurisdiction

generally, §§ 6:1 to 6:14

collateral attack upon judgment, § 6:14

direct attack upon judgment, § 6:13

minimum contacts and valid service, showing by plaintiff upon challenge, § 6:1

quashing of service and summons, below

Collateral attack upon judgment, § 6:14

Consent to jurisdiction, § 5:8

Constitutional limitations, §§ 5:10, 5:11, 6:1

Contracts executed elsewhere causing effect in California, § 5:19

Direct attack upon judgment, § 6:13

Directors, § 5:24

Discovery, continuance of hearing, § 6:5

Discretion of court, ruling on motion for quashing of service and summons, § 6:10

Doing act in California, § 5:15

Doing business in California, § 5:14

Domicile, nonresident individuals, § 5:13

Elements, § 5:1

Employees, § 5:24

Evidence required to be admissible, quashing of service and summons, § 6:9

Foreign corporations and other entities

generally, §§ 5:22 to 5:24

insurers, actions against nonadmitted foreign, § 6:7

parent corporation's control over domestic subsidiary, § 5:23

partners, directors, officers, agents and employees, § 5:24

Forum selection clauses, § 5:8

General appearance

appearance in one part of action not necessarily general appearance in others, § 5:6

attorney, general appearance through, § 5:7

waiver of defect, § 5:4

PERSONAL JURISDICTION—Cont'd

General vs. limited jurisdiction, constitutional limitations, § 5:11

Insurers, nonresident, § 5:21

Intentional torts committed elsewhere causing effect in California, § 5:18

Jurisdiction of court to determine jurisdiction, § 5:3

Limited vs. general jurisdiction, constitutional limitations, § 5:11

Long arm statute, § 5:9

Minimum contacts, constitutional limitations, §§ 5:10, 6:1

Nature, § 5:1

Nonresident individuals

generally, §§ 5:12 to 5:21

contracts executed elsewhere causing effect in California, § 5:19

doing act in California, § 5:15

doing business in California, § 5:14

domicile or residence, § 5:13

insurers, nonresident, § 5:21

intentional torts committed elsewhere causing effect in California, § 5:18

ownership, possession or use of property, § 5:16

presence in state, § 5:12

professional services, nonresident providers of, § 5:20

torts committed elsewhere causing effect in California, §§ 5:17, 5:18

Notice of hearing on motion for quashing of service and summons, § 6:4

Officers, § 5:24

Ownership of property, § 5:16

Parent corporation's control over domestic subsidiary, § 5:23

Partners, § 5:24

Possession of property, § 5:16

Presence in state, nonresident individuals, § 5:12

Professional services, nonresident providers of, § 5:20

Quashing of service and summons

generally, §§ 6:2 to 6:12

burden to establish jurisdiction, § 6:8

discovery, continuance of hearing to permit, § 6:5

discretion of court, ruling on motion, § 6:10

evidence required to be admissible, § 6:9

foreign or alien insurers, actions against nonadmitted, § 6:7

judicial determination of each jurisdictional criterion challenged, § 6:11

notice and time for hearing on motion, § 6:4

procedural requirements, §§ 6:3 to 6:5, 6:12

ruling on motion, §§ 6:10, 6:11

time to file motion and extension of time to plead, § 6:3

unlawful detainer and other summary proceedings, § 6:6

Quasi in rem jurisdiction, compared, § 5:2

In rem jurisdiction, compared, § 5:2

INDEX

PERSONAL JURISDICTION—Cont'd

- Residence, nonresident individuals, § 5:13
- Special appearance, § 5:5
- Statutory basis for personal jurisdiction, § 5:9
- Time requirements, motion for quashing of service and summons, §§ 6:3, 6:4
- Torts committed elsewhere causing effect in California, §§ 5:17, 5:18
- Unlawful detainer and other summary proceedings, quashing of service and summons, § 6:6
- Use of property, § 5:16
- Waiver of defect by general appearance, § 5:4

PERSONAL KNOWLEDGE REQUIREMENT

- Witnesses, qualification of, § 32:16

PERSONAL REPRESENTATIVES

- Parties, § 7:4

PERSONAL SERVICE

- Service of Process and Papers (this index)

PERSONNEL

- Trial Courts (this index)

PHYSICAL AND MENTAL EXAMINATIONS

- Generally, §§ 21:148 to 21:174
- Authority, § 21:148
- Condition “in controversy,” § 21:163
- Custody of original response, personal injury cases, § 21:158
- Demand for copy of report, § 21:172
- Enforcement of report exchange demand, § 21:174
- Filing of action, order before, § 21:162
- Form and format rules for response, personal injury cases, § 21:157
- Function, § 21:148
- Good cause requirement, § 21:165
- Motion to compel compliance, personal injury cases, §§ 21:159, 21:160
- Number of examinations, § 21:164
- Order of court
 - generally, §§ 21:4, 21:161 to 21:168
 - condition “in controversy,” § 21:163
 - contents of motion for order, § 21:166
 - court-appointed expert, § 21:168
 - filing of action, order before, § 21:162
 - good cause requirement, § 21:165
 - number of examinations, § 21:164
 - persons subject to examination, § 21:163
 - requirement of court order, § 21:161
 - sanctions, § 21:167
 - service of motion for order, § 21:166
- Personal injury cases
 - generally, §§ 21:152 to 21:160
 - form and format rules for response, § 21:157
 - motion to compel compliance, §§ 21:159, 21:160

PHYSICAL AND MENTAL EXAMINATIONS—Cont'd

- Personal injury cases—Cont'd
 - procedure and requirements for demand, § 21:153
 - service and custody of original response, § 21:158
 - service of demand, § 21:154
 - time for response, § 21:155
 - waiver of right to object by untimely response, § 21:156
- Persons subject to examination, § 21:163
- Persons who may attend examination, §§ 21:169 to 21:171
- Questioning, limitations on, § 21:151
- Reciprocal obligation created by demand for report, § 21:173
- Reports
 - generally, §§ 21:172 to 21:174
 - demand for copy of report, § 21:172
 - enforcement of report exchange demand, § 21:174
 - reciprocal obligation created by demand, § 21:173
- Sanctions, § 21:167
- Service of process and papers
 - demand, personal injury cases, § 21:154
 - motion for order, § 21:166
 - original response, personal injury cases, § 21:158
- Stipulation for examination, § 21:149
- Suspension of examination for improper conduct, § 21:170
- Time for response, personal injury cases, § 21:155
- Waiver of right to object by untimely response, personal injury cases, § 21:156
- X-rays, § 21:150

PLACE OR LOCATION

- Depositions (this index)
- Trial management conferences, § 28:3

PLEADINGS

- Answers (this index)
- Bill of Particulars (this index)
- Class actions, § 8:35
- Complaints (this index)
- Cross-Complaints (this index)
- Discovery, § 21:9
- Exhaustion of remedies, § 2:2
- Security for Costs (this index)
- Statement of Damages, Request for (this index)
- Summary judgment and summary adjudication, §§ 22:8, 22:9, 22:13, 22:35

POLITICAL PRACTICES

- Security for costs, § 12:72

POOL OF JURORS

- Jury and Jury Trial (this index)

POOR PERSONS

Indigent Persons (this index)

POST OFFICE BOXES

Service of process and papers, § 10:28

POSTCERTIFICATION PROCEEDINGS

Class Actions (this index)

POSTHEARING PROCEDURES

Motions (this index)

POST-TRIAL MOTIONS

Generally, §§ 40:1 to 40:82

Addition of nonparty defendant to judgment, §§ 40:80, 40:81

Alter ego, addition of nonparty defendant to judgment on basis of, § 40:80

Appeal and Review (this index)

Arbitration award, setting aside judgment entered on judicial, § 40:74

Chart of alternative post-trial motions, § 40:19

Clerical error, correction of, §§ 40:72, 40:73

Confession of judgment, setting aside, § 40:76

Contract claims, addition of nonparty defendant to judgment, § 40:81

Excusable neglect, relief due to. Mistake, Inadvertence, Surprise or Excusable Neglect, Relief Due to (this index)

Expedited jury trial, §§ 27:39, 27:47

Extrinsic Fraud or Mistake, Equitable Relief Due to (this index)

Fraud. Extrinsic Fraud or Mistake, Equitable Relief Due to (this index)

Inadvertence, relief due to. Mistake, Inadvertence, Surprise or Excusable Neglect, Relief Due to (this index)

Inadvertent judgment, vacation of, §§ 40:72, 40:73

Judgment Notwithstanding Verdict (this index)

Judicial arbitration award, setting aside judgment entered on, § 40:74

Mistake, Inadvertence, Surprise or Excusable Neglect, Relief Due to (this index)

New Trial (this index)

Setting aside of void judgment, § 40:63

Sister State Judgment, Vacation of (this index)

Stay of enforcement of judgment, § 40:82

Stipulated judgment, setting aside, § 40:75

Surprise, relief due to. Mistake, Inadvertence, Surprise or Excusable Neglect, Relief Due to (this index)

Vacation and Entry of Different Judgment (this index)

Void judgment, setting aside of, § 40:63

POWER OF ATTORNEY

Parties, § 7:31

PRAYER

Answers, § 12:12

Complaints, § 9:44

PREFERENCES

Trial Setting (this index)

PREJUDGING

Judicial misconduct, § 30:13

PREJUDGMENT INTEREST

Generally, §§ 41:33 to 41:39

Liquidated damage claims, § 41:34

Offer to compromise, rejection of, § 41:37

Procedure, § 41:38

Rate of interest, § 41:39

Unliquidated contract claims, § 41:35

Unliquidated tort claims, § 41:36

PREJUDICE

Bias or Prejudice (this index)

PRELAWSUIT MATTERS

Generally, §§ 2:1 to 2:69

Alternative dispute resolution requirement, enforcement of homeowners association, §§ 2:33, 2:34

Arbitration (this index)

Attorneys, conspiracy claims against, § 2:35

Certificate of merit, claims against construction professionals, § 2:32

Childhood Sexual Abuse Claims (this index)

Conspiracy claim against attorneys, § 2:35

Construction Defects, Claims For (this index)

Construction professionals, claims against, § 2:32

Decedents' Estates (this index)

Directors of nonprofit corporations, claims against, § 2:36

Exhaustion of Remedies (this index)

In forma pauperis, § 2:58

Government Entities (this index)

