

CALIFORNIA CIVIL PRACTICE

Procedure

**Fall 2026 Edition
Issued in October 2026**

VOLUME 1

**By
Justice Eileen C. Moore
Michael Paul Thomas**

Chapters 1 to 8



For Customer Assistance Call 1-800-328-4880

Mat #43399287

© 2026 Thomson Reuters

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA, <http://www.copyright.com>, Toll-Free US +1.855.239.3415; International +1.978.646.2600 or **Thomson Reuters Copyright Services** at 2900 Ames Crossing Rd, Suite 100, Eagan, MN 55121, USA or copyright.west@thomsonreuters.com. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

Manufactured in the United States of America

CALIFORNIA CIVIL PRACTICE
is the second edition of CAL PRACTICE

ISBN: 979-8-350-26299-5

Highlights of the Fall 2026 Edition California Civil Practice—Procedure

The Fall 2026 Edition of Procedure (California Civil Practice) includes the latest caselaw, statutory changes and updated forms pertaining to civil procedure in California. Topics treated include, among many others:

- **Judge Shopping via Blanket § 170.6 Challenges—**The California Supreme Court held in *J.O. v. Superior Court* that where a party timely objects to a Code of Civil Procedure § 170.6 peremptory challenge and makes a prima facie showing that the challenge’s proponent is lodging bad-faith “blanket” challenges against a judge, a court may look beyond the affidavit or oral statement and inquire into the legitimacy of the party’s prejudice claims. This decision directly addresses systemic abuse of the peremptory challenge process by government entities and has far-reaching implications for judicial assignment practices statewide. See section 12:25.
- **FAA “Last Mile” Transportation Worker Exemption—**The United States Supreme Court held in *Flowers Foods, Inc. v. Brock*, that a transportation worker need not personally cross state lines to be “engaged in interstate commerce” for purposes of the FAA’s transportation-worker exemption; a worker who performs only the intrastate “last mile” of an interstate delivery is exempt from compulsory arbitration of employment disputes. This substantially expands the pool of workers who can avoid mandatory arbitration, with major implications for the logistics and delivery industries. See section 26:64.
- **Loss of Supplemental Jurisdiction After Voluntary Amendment—**The United States Supreme Court held in *Royal Canin U.S.A., Inc. v. Wullschleger*, that a plaintiff’s voluntary amendment eliminating the federal-law claims that enabled removal deprives the district court of federal-question jurisdiction and, with it, supplemental jurisdiction over remaining state-law

claims, requiring remand. This resolves a significant removal/remand strategy question affecting countless mixed federal-state actions. See sections 5:11, 5:22.

- **Overhaul of Settlement Notice and Dismissal Procedures**—California Rules of Court, rule 3.1385, has been substantially rewritten to clarify the procedures governing notice of settlement and conditional settlement, requiring prompt notice to the court, parties, and any ADR neutral, and a request for dismissal within 45 days of settlement (or a specified conditional-settlement dismissal date), subject to court-ordered dismissal for noncompliance absent good cause. This rule change affects the mechanics of virtually every settled civil case in California. See section 27:39.
- **Implied Right to Litigate Despite Signed Arbitration Agreements**—The California Supreme Court held in *Fuentes v. Empire Nissan, Inc.* (2026) that when an employee has signed two arbitration agreements and one does not specify arbitration, the agreements may impliedly permit the employee to litigate in court, while also holding that small, barely legible print did not alone render the agreement substantively unconscionable. This decision creates important new guidance on interpreting multiple, potentially conflicting arbitration agreements—a common scenario in employment litigation. See section 26:66.

ABOUT THE AUTHORS

Justice Eileen C. Moore

Justice Eileen C. Moore was appointed to the Superior Court of California, County of Orange in 1989 and to the Fourth District Court of Appeal in 2000.

For the last 30 years Justice Moore has been an author for the Thomson West Civil Practice series on Procedure. For the last 13 years she has been the author of Litigation Update for the California Lawyers Association. For the last six years, she has authored monthly articles about veterans for the Daily Journal. She is also the author of two books: *Race Results* compares the treatment of African Americans by the U.S. Supreme Court and in Hollywood movies; *Gender Results* compares the treatment of gender issues by the U.S. Supreme Court and in Hollywood movies.

Justice Moore spent her nonjudicial legal career in private practice in Newport Beach. Prior to becoming a lawyer, she practiced as a registered nurse, including service as a combat nurse in Vietnam. She is a life member of Vietnam Veterans of America.