Guardians Ad Litem (this index)

Homeowners association, enforcement of, §§ 2:33, 2:34

Indigent persons may have fees waived, § 2:58

Justiciable controversy
generally, §§ 2:67 to 2:69
ripeness, § 2:69
standing, § 2:68

Medical Malpractice Claims (this index)

Nonprofit corporations, claims against directors and officers of, § 2:36

Notices or demands, requirement of, generally, § 2:44

Officers of nonprofit corporations, claims against, § 2:36

Punitive Damages (this index)

Ripeness, § 2:69

Seal, filing complaint or other documents under, § 2:59

Security, Posting of (this index)

Security for Costs (this index)

Standing, § 2:68

Vexatious Litigants (this index)

INDEX

PRELIMINARY INJUNCTIONS

Injunctions (this index)

PRESENTATION OF CASE

Expedited jury trial, § 27:44

PRESENTATION OF CLAIMS

Decedents' Estates (this index)

Government Entities (this index)

PRESIDING JUROR

Deliberations of jury, § 38:21

PREVAILING PARTY

Costs, § 41:1

PRIORITY

Discovery, § 21:11

PRISONERS

Service of process and papers, § 10:49

PRIVACY

Filing of court papers, § 16:1

PRIVILEGES

Discovery (this index)

Evidence and witnesses, objections, § 30:9

PRODUCTION OF

ELECTRONICALLY STORED INFORMATION

Depositions, § 21:63

PROFESSIONAL SERVICES

Personal jurisdiction, nonresident providers,
§ 5:20

PROFESSIONALISM

Depositions, § 21:76

Duty, attorneys, § 1:18

Motions, § 17:5

PROPOSITION 51

Settlement, good faith determination, § 23:63

PROTECTIVE ORDERS

Depositions, § 21:69

Discovery (this index)

Expert witnesses, disclosure, § 21:179

“PROVE-UP”

Default and default judgment, entry of, §§ 19:32,
19:34

PROVISIONAL REMEDIES

Generally, §§ 24:1 to 24:114

Attachment (this index)

Claim and Delivery of Personal Property (this
index)

Deposit in court, §§ 24:113, 24:114

Injunctions (this index)

Lis Pendens (this index)

PROVISIONAL REMEDIES—Cont'd

Notice of pendency of action. Lis Pendens (this
index)

Receivership (this index)

Writ of possession. Claim and Delivery of
Personal Property (this index)

PUBLIC ENTITIES

Complaints, designation of parties, § 9:15

PUBLIC OFFICE

Service of process and papers, § 10:51

PUBLIC OFFICERS

Complaints, § 9:43

Substitute service, § 10:27

PUBLIC POLICY

Settlement, §§ 23:1, 23:4

PUBLICATION, SERVICE BY

Service of Process and Papers (this index)

PUNISHMENT

Contempt, §§ 25:50 to 25:52

PUNITIVE DAMAGES

Generally, § 40:32

Bifurcation, § 30:3

Complaints, § 9:37

Default and default judgment

proof of damages in, § 19:35

service of notice of amount claimed, § 19:18

Health care providers, leave of court required,
§§ 2:37 to 2:39

Motion seeking leave to amend, health care
providers, §§ 2:38, 2:39

New trial, § 40:32

Order of trial, bifurcation, § 30:3

Prelawsuit matters, generally, §§ 2:37 to 2:40

Religious corporations, leave of court required,
§ 2:40

Time limit for motion seeking leave to amend,
health care providers, § 2:39

PUNITIVE PUNISHMENT

Contempt, § 25:51

QUALIFICATION

Evidence and Witnesses (this index)

Expert witnesses, § 33:4

QUASHING OF SERVICE AND SUMMONS

Personal Jurisdiction (this index)

Service of Process and Papers (this index)

QUASI IN REM JURISDICTION

Personal jurisdiction, compared, § 5:2

QUESTIONNAIRES

Jury trial, voir dire, §§ 27:42, 29:11, 29:12

REAL PARTY IN INTEREST

Parties, §§ 7:13 to 7:31

REBUTTAL ARGUMENT

Closing arguments, § 37:12

RECALLING WITNESSES

Generally, § 32:35

RECEIVERSHIP

Generally, §§ 24:65 to 24:82, 24:83 to 24:100

Accounting, § 24:79

Actions against receivers, § 24:77

Additional bonds, § 24:92

Application of remedy, § 24:65

Approval of bonds and undertakings, § 24:87

Attorney, retention of, § 24:78

Bonds and undertakings

generally, §§ 24:83 to 24:100

approval and duration, § 24:87

contents, filing and service, § 24:86

definitions, § 24:84

deposit in lieu of bond, below

enforcement of liability on bond, § 24:93

hearing on objection to bond, § 24:89

increase or decrease of amount of bond,
§ 24:90

new, additional or supplemental bond,
§ 24:92

objections to bonds, §§ 24:88, 24:89

procedure, §§ 24:86 to 24:93

purpose, § 24:83

release or substitution of sureties on litigation bond, § 24:91

sureties on bond, § 24:85

Compensation of receiver, § 24:80

Costs of receiver, § 24:80

Deposit in lieu of bond

generally, §§ 24:94 to 24:100

agreement obligating principal, § 24:98

amount and value of property, § 24:96

enforcement against deposit, § 24:99

interest on deposit, § 24:97

return of deposit, § 24:100

types of property that may be deposited,
§ 24:95

Duration of bonds and undertakings, § 24:87

Duties, generally, §§ 24:74 to 24:82

Enforcement against deposit in lieu of bond,
§ 24:99

Enforcement of liability on bond, § 24:93

Ex parte application for appointment, § 24:68

Filing of bonds and undertakings, § 24:86

General powers and duties, § 24:74

Hearing on objection to bond, § 24:89

Interest on deposit in lieu of bond, § 24:97

Inventory, § 24:79

Motion for appointment on notice, § 24:69

Motion of court, appointment on, § 24:67

Nature of remedy, § 24:65

New bonds, § 24:92

RECEIVERSHIP—Cont'd

Oath and undertaking, § 24:71

Objections to bonds, §§ 24:88, 24:89

Order of appointment, § 24:72

Powers, generally, §§ 24:74 to 24:82

Procedure for appointment, §§ 24:67 to 24:73

Prohibited agreements, § 24:76

Releases

receivers, § 24:82

sureties on litigation bond, § 24:91

Removal of receiver, authority to, § 24:73

“Rents and profits” receiver, § 24:75

Return of deposit in lieu of bond, § 24:100

Selection of receiver, § 24:70

Service of bonds and undertakings, § 24:86

Statutory grounds for appointment, § 24:66

Substitution of sureties on litigation bond, § 24:91

Supplemental bonds, § 24:92

Sureties on bond, § 24:85

Unclaimed funds in hands of receiver, § 24:81

Undertakings. Bonds and undertakings, above

Winding up, § 24:82

RECIPROCITY

Physical and mental examinations, § 21:173

RECONSIDERATION

Generally, §§ 17:44 to 17:50

Appeal, extension of time to appeal by denial of
motion, § 42:12

Chart of options, § 17:46

Court, motion by, § 17:48

Demurrers, § 11:33

Inherent power of court, § 17:49

Judgment notwithstanding verdict, § 40:12

Law of case, § 17:45

Motions (this index)

Option chart, § 17:46

Party, motion by, § 17:47

Summary judgment and summary adjudication,
§ 22:65

Worksheet of judge, § 17:50

RECORDS AND RECORDING

Appeal, record on, § 42:21

Audio Recordings (this index)

Deposition testimony, § 21:72

Lis pendens, §§ 24:102, 24:111

RECORDS AND TESTIMONY

SUBPOENA

Depositions, § 21:52

REDIRECT EXAMINATION

Evidence and Witnesses (this index)

REFEREES

Discovery, § 21:31

Motions, § 17:31

Trial by reference. Reference, Trial by (this index)

INDEX

REFERENCE, TRIAL BY

Generally, §§ 27:27 to 27:37
Ability to pay as limitation, § 27:29
Appointment of referee
 generally, §§ 27:30 to 27:33
 disclosure by referee, § 27:33
 involuntary references, § 27:31
 objection to appointment, § 27:32
 voluntary references, § 27:30
Challenge to statement of decision, § 27:36
Complaints against referees, § 27:37
Conduct of trial by referee, §§ 27:34 to 27:37
Disclosure by referee, § 27:33
Matters subject to trial by reference, §§ 27:27 to 27:29
Objection to appointment of referee, § 27:32
Statement of decision, §§ 27:35, 27:36

REFRESHING RECOLLECTION

Witnesses, § 35:7

REFUNDS

Jury trial, fees, § 29:45

REGISTERED MAIL

Service outside California, § 10:83

RELATION-BACK DOCTRINE

Amendment of complaints, § 9:68
Supplemental complaints, § 9:70

RELEASES

Attachment, release of sureties on litigation bond, § 24:91
Claim and delivery of personal property, release of sureties on litigation bond, § 24:91
Injunctions, sureties on litigation bond, § 24:91
Receivership (this index)

RELEVANCE

Discovery, § 21:15

RELIGIOUS CORPORATIONS

Punitive damages, leave of court required, § 2:40

REMEDIES

Closing arguments, § 37:16
Jury trial, discriminatory use of peremptory challenges, § 29:29

REMOVAL TO FEDERAL COURT

Generally, §§ 4:21 to 4:32
Amount in controversy, removal based on diversity of citizenship, § 4:29
Concurrent jurisdiction, § 3:20
Diversity of citizenship, removal based on, §§ 4:28, 4:29
Federal question, removal based on, §§ 4:26, 4:27
Immediate effect of removal, § 4:22
Persons who may remove, § 4:24
Procedural requirements, § 4:31
Remand to state court and subsequent proceedings, § 4:32

REMOVAL TO FEDERAL COURT

—Cont'd

Supplemental question, removal based on federal question, § 4:27
Tactical considerations, § 4:23
Time limit for removal, § 4:30
Waiver of right to remove, § 4:25

RENEWAL

Summary judgment and summary adjudication, § 22:65

“RENTS AND PROFITS” RECEIVER

Generally, § 24:75

REOPENING OF CASE-IN-CHIEF

Generally, §§ 36:33 to 36:37
Directed verdicts, § 36:17
Making of motion, § 36:35
Nature, § 36:33
Nonjury trial, § 27:9
Procedure, §§ 36:34, 36:35
Purpose, § 36:33
Ruling on motion, §§ 36:36, 36:37
Timing of motion, § 36:34

REPLIES

Attachment, motion procedure, § 24:12
Demurrers, § 11:22
Motions, § 17:24
Summary judgment and summary adjudication, §§ 22:19, 22:46

REPORTS AND REPORTING

Closing arguments, § 37:5
Court Reporters (this index)
Opening statements, § 31:4
Physical and Mental Examinations (this index)

REPRESENTATIVE ACTIONS

Complaints, designation of parties, § 9:13
Parties, associations and others, § 7:28

REQUESTS FOR ADMISSION

Generally, §§ 21:106 to 21:127
Amendment of responses, §§ 21:121, 34:16
Authority, § 21:106
Binding effect, §§ 21:126, 34:14
Conclusiveness of admissions, § 21:125
“Cost of proof” sanctions, use of requests for admission responses at trial. “Cost of Proof”
Sanctions (this index)
Custody
 original requests, § 21:112
 original responses, § 21:120
Date. Time and date, below
Defined, § 21:106
Different lawsuit, use of requests for admission responses from, § 34:15
Effect of admissions, §§ 21:125, 21:126
Failure to respond, § 21:122

REQUESTS FOR ADMISSION—Cont’d

- Form and format rules
 - responses, § 21:115
 - use of requests for admission, § 21:110
- Further response, motion to compel, § 21:123
- Motions to compel
 - generally, § 21:123
 - further response, §§ 21:123, 21:124
 - sanctions for disobedience, § 21:124
- Number of requests, § 21:109
- Objections to requests, assertion of, §§ 21:117, 21:118
- Persons upon whom requests may be served, § 21:108
- Responses
 - generally, §§ 21:113 to 21:122, 34:1, 34:13 to 34:19
 - amendment or withdrawal of responses, §§ 21:121, 34:16
 - answers, § 21:116
 - binding effect, § 34:14
 - “cost of proof” sanction, §§ 34:18, 34:19
 - different lawsuit, use of requests for admission responses from, § 34:15
 - failure to respond, § 21:122
 - form and format rules, § 21:115
 - objections to requests, assertion of, §§ 21:117, 21:118
 - procedure for use at trial, § 34:17
 - right to introduce, § 34:13
 - rules of evidence, evidence as subject to, § 34:1
 - service and custody of original responses, § 21:120
 - signing and verifying responses, § 21:119
 - time for response, § 21:113
 - use at trial, generally, §§ 34:1, 34:13 to 34:19
 - waiver of right to object by untimely response, § 21:114
- Rules of evidence, evidence as subject to, § 34:1
- Sanctions
 - “Cost of Proof” Sanctions (this index)
 - denials proved false at trial, § 21:127
 - disobedience of order compelling further response, § 21:124
 - party unreasonably denies request, § 25:29
- Service of process and papers
 - original requests, § 21:112
 - original responses, § 21:120
- Signing of responses, § 21:119
- Summary judgment and summary adjudication, § 22:33
- Time and date
 - responses, § 21:113
 - service, § 21:107
- Use of requests for admission
 - generally, §§ 21:109 to 21:112
 - form and format rules, § 21:110
 - limit of 35 requests except as related to documents, § 21:109

REQUESTS FOR ADMISSION—Cont’d

- Use of requests for admission—Cont’d
 - scope of requests, § 21:111
 - service and custody of original requests, § 21:112
- Use of requests for admission responses at trial
 - generally, §§ 34:1, 34:13 to 34:19
 - amending or withdrawing responses, § 34:16
 - binding effect, § 34:14
 - “cost of proof” sanction, §§ 34:18, 34:19
 - different lawsuit, use of requests for admission responses from, § 34:15
 - procedure, § 34:17
 - right to introduce, § 34:13
 - rules of evidence, evidence as subject to, § 34:1
- Verification of responses, § 21:119
- Waiver of right to object by untimely response, § 21:114
- Withdrawal of responses, §§ 21:121, 34:16

RES JUDICATA

- Default and default judgment, entry of, § 19:36
- Judgments, § 39:12

RESPONSES

- Complaint-in-intervention, § 8:17
- Cross-Complaints (this index)
- Decedents’ estates, claims against, § 2:26
- Demurrers, § 11:21
- Depositions (this index)
- Government entities, claims against, § 2:13
- Inspection Demands (this index)
- Interrogatories (this index)
- Judicial misconduct, §§ 30:20, 30:21
- Requests for Admission (this index)
- Supplemental complaints, § 9:72

RETURNED CHECKS

- Filing of court papers, § 16:3

REVIEW

- Appeal and Review (this index)

RIPENESS

- Preplewsuit matters, justiciable controversy, § 2:69

RULES OF EVIDENCE

- Depositions, § 34:1
- Expedited jury trial, § 27:45

“SAFE HARBOR” PERIOD

- Sanctions, CCP § 128.7, § 25:20

SANCTIONS

- Generally, §§ 25:1 to 25:52
- Admission, requests for. Requests for Admission (this index)
- Anti-SLAPP motion to strike, § 11:63
- Authority of court, § 25:1
- CCP § 128.5
 - generally, §§ 25:8 to 25:11

INDEX

SANCTIONS—Cont'd

- CCP § 128.5—Cont'd
 - amount of sanctions, § 25:11
 - nature and purpose, § 25:8
 - persons who may be sanctioned, § 25:10
 - persons who may bring motion, § 25:9
- CCP § 128.7
 - generally, §§ 25:12 to 25:23
 - available sanctions, § 25:21
 - completely separate motion required, § 25:19
 - conduct subject to sanction, § 25:13
 - dismissal, effect of, § 25:18
 - factors considered in determining appropriate sanction, § 25:22
 - nature and purpose, § 25:12
 - notice, service and “safe harbor” period, § 25:20
 - order, § 25:23
 - persons who may be sanctioned, § 25:16
 - persons who may bring motion, § 25:15
 - prefiling inquiry into facts, reasonableness of, § 25:14
 - presenting a paper for improper purpose, § 25:12
 - procedure, §§ 25:15 to 25:20
 - time for motion, § 25:17
- CCP § 177.5, § 25:24
- CCP § 575.2, § 25:25
- Common statutes and rules authorizing sanctions, § 25:2
- Completely separate motion required, CCP § 128.7, § 25:19
- Contempt (this index)
- CRC, rule 2.30, § 25:26
- Default and default judgment, § 19:9
- Discovery (this index)
- Dismissal, CCP § 128.7, § 25:18
- Due process
 - generally, §§ 25:5 to 25:7
 - hearing, evidence and order, § 25:7
 - notice, § 25:6
- Enforcement of monetary sanction orders, § 25:4
- Ethical duty to protect client’s interests, § 25:3
- Evidence, due process, § 25:7
- Hearing, due process, § 25:7
- Inspection demands, concealment of documents, § 21:147
- Notice
 - CCP § 128.7, § 25:20
 - due process, § 25:6
- Orders
 - CCP § 128.7, § 25:23
 - due process, § 25:7
- Persons who may be sanctioned
 - CCP § 128.5, § 25:10
 - CCP § 128.7, § 25:16
- Persons who may bring motion
 - CCP § 128.5, § 25:9
 - CCP § 128.7, § 25:15
- Physical and mental examinations, § 21:167
- Requests for admission, §§ 21:127, 25:29

SANCTIONS—Cont'd

- “Safe harbor” period, CCP § 128.7, § 25:20
 - Service, CCP § 128.7, § 25:20
 - Service of process and papers, § 10:14
 - Settlement, failure to notify court-appointed arbitrator, § 25:13
 - Summary judgment and summary adjudication, § 22:64
 - Time for motion, CCP § 128.7, § 25:17
 - Transfer of venue, § 4:9
 - Trial Court Delay Reduction Act, § 14:32
 - Voluntary dismissal, § 20:10
- ### SCIENTIFIC METHODS
- Expert witnesses, § 33:7
- ### SEALED DOCUMENTS
- Prelawsuit matters, filing complaint or other documents under seal, § 2:59
 - Settlement agreements, § 23:7
- ### SECRETARY OF STATE
- Service of Process and Papers (this index)
- ### SECURITY FOR COSTS
- Generally, §§ 2:48 to 2:53, 12:47 to 12:73
 - Alien insurers, nonadmitted, §§ 2:52, 12:73
 - Architects, actions against, § 2:51
 - Automatic stay when motion made, derivative actions against certain businesses, § 12:58
 - Building or construction professionals, negligence actions against
 - generally, §§ 2:51, 12:62 to 12:65
 - dismissal for failure to post security, § 12:65
 - motion to have plaintiff post security, § 12:63
 - order and posting security, § 12:64
 - Construction professionals, negligence actions against. Building or construction professionals, negligence actions against, above
 - Derivative actions against certain businesses
 - generally, §§ 2:53, 12:56 to 12:61
 - automatic stay when motion made, § 12:58
 - dismissal for failure to post security, § 12:61
 - modification of amount of security, § 12:60
 - motion to have derivative suit plaintiff post security, § 12:57
 - order and posting security, § 12:59
 - Discretionary stay if motion made within 30 days after service, nonresident plaintiffs, § 12:52
 - Dismissal for failure to post security
 - building or construction professionals, negligence actions against, § 12:65
 - derivative actions against certain businesses, § 12:61
 - medical professionals, personal injury actions against, § 12:69
 - nonresident plaintiffs, § 12:55
 - Engineers, actions against, § 2:51
 - Foreign corporations, prelawsuit matters, § 2:49
 - Foreign insurers, nonadmitted, §§ 2:52, 12:73
 - Indigent persons, waiver available for, § 12:49