In addition to her judicial position, Justice Moore has spent the past 25 years in support of veterans, particularly those who interact with the courts and the justice system. Since 2008, when she launched it, she has chaired the Judicial Council's Veterans and Military Families Subcommittee.

Justice Moore has been presented with many awards and honors by courts, legal organizations and civic and educational groups, including the California Judges Association's Humanitarian Award in 2019. In 2020, the California Department of Veterans Affairs, CalVet, presented Justice

Moore with its trailblazer award, and in 2021, the United States Department of Veterans Affairs, the VA, presented her with its trailblazer award. In 2022, the Daughters of the American Revolution also honored her. In 2023, Justice For Vets, part of ALL RISE [fka National Assn. of Drug Court Professionals], presented her with its Hall of Fame Award.

Justice Moore is on the Veterans Justice Commission, headed by two former Secretaries of Defense, Chuck Hagel and Leon Panetta. The Commission has only 15 members and makes reports to Congress. It works toward improving the transition of military service members into civilian life in ways that avoid involvement with the criminal justice system.

Michael Paul Thomas

Michael Paul Thomas is a graduate of UC Berkeley School of Law and is widely recognized for his extensive expertise in California Civil Procedure. For over two decades, Mr. Thomas has been named in The Best Lawyers in America, universally regarded as the definitive referral guide to the nation's best legal talent; has been repeatedly named to Super Lawyers, an honor bestowed upon only 5% of California lawyers; and has received an "AV" rating by the Martindale-Hubbell Lawyers Directory, denoting the highest level of ethics and legal ability. He is also a multi-time member of the Million Dollar Advocates Forum, whose membership is limited to trial lawyers who have demonstrated exceptional skill, experience and excellence in advocacy by achieving a trial verdict, award or settlement in the amount of one million dollars or more. Mr. Thomas has been honored with a lifetime achievement award by America's Top 100 Attorneys.

In addition to his legal practice, Mr. Thomas is a well-known author and educator. He is the author of *California Civil Courtroom Handbook & Desktop Reference*; lead author of the five-volume *California Civil Practice: Torts*; coauthor of *California Premises Liability*; creator and author of The Rutter Group's *FlipLaw* legal guides and has published over 150 articles on various legal topics, including seven MCLE

ABOUT THE AUTHORS

articles for *California Lawyer Magazine*. As a law professor, he has taught courses in Civil Procedure, Lawyering Skills, and Legal Research and Writing at several Southern California law schools including Chapman University College of Law, Western State University College of Law, and Whittier Law School. He has also taught numerous continuing legal education courses and is frequently called upon to provide expert legal commentary for newspapers, radio, and television.

Mr. Thomas has served as a judge pro tem and is a CADRA certified mediator. He is a member of the Orange County Sheriff's Advisory Council and serves on the Advisory Board for Crime Survivors Inc., a crime victims' rights advocacy organization.



THOMSON REUTERS **WESTLAW**[™]

MOST PREFERRED ONLINE LEGAL RESEARCH SERVICE

Thomson Reuters Westlaw has been voted the #1 Best Online Legal Research vendor year-after-year by industry professionals. That's because we continually invest more than any other online legal research provider in our people and technology where it matters most. As a result, you find exactly what you need quickly and confidently.

- Build the strongest argument with the most comprehensive collection of legal content
- Deliver better results confidently with WestSearch®, the only search engine designed specifically for the law
- Rely on the most current version of the law with proprietary editorial enhancements
- Access your legal research anytime, anywhere with the free Westlaw apps

LEARN MORE: legal.thomsonreuters.com

SIGN ON: westlaw.com

24/7 REFERENCE ATTORNEYS: 1-800-REF-ATTY (733-2889)

THOMSON REUTERS PROVUE™

This title is one of many now available on your tablet as an eBook.

Take your research mobile. Powered by the Thomson Reuters ProView™ app, our eBooks deliver the same trusted content as your print resources, but in a compact, on-the-go format.

ProView eBooks are designed for the way you work. You can add your own notes and highlights to the text, and all of your annotations will transfer electronically to every new edition of your eBook.

You can also instantly verify primary authority with built-in links to WestlawNext® and KeyCite®, so you can be confident that you're accessing the most current and accurate information.

To find out more about ProView eBooks and available discounts, call 1-800-328-9352.