SECURITY FOR COSTS—Cont’d

- Injunctive relief, actions seeking, § 12:71
- Medical professionals, personal injury actions against
 - generally, §§ 2:50, 12:66 to 12:69
 - dismissal for failure to post security, § 12:69
 - motion to have plaintiff post security, § 12:67
 - order and posting security, § 12:68
- Modification of amount of security
 - derivative actions against certain businesses, § 12:60
 - nonresident plaintiffs, § 12:54
- Nature of security provisions, § 12:47
- Nonresident corporations, prelawsuit matters, § 2:49
- Nonresident plaintiffs
 - generally, §§ 12:51 to 12:55
 - discretionary stay if motion made within 30 days after service, § 12:52
 - dismissal for failure to post security, § 12:55
 - modification of amount of security, § 12:54
 - motion to have nonresident plaintiff post security, § 12:51
 - objection to security posted, § 12:54
 - order and posting security, § 12:53
- Objection to security posted, nonresident plaintiffs, § 12:54
- Order and posting security
 - generally, § 12:50
 - building or construction professionals, negligence actions against, § 12:64
 - derivative actions against certain businesses, § 12:59
 - medical professionals, personal injury actions against, § 12:68
 - nonresident plaintiffs, § 12:53
- Political practices, actions to enforce fair, § 12:72
- Posting security. Order and posting security, above
- Prelawsuit matters
 - generally, §§ 2:48 to 2:53
 - architects, engineers and other professionals, actions against, § 2:51
 - derivative actions involving corporations, § 2:53
 - foreign or alien insurers, nonadmitted, § 2:52
 - health care professionals, actions against, § 2:50
 - nonresident or foreign corporations, § 2:49
- Purpose of security provisions, § 12:47
- Types of actions when security may be required, § 12:48
- Vexatious litigants, §§ 2:46, 12:70
- Waiver available for indigent persons, § 12:49

SELF-INCRIMINATION, PRIVILEGE AGAINST

Witnesses, § 32:37

SERVICE OF PROCESS AND PAPERS

Generally, §§ 10:1 to 10:105

SERVICE OF PROCESS AND PAPERS —Cont’d

- Abuse of process action, § 10:105
- Acknowledgment form, service by mail, § 10:31
- Admission by defendant of service, §§ 10:81, 10:86
- Agents
 - corporations, service upon, §§ 10:55, 10:56
 - natural persons, service upon, § 10:46
 - partnerships and unincorporated associations, service upon, § 10:64
- Amended summons, § 10:11
- Answers, § 12:15
- Appeal or writ
 - challenges to service of process, § 10:101
 - notice of appeal, §§ 42:16, 42:17
 - quashing of service, motion for, § 10:98
- Appearance, service after
 - generally, §§ 16:16 to 16:24
 - attorney, personal or substituted service on, § 16:18
 - electronic methods, service by, § 16:23
 - fax, service by, § 16:22
 - mail, service by, § 16:20
 - methods of service, §§ 16:18 to 16:24
 - nonresident parties, service on, § 16:24
 - overnight delivery service, service by, § 16:21
 - personal or substituted service, §§ 16:18, 16:19
 - persons who must be served after appearance, § 16:17
 - unrepresented party, personal or substituted service on, § 16:19
- Attachment (this index)
- Attorneys
 - personal or substituted service, § 16:18
 - persons who may serve summons, § 10:16
- Burden of proof, motion for quashing of service, § 10:96
- Certified mail, service outside California, § 10:83
- Challenges to service of process
 - generally, §§ 10:91 to 10:105
 - abuse of process action, § 10:105
 - appeal or writ, § 10:101
 - default judgment, motion to set aside for improper service, § 10:100
 - defective service, no duty to respond, § 10:91
 - delay in service of process, motion to dismiss for, § 10:99
 - enforcement of judgment, defense to, § 10:104
 - jurisdiction, valid service is predicate to, § 10:91
 - quashing of service, motion for, below renewal of judgment, response to application for, § 10:102
 - separate action, prosecution of, § 10:103
- Claim and delivery of personal property, bonds and undertakings, § 24:86

INDEX

SERVICE OF PROCESS AND PAPERS —Cont'd

Content of general summons
generally, §§ **10:4 to 10:7**
“Doe” defendants, § **10:7**
legal entity named as defendant, § **10:5**
mandatory requirements, § **10:4**
person authorized to accept service, § **10:6**

Content of special summons, § **10:8**

Corporations, service upon
generally, §§ **10:54 to 10:62**
agents for service of process, §§ **10:55, 10:56**
designated agents for service of process, § **10:55**
dissolved and other corporations, § **10:59**
foreign corporations, § **10:61**
foreign insurers, § **10:62**
out-of-state corporations, § **10:58**
Secretary of State, § **10:57**
suspended corporations, § **10:60**

Costs, service by mail, § **10:32**

Cross-complaints, §§ **10:10, 12:28**

Default and default judgment, §§ **10:100, 19:14**

Defective service, no duty to respond, § **10:91**

Delay in service of process, motion to dismiss for, § **10:99**

Depositions (this index)

Designated agents. Agents, above

Diligence in attempting personal service as prerequisite to substitute service, § **10:26**

Dissolved and other corporations, § **10:59**

“Doe” defendants, §§ **10:7, 10:52**

Due process
generally, §§ **10:1 to 10:3**
definitions, § **10:1**
jurisdiction, § **10:3**
statutory requirement for summons, § **10:2**

Electronic methods, service after appearance, § **16:23**

Enforcement of judgment, defense to, § **10:104**

Entities, substitute service on, § **10:24**

Ex parte applications, § **18:10**

Expedited jury trial, pretrial submissions, § **27:41**

Expert witnesses, demand for exchange, § **21:176**

Fast track rules, time to file proof of service, § **10:88**

Fax, service after appearance, § **16:22**

Fees for service recoverable, § **10:19**

Filing of return with court, § **10:72**

Foreign corporations, § **10:61**

Foreign country, service in
generally, §§ **10:42 to 10:45**
foreign state, service on, § **10:45**
governing law, § **10:85**
Hague Convention, §§ **10:43, 10:44**
Sovereign Immunities Act, § **10:45**

Foreign insurers, § **10:62**

Foreign partnerships and unincorporated associations, § **10:65**

SERVICE OF PROCESS AND PAPERS —Cont'd

Foreign state, service in
generally, §§ **10:38 to 10:41**
governing law, § **10:85**
mail, service by, § **10:39**
methods of service, § **10:38**
nonresident corporations, § **10:40**
Secretary of State, authorized service on, § **10:41**

Guards at gated communities, substitute service on, § **10:28**

Hague Convention, service in foreign country, §§ **10:43, 10:44**

Incompetents, § **10:48**

Injunctions, order and undertaking, §§ **24:62, 24:86**

Inspection Demands (this index)

Insurance, deceased with, § **10:50**

Interrogatories (this index)

Issuance of summons
generally, §§ **10:9 to 10:11**
amended summons, § **10:11**
cross-complaint, summons on, § **10:10**
original summons, § **10:9**

Joint stock companies and associations, § **10:68**

Judicial Council form for return of summons, § **10:73**

Jurisdiction
due process, § **10:3**
valid service as predicate, § **10:91**

Legal entity named as defendant, § **10:5**

Limited liability companies, §§ **10:66, 10:67**

Lis pendens, § **24:102**

Local agencies, § **10:70**

Lost original summons, § **10:90**

Mail, service by
generally, §§ **10:30 to 10:32**
acknowledgment of receipt, § **10:77**
appearance, service after, § **16:20**
costs, liability for, § **10:32**
notice and acknowledgment form, § **10:31**
substitute service, post-office boxes, § **10:28**

Methods of service
generally, §§ **10:20 to 10:45**
mail, service by, above
personal service, below
publication, service by, below
substitute service, below
unlawful detainer actions, § **10:21**

Minors, § **10:47**

Motions, § **17:22**

Natural persons, service upon
generally, §§ **10:46 to 10:53**
“Doe” defendants, § **10:52**
incompetents, § **10:48**
insurance, deceased with, § **10:50**
minors, § **10:47**
persons and their agents, § **10:46**
prisoners, § **10:49**
public office, candidates for, § **10:51**

**SERVICE OF PROCESS AND PAPERS
—Cont’d**

Natural persons, service upon—Cont’d
state legislators, § 10:53

New trial, § 40:39

Nonresidents
appearance, service after, § 16:24
time to file proof of service, § 10:89

Notice, service by mail, § 10:31

Out-of-state corporations, § 10:58

Overnight delivery service, service after appearance, § 16:21

Partnerships and unincorporated associations, service upon
generally, §§ 10:63 to 10:65
designated agents, § 10:64
foreign partnerships and unincorporated associations, § 10:65
partners and officers, § 10:63

Peace officers, § 10:17

Personal service
generally, § 10:22
appearance, service after, §§ 16:18, 16:19
proof of service, § 10:74

Persons authorized to accept service, § 10:6

Persons who may be served
generally, §§ 10:46 to 10:70
corporations, service upon, above
joint stock companies and associations, § 10:68
limited liability companies, §§ 10:66, 10:67
local agencies, § 10:70
natural persons, service upon, above
partnerships and unincorporated associations, service upon, above
public entities, §§ 10:69, 10:70
Secretary of State, service upon limited liability companies, § 10:67
state, § 10:69
unincorporated associations. Partnerships and unincorporated associations, service upon, above

Persons who may serve summons
generally, §§ 10:15 to 10:19
attorney for plaintiff, § 10:16
fees for service recoverable, § 10:19
nonparties, § 10:15
peace officers, § 10:17
registered process servers, § 10:18

Physical and Mental Examinations (this index)

Post-office boxes, substitute service, § 10:28

Prisoners, § 10:49

Proof of service
generally, §§ 10:71 to 10:90
admission by defendant of service, §§ 10:81, 10:86
certified or registered mail, service outside California, § 10:83
court order, service outside California, § 10:84
filing of return with court, § 10:72

**SERVICE OF PROCESS AND PAPERS
—Cont’d**

Proof of service—Cont’d
foreign law, service outside California, § 10:85
Judicial Council form for return of summons, § 10:73
lost original summons, § 10:90
mail, service with acknowledgment of receipt, § 10:77
personal service, § 10:74
publication, service by, § 10:78
return of summons, §§ 10:71 to 10:73
service outside California, generally, §§ 10:82 to 10:86
service within California, generally, §§ 10:74 to 10:81
substitute service, §§ 10:75, 10:76
time to file proof of service, below
unlawful detainer actions, service by posting, § 10:79

Public entities, §§ 10:69, 10:70

Public office, candidates for, § 10:51

Public officials, substitute service on, § 10:27

Publication, service by
generally, §§ 10:33 to 10:37
court order required, § 10:35
limitations, § 10:34
potential interim mailing requirement, § 10:37
proof of service, § 10:78
publishing requirements, § 10:36

Quashing of service, motion for
generally, §§ 10:92 to 10:98
appeal or writ review of order granting motion, § 10:98
burden of proof, § 10:96
denial of motion, effect of, § 10:97
grounds for motion, § 10:94
Personal Jurisdiction (this index)
procedure, generally, § 10:95
special appearance, motion as, § 10:93

Receivership, bonds and undertakings, § 24:86

Registered mail, service outside California, § 10:83

Registered process servers, § 10:18

Renewal of judgment, response to application for, § 10:102

Requests for Admission (this index)

Residence, substitute service at, § 10:28

Return of summons, §§ 10:71 to 10:73

Sanctions, §§ 10:14, 25:20

Secretary of State
corporations, service upon, § 10:57
limited liability companies, service upon, § 10:67

Separate action, prosecution of, § 10:103

Sovereign Immunities Act, service in foreign country, § 10:45

Special appearance, motion for quashing of service, § 10:93

INDEX

SERVICE OF PROCESS AND PAPERS —Cont'd

- State, § 10:69
- State legislators, § 10:53
- Subpoenas, nonparty witnesses, § 32:5
- Substitute service
 - generally, §§ 10:23 to 10:29
 - appearance, service after, §§ 16:18, 16:19
 - completion, § 10:29
 - diligence in attempting personal service as prerequisite, § 10:26
 - entities, service on, § 10:24
 - guards at gated communities, service upon, § 10:28
 - persons, service on, § 10:25
 - post-office boxes, § 10:28
 - proof of service, §§ 10:75, 10:76
 - public officials, service on, § 10:27
 - residence, service at, § 10:28
- Suspended corporations, § 10:60
- Time for service
 - generally, §§ 10:12 to 10:14
 - additional time may be permitted, § 10:13
 - sanctions for delay in service, § 10:14
- Time to file proof of service
 - generally, §§ 10:87 to 10:89
 - fast track rules, § 10:88
 - nonresidents, service on, § 10:89
- Unincorporated associations. Partnerships and unincorporated associations, service upon, above
- Unlawful detainer actions, service by posting, § 10:79
- Writ. Appeal or writ, above

SETTLEMENT

- Generally, §§ 23:1 to 23:79
- Abuse, report of, § 23:6
- Allocations in settlement agreements, good faith settlement determination, § 23:64
- Approval of court. Minors and incompetents, claims of, below
- Assignment of judge to conduct settlement conference, § 23:17
- Assignment of rights settlements, good faith settlement determination, § 23:54
- Attorneys
 - generally, §§ 23:8 to 23:12
 - authority to settle, § 23:8
 - communication of settlement offers, § 23:9
 - conflicts of interest, § 23:12
 - lienholders, dealing with, § 23:11
 - minors' and incompetents' claims, attorneys' fees, § 23:41
 - notification of settlement when state benefits have been paid, § 23:10
 - right to represent other clients, restrictions on, § 23:5
- Authority of attorney to settle, § 23:8
- Authority of court to enforce settlement, limitations on, § 23:79

SETTLEMENT—Cont'd

- Burden of proof, good faith settlement determination, § 23:68
- Class actions, postcertification proceedings, § 8:50
- Communication of settlement offers, attorneys, § 23:9
- Conduct of conference, §§ 23:20 to 23:24
- Conduct of settlement conference, § 23:22
- Conferences
 - generally, §§ 23:16 to 23:24
 - assignment of judge to conduct settlement conference, § 23:17
 - conference statement, §§ 23:18, 23:19
 - content of conference statement, § 23:18
 - service of conference statement, § 23:19
- Confidentiality provisions, § 23:7
- Conflicts of interest, attorneys, § 23:12
- Cost waiver settlements, good faith settlement determination, § 23:53
- Counteroffer, statutory offers to compromise (CCP § 998), § 23:34
- Discovery protections for settlement offers and discussions, § 23:3
- Dismissal of action, §§ 20:30, 23:14
- Dismissal of party following settlement, § 23:76
- Disproportionately low settlements with defendant whose liability is questionable, good faith settlement determination, § 23:55
- Disproportionately low settlements with insolvent defendants, good faith settlement determination, § 23:56
- Duties upon settlement, §§ 23:13, 23:14
- Enforcement of settlement
 - generally, §§ 23:73 to 23:79
 - authority of court to enforce settlement, limitations on, § 23:79
 - dismissal of party following settlement, § 23:76
 - expedited procedure, § 23:73
 - hearing and determination of motion to enforce settlement, § 23:78
 - motion to enforce settlement, § 23:77
 - oral settlement agreement made "before the court," § 23:75
 - purpose and effect, §§ 23:73 to 23:76
 - written settlement agreement signed by parties, § 23:74
- Ethical and legal limitations
 - generally, §§ 23:4 to 23:7
 - abuse, report of, § 23:6
 - attorney's right to represent other clients, restrictions on, § 23:5
 - confidentiality provisions and agreements to seal court records, § 23:7
 - illegal, unjust or contrary to public policy settlement provisions will not be enforced, § 23:4
 - neglect, report of, § 23:6
 - no hire provisions, § 23:6
 - sex offense, § 23:6

SETTLEMENT—Cont’d

Ethical and legal limitations—Cont’d
state bar charges or cooperation, agreement to withhold, § 23:6

Evidence, good faith settlement determination, § 23:68

Ex parte procedure when no opposition expected, good faith settlement determination, § 23:66

Expedited procedure, enforcement of settlement, § 23:73

Expert fees, statutory offers to compromise (CCP § 998), § 23:39

Form and format, statutory offers to compromise (CCP § 998), §§ 23:28, 23:33

“Good faith” offer, statutory offers to compromise (CCP § 998), § 23:26

Good faith settlement determination
generally, §§ 23:47 to 23:72
allocations in settlement agreements, § 23:64
assignment of rights settlements, § 23:54
conduct of nonsettling defendants, § 23:61
cost waiver settlements, § 23:53
disproportionately low settlements with defendant whose liability is questionable, § 23:55
disproportionately low settlements with insolvent defendants, § 23:56
evidence and burden of proof, § 23:68
ex parte procedure when no opposition expected, § 23:66
factors considered, generally, §§ 23:51 to 23:64
hearing and determination by court, §§ 23:69 to 23:72
indemnity claims, bar to, § 23:50
indemnity cross-complaints, follow-up procedure to dismiss, § 23:72
insurer interest, consideration of, § 23:59
“Mary Carter” settlement agreements, § 23:60
misconduct of settling parties, § 23:62
noticed motion for determination, § 23:67
offsets, § 23:63
participation at trial by settling party as condition, § 23:58
persons who may seek determination, § 23:48
procedure, §§ 23:65 to 23:68
Proposition 51, § 23:63
purpose and effect, § 23:47
“reasonable range” test and “Tech-Bilt” factors, § 23:51
scope of hearing, § 23:70
settlements subject to good faith determination, § 23:49
sliding scale settlement agreements, § 23:60
time-barred claims, § 23:57
timing of determination, § 23:65
valuation of settlement, § 23:52

Hearings
enforcement of settlement, § 23:78

SETTLEMENT—Cont’d

Hearings—Cont’d
good faith settlement determination, §§ 23:69 to 23:72
minors and incompetents, claims of, § 23:45

Illegal settlement provisions will not be enforced, § 23:4

Incompetents, claims of. Minors and incompetents, claims of, below

Indemnity claims, good faith settlement determination, § 23:50

Indemnity cross-complaints, good faith settlement determination, § 23:72

Insurer interests, good faith settlement determination, § 23:59

Judicial Council forms, claims of minors and incompetents, § 23:43

Judicial misconduct, coercion, § 30:15

Jury trial, voir dire questions, § 29:18

Legal limitations. Ethical and legal limitations, above

Lienholders, attorneys dealing with, § 23:11

Litigation and other expenses, claims of minors and incompetents, § 23:42

“Mary Carter” settlement agreements, good faith settlement determination, § 23:60

Minors and incompetents, claims of
generally, §§ 23:40 to 23:46
approval of court, generally, §§ 23:40 to 23:42
attorneys’ fees, court approval, § 23:41
content of petition, § 23:44
hearing on petition, § 23:45
Judicial Council forms, use of, § 23:43
litigation and other expenses, court approval, § 23:42
order approving settlement, § 23:46
procedure, §§ 23:43 to 23:46

Misconduct of settling parties, good faith settlement determination, § 23:62

“More favorable judgment,” penalties for failure to accept statutory offer to compromise (CCP § 998), § 23:38

Multiple parties, statutory offers to compromise (CCP § 998), § 23:30

Neglect, report of, § 23:6

No hire provisions, § 23:6

Notice to court, § 23:13

Notification of settlement when state benefits have been paid, attorneys, § 23:10

Offers to compromise. Statutory offers to compromise (CCP § 998), below

Offsets, good faith settlement determination, § 23:63

“On the record,” placement of settlement, § 23:24

Oral settlement agreement made “before the court,” enforcement of, § 23:75

Penalties for failure to accept statutory offer to compromise (CCP § 998), §§ 23:36 to 23:39

Persons who must attend, § 23:20

Proposition 51, good faith settlement determination, § 23:63

INDEX

SETTLEMENT—Cont'd

Public policy, §§ 23:1, 23:4
“Reasonable range” test, good faith settlement determination, § 23:51
Regulation of certain settlements, § 23:2
Rejection, statutory offers to compromise (CCP § 998), § 23:34
Revocation of statutory offer to compromise (CCP § 998), § 23:31
Role of judge, § 23:21
Sanctions for failure to notify court-appointed arbitrator, § 25:13
Sealing court records, agreements, § 23:7
Service of conference statement, § 23:19
Setting aside settlements, § 23:15
Sex offense, § 23:6
Sliding scale settlement agreements, good faith settlement determination, § 23:60
Specificity of terms of statutory offer to compromise (CCP § 998), § 23:29
State bar charges or cooperation, agreement to withhold, § 23:6
Statutory offers to compromise (CCP § 998)
 generally, §§ 23:25 to 23:39
 costs, § 41:4
 entry of judgment upon acceptance, § 23:35
 expert fees, discretion in award of, § 23:39
 form and format of acceptance, § 23:33
 form and format of offer, § 23:28
 “good faith” offer, § 23:26
 “more favorable judgment,” penalties for failure to accept offer, § 23:38
 multiple parties, offers involving, § 23:30
 penalties for failure to accept offer, §§ 23:36 to 23:39
 prejudgment interest, § 41:37
 purpose and effect, § 23:25
 rejection or counteroffer, § 23:34
 revocation of offer, § 23:31
 specificity of terms of offer, § 23:29
 time for acceptance of offer, § 23:32
 time when offer may be made, § 23:27
“Tech-Bilt” factors, good faith settlement determination, § 23:51
Techniques for settlement, § 23:23
Time and date
 good faith settlement determination, § 23:65
 statutory offers to compromise (CCP § 998), §§ 23:27, 23:32
Time-barred claims, good faith settlement determination, § 23:57
Unjust settlement provisions will not be enforced, § 23:4
Valuation of settlement, good faith settlement determination, § 23:52
Written settlement agreement signed by parties, enforcement of, § 23:74

70 YEARS OLD OR OLDER

Trial setting, preferences, § 26:7

SEVERANCE

Generally, §§ 14:37 to 14:40
Bifurcation, compared, § 14:38
Procedural considerations, § 14:40
Timing considerations, § 14:39
Trial management conferences, § 28:26

SEXUAL ABUSE CLAIMS

Childhood Sexual Abuse Claims (this index)

SEXUAL CONDUCT

Discovery, requirement of court order, § 21:4
Settlement, ethical and legal limitations, sex offense, § 23:6

SHAM PLEADING DOCTRINE

Amendment of complaints, § 9:66

SHOW CAUSE ORDERS

Orders to Show Cause (this index)

SIGN LANGUAGE INTERPRETERS

Witnesses, § 32:40

SIGNATURE

Answers, § 12:13
Complaints, § 9:45
Depositions, transcripts, § 21:80
Electronic filing of court papers, § 16:11
Form of court papers, § 15:3
Inspection demands, § 21:141
Interrogatories, § 21:100
Requests for admission, § 21:119

SISTER STATE JUDGMENT, VACATION OF

Generally, §§ 40:77 to 40:79
Hearings, § 40:79
Ruling on motion, § 40:79
Time requirements, § 40:78

SOVEREIGN IMMUNITIES ACT

Service in foreign country, § 10:45

“SPECIAL ANSWER”

Cross-complaints, responses to, § 12:33

SPECIAL APPEARANCES

Forum non conveniens, § 4:15
Personal jurisdiction, § 5:5
Service of process and papers, motion for quashing of, § 10:93

SPECIAL CUT-OFF DATES

Depositions, expert witnesses, § 21:189

SPECIAL VERDICTS

Generally, §§ 39:4, 39:5

SPLITTING OF CAUSES OF ACTION

Complaints, § 9:21

SPOUSES

Parties, § 7:3

STANDING TO SUE

Parties (this index)

STATE BAR NOTIFICATION

Contempt, § 25:46

**STATEMENT OF DAMAGES,
REQUEST FOR**

Generally, §§ 12:39 to 12:41

Information required in statement, § 12:40

Motion to compel response or more detailed response, § 12:41

STATEMENT OF DECISION

Nonjury Trial (this index)

Reference, trial by, §§ 27:35, 27:36

STATUTE OF LIMITATIONS

Answers, affirmative defenses, § 12:10

Cross-complaints, § 12:18

STAYS

Contempt, § 25:45

Demurrers, discovery, § 11:28

Depositions, response to improper deposition notice or subpoena, § 21:66

Dismissal, §§ 20:20, 20:33

STIPULATIONS

Discovery, modification of procedures, § 21:5

Dismissal, extension of time, §§ 20:16, 20:29

Exhibits, § 35:2

Expedited Jury Trial (this index)

Motions (this index)

Physical and mental examinations, § 21:149

Post-trial motion for setting aside stipulated judgment, § 40:75

STOCKHOLDER CLAIMS

Parties, § 7:20

STRIKE, MOTION TO

Generally, §§ 11:45 to 11:65

Amendment of complaints after granting of motion to strike, § 9:55

Answers

generally, §§ 13:6 to 13:8

procedure, § 13:8

timing, § 13:7

Anti-SLAPP Motion to Strike (this index)

Conference where leave to amend granted, § 11:48

Court rule, not drawn in conformity with, § 11:51

Declaration, § 11:48

Demurrers, §§ 11:46, 11:55

Denial of motion, § 11:57

Dismissal, § 20:54

Expert witnesses, § 33:10

False matter, § 11:50

Function, § 11:45

Grant of motion, § 11:56

Grounds, §§ 11:49 to 11:51

STRIKE, MOTION TO—Cont'd

Improper matter, § 11:50

Irrelevant matter, § 11:50

Laws, not drawn in conformity with, § 11:51

Liberal construction of pleadings, § 11:54

Mandatory “meet and confer” required prior to filing motion, § 11:48

Nature, § 11:45

Order, not drawn in conformity with, § 11:51

Priority housing development project, actions challenging approval, § 11:66

Procedure, §§ 11:52, 11:53

Rulings

generally, §§ 11:54 to 11:57

demurrer, motion in conjunction with, § 11:55

denial of motion, § 11:57

grant of motion, § 11:56

liberal construction of pleadings, § 11:54

Special notice requirement, § 11:53

Time and date

answers, § 13:7

filing of motion, § 11:47

STRUCTURE OF SYSTEM

Generally, §§ 1:1 to 1:3

California supreme court, § 1:3

Intermediate courts of appeal, § 1:2

Superior courts, § 1:1

Trial Courts (this index)

SUBJECT MATTER JURISDICTION

Generally, §§ 3:1 to 3:15

Aggregation of claims or parties, amount in controversy, § 3:12

Amendment affecting limited or unlimited classification, amount in controversy, § 3:14

Amount in controversy

generally, §§ 3:10 to 3:14

aggregation of claims or parties, § 3:12

amendment affecting limited or unlimited classification, § 3:14

cross-complaint seeking over \$ 25,000, effect of, § 3:13

waiver of excess judgment to retain limited civil case status, § 3:11

Authority of court to determine jurisdiction, lack of, § 3:3

Concurrent Jurisdiction (this index)

Consent, jurisdiction cannot be conferred by, § 3:2

Cross-complaint seeking over \$ 25,000, amount in controversy, § 3:13

Defined, § 3:1

Demurrers, § 11:9

Effect of absence of subject matter jurisdiction, § 3:4

Estoppel. Waiver or estoppel, below

Lack of subject matter jurisdiction, challenge based on, § 4:1

Nature, §§ 3:1 to 3:4

INDEX

SUBJECT MATTER JURISDICTION —Cont'd

- Reclassification of case as limited civil case, § 3:15
- Superior Court (this index)
- Waiver or estoppel
 - amount in controversy, waiver of excess judgment to retain limited civil case status, § 3:11
 - jurisdiction cannot be conferred by waiver, § 3:2
 - lack of subject matter jurisdiction, § 4:1

SUBMISSIONS PRETRIAL

- Expedited jury trial, § 27:41

SUBPOENAS

- Depositions (this index)
- Nonparty witnesses, § 32:3

SUBROGATED CLAIMS

- Parties, § 7:17

SUBSTANTIAL BENEFIT DOCTRINE

- Attorneys' fees, § 41:31

SUBSTITUTE SERVICE

- Service of Process and Papers (this index)

SUBSTITUTION

- Attorneys, §§ 14:13, 14:14
- Claim and delivery of personal property, sureties on litigation bond, § 24:91
- Injunctions, sureties on litigation bond, § 24:91
- Parties (this index)
- Receivership, litigation bond, § 24:91

SUMMARY JUDGMENT AND SUMMARY ADJUDICATION

- Generally, §§ 22:1 to 22:69
- Additional disputed or undisputed facts, separate statement, § 22:41
- Alternatives, § 22:3
- Appeal or writ, review by, § 22:69
- Attorneys' fees, § 22:63
- Burden of proof
 - generally, §§ 22:47 to 22:50
 - defendant as moving party, § 22:49
 - plaintiff as moving party, § 22:50
 - production and persuasion, burdens of, §§ 22:47, 22:48
- Challenges to judgment or order
 - generally, §§ 22:65 to 22:69
 - mistake, inadvertence, surprise or excusable neglect, motion for relief for, § 22:67
 - new trial, motion for, § 22:66
 - reconsideration, motion for, § 22:65
 - renewal, motion for, § 22:65
 - set aside judgment, motion to, § 22:68
 - writ or appeal, review by, § 22:69
- Consideration of evidence, § 22:58
- Continuances, §§ 22:18, 22:43, 22:59

SUMMARY JUDGMENT AND SUMMARY ADJUDICATION —Cont'd

- Cross-motions, time considerations, § 22:21
- “Cut-off” before trial, 30 days, § 22:16
- Declarations. Supporting evidence, below
- Demurrer, seeking summary adjudication following unsuccessful, § 22:4
- Deposition admissions, supporting evidence, § 22:34
- Discovery, §§ 22:14, 22:31
- “Disfavored motion,” § 22:52
- Documentary evidence, § 22:32
- Evidence, opposition papers, §§ 22:42, 22:43
- Expert declarations, § 22:30
- Format of separate statement, §§ 22:27, 22:40
- “Frame the issues,” pleadings, § 22:8
- General appearance, 60 day hold after, § 22:12
- Governing rules, § 22:7
- Interrogatory admissions, supporting evidence, § 22:34
- Issue finding as sole function of court, § 22:57
- Joinder, notice of joinder alone insufficient, § 22:24
- Judgment on the pleadings, §§ 11:43, 22:6
- Judicial admission, pleadings as, § 22:9
- Judicial estoppel, matters subject to, § 22:37
- Judicial notice, matters subject to, § 22:36
- Mistake, inadvertence, surprise or excusable neglect, motion for relief for, § 22:67
- Moving papers
 - generally, §§ 22:22 to 22:37
 - format of separate statement, § 22:27
 - joinder, notice of joinder alone insufficient, § 22:24
 - notice of motion, §§ 22:23, 22:24
 - points and authorities, § 22:25
 - required papers, § 22:22
 - separate statement, §§ 22:26, 22:27
 - supporting evidence, below
- Nature and purpose, §§ 22:1 to 22:7
- New trial, motion for, § 22:66
- Notice of motion, §§ 22:15, 22:23, 22:24
- Objections to evidence, §§ 22:20, 22:44, 22:45
- Opposition papers
 - generally, §§ 22:38 to 22:45
 - additional disputed or undisputed facts, separate statement, § 22:41
 - admissible evidence requirement, § 22:42
 - continuance to secure evidence, § 22:43
 - evidence, §§ 22:42, 22:43
 - format of separate statement, § 22:40
 - objections to moving party's evidence, §§ 22:44, 22:45
 - reply papers, § 22:46
 - required papers, § 22:38
 - ruling on objections, § 22:45
 - separate statement, §§ 22:39 to 22:41
 - time considerations, § 22:17
 - waiver of objections to moving parties evidence where untimely made, § 22:44

**SUMMARY JUDGMENT AND
SUMMARY ADJUDICATION
—Cont’d**

Opposition papers—Cont’d
waiver of objections to moving party’s evidence where untimely made, § 22:44

Oral argument, right to, § 22:54

Orders
generally, §§ 22:60 to 22:64
attorneys’ fees, § 22:63
denial of motion, § 22:62
form of order, § 22:60
grant of motion, § 22:61
sanctions, § 22:64

Persuasion, burdens of, §§ 22:47, 22:48

Pleadings, §§ 22:8, 22:9, 22:13, 22:35

Points and authorities, § 22:25

Production, burdens of, §§ 22:47, 22:48

Prohibition of summary judgment, § 22:11

Reconsideration, motion for, § 22:65

Referee may not be appointed to determine motion, § 22:53

Renewal, motion for, § 22:65

Reply papers, §§ 22:19, 22:46

Requests for admission, admissions in response to, § 22:33

Ruling on motion
generally, §§ 22:51 to 22:59
checklist of judge for reviewing procedural compliance, § 22:55
consideration of evidence, § 22:58
continuance to obtain evidence, § 22:59
determination of motion, §§ 22:56 to 22:59
“disfavored motion,” § 22:52
issue finding as sole function of court, § 22:57
oral argument, right to, § 22:54
referee may not be appointed to determine motion, § 22:53
standards for granting motion, § 22:51
three-step analysis, § 22:56

Sanctions, § 22:64

Separate statement, §§ 22:26, 22:27, 22:39 to 22:41

Set aside judgment, motion to, § 22:68

Standards for granting motion, § 22:51

Stipulation admissions, supporting evidence, § 22:35

Successive motions, § 22:5

Supporting evidence
generally, §§ 22:28 to 22:37
declarations, generally, § 22:29
deposition and interrogatory admissions, § 22:34
discovery, evidence obtained through, § 22:31
documentary evidence, § 22:32
expert declarations, § 22:30
judicial estoppel, matters subject to, § 22:37
judicial notice, matters subject to, § 22:36
pleading and stipulation admissions, § 22:35

**SUMMARY JUDGMENT AND
SUMMARY ADJUDICATION
—Cont’d**

Supporting evidence—Cont’d
requests for admission, admissions in response to, § 22:33

Three-step analysis, ruling on motion, § 22:56

Time considerations
generally, §§ 22:12 to 22:21
continuance of motion, § 22:18
cross-motions, § 22:21
“cut-off” before trial, 30 days, § 22:16
discovery, effect of status of, § 22:14
general appearance, 60 day hold after, § 22:12
notice, 75 days required, § 22:15
objections to evidence may be made in writing or orally at hearing, § 22:20
opposition papers, § 22:17
pleadings, effect of status of, § 22:13
reply papers, § 22:19

Types of cases amenable to summary judgment, § 22:10

Waiver of objections to moving party’s evidence where untimely made, § 22:44

SUPERIOR COURT

Generally, §§ 1:1, 3:5 to 3:9

Arbitration agreements, effect on jurisdiction, § 3:9

Limitations on subject matter jurisdiction, § 3:8

Limited civil cases, subject matter jurisdiction, § 3:6

Small claims cases, subject matter jurisdiction, § 3:7

Subject matter jurisdiction, generally, §§ 3:5 to 3:9

SUPPLEMENTAL ANSWERS

Generally, §§ 12:36, 12:38

SUPPLEMENTAL BONDS

Attachment, § 24:92

Claim and delivery of personal property, § 24:92

Injunctions, § 24:92

Receivership, § 24:92

SUPPLEMENTAL COMPLAINTS

Generally, §§ 9:69 to 9:72

Effect of supplemental complaint, § 9:72

Motion to file supplemental complaint, § 9:71

Relation-back doctrine, effect on, § 9:70

Response to supplemental complaint, § 9:72

**SUPPLEMENTAL
CROSS-COMPLAINTS**

Generally, §§ 12:37, 12:38

SUPPLEMENTAL QUESTIONS

Removal to federal court, § 4:27

INDEX

SUPPORTING AFFIDAVITS AND DECLARATIONS

New trial, § 40:41

SURETIES ON BOND

Attachment, § 24:92

Claim and delivery of personal property, § 24:85

Injunctions, § 24:85

Receivership, § 24:85

SURPRISE

Mistake, Inadvertence, Surprise or Excusable

Neglect, Relief Due to (this index)

New trial, § 40:25

SUSPENDED CORPORATIONS

Service of process and papers, § 10:60

SUSPENDED POWERS

Parties, corporations, § 7:6

SYMPATHY

Attorneys, § 30:24

TAXPAYER ACTIONS

Parties, § 7:27

“TECH-BILT” FACTORS

Settlement, good faith determination, § 23:51

TELEPHONE

Depositions, § 21:73

Form of court papers, telephone number, § 15:3

Motions, hearings, § 17:35

TEMPORARY PROTECTIVE ORDERS

Attachment (this index)

TEMPORARY RESTRAINING ORDERS

Claim and delivery of personal property, § 24:31

Injunctions (this index)

TERMINALLY ILL PARTIES

Trial setting, preferences, § 26:8

TIME AND DATE

Amendment of Complaints (this index)

Answers, § 12:2

Appeal and Review (this index)

Attachment (this index)

Clerical error, motion for correction of, § 40:73

Closing arguments, §§ 37:2, 37:4

Consolidation, § 14:45

Continuances (this index)

Cross-complaints, § 12:19

Decedents' estates, claims against, § 2:25

Default and Default Judgment (this index)

Demurrers (this index)

Depositions (this index)

Directed verdicts, § 36:15

Discovery (this index)

TIME AND DATE—Cont'd

Disqualification of judge, peremptory disqualification, § 14:5

Evidence and witnesses, §§ 32:4, 32:11

Expedited Jury Trial (this index)

Expert witnesses, time restrictions on demand for exchange, § 21:177

Extension of Time (this index)

Extrinsic Fraud or Extrinsic Mistake, Equitable Relief Due to (this index)

Forum non conveniens, § 4:15

Government Entities (this index)

Inadvertent judgment, motion for vacation of, § 40:73

Injunctions, § 24:44

Inspection Demands (this index)

Instructions to jury, §§ 38:9, 38:15

Interrogatories (this index)

Intervention, application of, § 8:15

Judgment Notwithstanding Verdict (this index)

Jury and Jury Trial (this index)

Mistake, inadvertence, surprise or excusable neglect, relief due to, § 40:65

Mistrial (this index)

New Trial (this index)

Nonjury trial, request for statement of decision, § 27:19

Opening statements, § 31:3

Personal jurisdiction, motion for quashing of service and summons, §§ 6:3, 6:4

Physical and mental examinations, personal injury cases, § 21:155

Removal to federal court, § 4:30

Reopening of case-in-chief, § 36:34

Requests for Admission (this index)

Sanctions, CCP § 128.7, § 25:17

Service of Process and Papers (this index)

Settlement (this index)

Severance, § 14:39

Sister state judgment, vacation of, § 40:78

Statute of Limitations (this index)

Strike, Motion to (this index)

Summary Judgment and Summary Adjudication (this index)

Trial management conferences, § 28:2

Trial Setting (this index)

Vacation and entry of different judgment, § 40:60

Venue, motion for transfer of, § 4:4

“TITLE BLOCK”

Form of court papers, first page, § 15:13

TORT ACTIONS

Attorneys' fees, tort of another doctrine, § 41:32

Government entities, Government Claims Act, §§ 2:6 to 2:8

Personal Injuries (this index)

Statement of Damages, Request for (this index)

Wrongful Death Actions (this index)

TRANSCRIPTS

Appeal and review, §§ 42:18, 42:19

TRANSCRIPTS—Cont'd

Depositions, §§ 21:79, 21:80

TRANSFER OF VENUE

Venue (this index)

TRANSITORY ACTIONS

Venue (this index)

TRANSLATORS

Generally, § 1:17

TRIAL COURT DELAY REDUCTION ACT

Generally, §§ 14:20 to 14:32

Appearance at case management conference, § 14:29

Case management conferences

generally, §§ 14:24 to 14:31

appearance at case management conference, § 14:29

case management order, § 14:30

case management statement, §§ 14:28, 14:29

final case management conference, § 14:31

initial case management conference, §§ 14:25, 14:26

initial case management review, § 14:24

meet-and-confer requirement, § 14:27

subjects to be considered at initial case management conference, § 14:26

Case management statement, §§ 14:28, 14:29

Continuances, § 14:23

Differentiation of cases to achieve goals, § 14:21

Extensions, § 14:23

Final case management conference, § 14:31

Goals for timely disposition, § 14:20

Initial case management conference, §§ 14:25, 14:26

Initial case management review, § 14:24

Meet-and-confer requirement, § 14:27

Sanctions, § 14:32

Statutory minimum time deadlines, § 14:22

TRIAL COURTS

Generally, §§ 1:4 to 1:17

Attorneys, § 1:18

Bailiff, § 1:16

Commissioners, § 1:13

Control of proceedings, power, § 1:10

Court attendant, § 1:16

Court clerk and deputy clerks, § 1:14

Court holidays, § 1:8

Court reporters, § 1:15

Courtroom vs. “chambers” proceedings, § 1:5

Deputy clerks, § 1:14

Holidays, § 1:8

Inherent powers, § 1:9

Interpreters, § 1:17

Judges, § 1:12

Media coverage, § 1:7

Officers of court, § 1:18

TRIAL COURTS—Cont'd

Personnel

generally, §§ 1:12 to 1:17

attorney as officer of court, § 1:18

bailiff or court attendant, § 1:16

commissioners, § 1:13

court clerk and deputy clerks, § 1:14

court reporters, § 1:15

interpreters or translators, § 1:17

judges, § 1:12

Powers, §§ 1:9, 1:10

Proceedings, §§ 1:4 to 1:8

Public access, § 1:6

Rules, § 1:11

Translators, § 1:17

TRIAL MANAGEMENT CONFERENCES

Generally, §§ 28:1 to 28:31

Amend, motion to, § 28:25

Attendance at conference, § 28:4

Attorney preparation, §§ 28:6, 28:7

Bifurcate, motion to, § 28:26

Checklist of judge, § 28:11

Consolidate, motion to, § 28:27

Continuances, § 28:9

Coordinate, motion to, § 28:27

Disqualification of opposing attorney, motion for, § 28:23

Exclusion of spectators from courtroom, motion for, § 28:31

Exclusion of witnesses from courtroom, motion for, § 28:30

Expedited jury trial, § 27:42

Governing rules, § 28:5

Instructions to jury, motion for preinstructions, § 28:28

Judgment on the pleadings, motion for, § 28:24

Judicial disclosure and disqualification, § 28:8

In Limine Motions (this index)

Matters covered, §§ 28:8 to 28:12

Meet and confer requirements, § 28:6

Order of examining witnesses, motion to alter, § 28:29

Order of proof, motion to alter, § 28:29

Place of conference, § 28:3

Policies, trial management, § 28:10

Preliminary matters, §§ 28:8, 28:9

Pretrial motions, generally, §§ 28:21 to 28:31

Purpose, § 28:1

Reporting conference, § 28:12

Sever, motion to, § 28:26

Time of conference, § 28:2

Trial management conference statement, § 28:7

Voluntary dismissal, motion for, § 28:22

Worksheet of judge, § 28:11

TRIAL SETTING

Generally, §§ 26:1 to 26:15

Case management conference, trial date set at, § 26:1

INDEX

TRIAL SETTING—Cont'd

Continuances (this index)
“Direct calendar” vs. “master calendar” systems, § 26:2
Discretionary grounds, preferences, § 26:12
Failure to provide notice of trial, effect of, § 26:6
Felony victims, preferences, § 26:10
14 years old or younger, preferences in wrongful death or personal injury action, § 26:9
Length of notice of trial, § 26:4
Notice of trial
 generally, §§ 26:3 to 26:6
 failure to provide notice, effect of, § 26:6
 length of notice, § 26:4
 nature and purpose, § 26:3
 proof of service, § 26:5
Preferences
 generally, §§ 26:7 to 26:12
 discretionary grounds, § 26:12
 felony victims, § 26:10
 14 years old or younger, wrongful death or personal injury action, § 26:9
 mandatory grounds, §§ 26:7 to 26:11
 70 years old or older, § 26:7
 terminally ill party, § 26:8
Procedure to obtain trial date, §§ 26:1 to 26:6
Proof of service of notice of trial, § 26:5
70 years old or older, preferences, § 26:7
Terminally ill party, preferences, § 26:8

TRUSTS

Parties, § 7:14

ULTIMATE FACTS

Answers, § 12:9
Complaints, § 9:23

UNCERTAINTY

Demurrers, § 11:13

UNCONTESTED MOTIONS

Generally, § 17:26

UNDERTAKINGS

Bonds and Undertakings (this index)

UNDUE BURDEN

Depositions, electronically stored information, expense, § 21:63

UNDUE HARDSHIP

Jury service, excuse from, § 29:4

UNFAIR COMPETITION LAW

Class actions, § 8:30
Parties, § 7:32

UNINCORPORATED ASSOCIATIONS

Service of Process and Papers (this index)

UNINTELLIGIBILITY

Demurrers, § 11:13

UNLAWFUL DETAINER ACTIONS

Service by posting, § 10:79

UNRUH CIVIL RIGHTS ACT

Business discrimination victims, § 7:30

VACATION AND ENTRY OF DIFFERENT JUDGMENT

Generally, §§ 40:59 to 40:62
Checklist of judge for ruling on motion, § 40:62
Hearings, § 40:61
Procedure, § 40:60
Ruling on motion, §§ 40:61, 40:62
Time requirements, § 40:60

VENUE

Generally, §§ 3:22 to 3:35, 4:2 to 4:10
Associations, actions against, § 3:33
Burden of proof, transfer of venue, § 4:6
Change of venue. Transfer of venue, below
Class actions, § 8:32
Classification of actions, § 3:24
Complaints, § 9:34
Consent, effect of, § 3:25
Contract actions, transitory actions, § 3:30
Contract venue provisions, effect of, § 3:25
Convenience of witnesses, transfer of venue, § 4:3
Corporations, actions against, § 3:33
Default and default judgment, § 19:12
Ends of justice, transfer of venue, § 4:3
Evidence, transfer of venue, § 4:6
Forum Non Conveniens (this index)
Governmental entities, actions against, § 3:34
Injunctions, § 24:42
Land, local actions involving, § 3:26
Local actions, §§ 3:26, 3:27
Mixed actions, § 3:32
Nature, §§ 3:22 to 3:25
Proper court or department within county, § 3:23
Removal to Federal Court (this index)
Ruling on motion, transfer of venue, §§ 4:6 to 4:9
Sanctions, transfer of venue, § 4:9
Stay resulting from filing of motion for transfer of venue, § 4:5
Time for motion for transfer of venue, § 4:4
Tort actions, transitory actions, § 3:29
Transfer of venue
 generally, §§ 4:2 to 4:10
 burden of proof and evidence, § 4:6
 checklist for ruling on motion, § 4:7
 convenience of witnesses and ends of justice, § 4:3
 forum selection, generally, § 3:35
 motion to change venue, generally, § 3:35
 order granting transfer, § 4:8
 requirements for motion and grounds, §§ 4:2 to 4:5
 ruling on motion, §§ 4:6 to 4:9
 sanctions, § 4:9
 stay resulting from filing of motion, § 4:5
 subsequent proceedings, § 4:10

VENUE—Cont’d

Transfer of venue—Cont’d
time for motion, § 4:4
Transitory actions
generally, §§ 3:28 to 3:31
contract actions, § 3:30
joinder, effect of, § 3:31
tort actions, § 3:29

VERDICTS

Generally, §§ 39:1 to 39:9
Directed Verdicts (this index)
Expedited jury trial, § 27:46
General verdict, § 39:2
General verdict with interrogatories, § 39:3
Objections to special verdict form, § 39:5
Procedures, §§ 39:6 to 39:9
Receiving verdict, § 39:7
Reduction of verdict to reflect settlements, § 39:9
Setting aside verdict, § 27:47
Special verdict, §§ 39:4, 39:5
Sufficiency of verdict, § 39:8
Three-fourths requirement for verdict, § 39:6

VERIFICATION

Answers, § 12:14
Complaints, § 9:46
Inspection demands, § 21:141
Interrogatories, responses, § 21:100
Requests for admission, responses to, § 21:119

VEXATIOUS LITIGANTS

Generally, §§ 2:45 to 2:47
Prefiling order, § 2:47
Prelawsuit matters, generally, §§ 2:45 to 2:47
Security for costs, §§ 2:46, 12:70

VICTIMS OF CRIMES

Crime Victims (this index)

VIDEO RECORDINGS

Exhibits, § 35:5

VIDEOCONFERENCE

Depositions, §§ 21:73, 34:3, 34:4

VIEW BY JURY

Generally, §§ 29:40, 30:36
Demonstrations, § 35:11

VISUAL AIDS

Closing arguments, § 37:7
Opening statements, § 31:7

VOID JUDGMENTS

Default and default judgment, § 19:54
Post-trial motions, setting aside, § 40:63

VOID ORDERS

Motions to set aside, § 17:60

VOIDABLE JUDGMENTS

Default and default judgment, § 19:54

VOIR DIRE

Expert witnesses, § 33:9
Jury and Jury Trial (this index)

VOLUNTARY DISMISSAL

Generally, §§ 20:1 to 20:11
Amended complaint, omitting defendants in, § 20:6
Commencement of trial, dismissal as matter of right before or after, §§ 20:2, 20:4
Costs, recovery by defendant, § 20:9
Effect, §§ 20:7 to 20:11
Jurisdiction of court, termination of, § 20:7
Limitations on right to voluntary dismissal, § 20:3
Matter of right, dismissal as, §§ 20:1 to 20:4
Mistaken dismissal, relief from, § 20:11
Procedure, §§ 20:5, 20:6
Sanctions, § 20:10
“With prejudice” vs. “without prejudice,” § 20:8

WAIVER OR ESTOPPEL

Attorneys, misconduct by, § 30:29
Default and default judgment, § 19:3
Demurrers, §§ 11:3, 11:25
Discovery, privilege, § 21:21
Dismissal (this index)
Expedited jury trial, post-trial motions and appeal, §§ 27:39, 27:47
Inspection demands, waiver of right to object by untimely response, § 21:136
Interrogatories, waiver of right to object by untimely response, § 21:94
Judicial Misconduct (this index)
Jury and jury trial, §§ 26:17, 26:18, 30:42
Personal jurisdiction, general appearance, § 5:4
Physical and mental examinations, personal injury cases, § 21:156
Removal to federal court, § 4:25
Requests for admission, § 21:114
Security for costs, indigent persons, § 12:49
Subject Matter Jurisdiction (this index)
Substantive amendment, § 19:3
Summary judgment and summary adjudication, objections to moving party’s evidence, § 22:44

WIFE AND HUSBAND

Parties, § 7:3

WINDING UP

Receivership, § 24:82

WITHDRAWAL

Attorneys (this index)
Exhibits, § 35:2
Expert witnesses, § 21:186
Lis pendens, § 24:103
Requests for admission, responses to, §§ 21:121, 34:16

WITNESSES

Evidence and Witnesses (this index)

INDEX

WRIT OF POSSESSION

Claim and Delivery of Personal Property (this index)

**WRITTEN QUESTIONS,
DEPOSITIONS UPON**

Generally, § 21:64

WRONGFUL DEATH ACTIONS

Default and default judgment, service of statement of damages, § 19:17

Parties, § 7:22

Statement of Damages, Request for (this index)

X-RAYS

Physical and mental examinations, § 21:150