

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Lee Smalley Edmon, Chair
Case Management Subcommittee
Hon. Robert B. Freedman, Chair
Patrick O'Donnell, Supervising Attorney, 415-865-7665,
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DATE: April 11, 2007

SUBJECT: Notice of Related Case (revise form CM-015) (Action Required)

Issue Statement

The Judicial Council, effective January 1, 2007, significantly amended rule 3.300 of the California Rules of Court to provide more effective means for coordinating related cases. The optional Judicial Council form that accompanies the rule, *Notice of Related Case* (form CM-015), requires some modification to harmonize it with amended rule 3.300 and to better assist litigants, judges, and court administrators in implementing the rule.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2007, revise *Notice of Related Case* (form CM-015).

Revised form CM-015 is attached at pages 4–6.

Rationale for Recommendation

Effective January 1, 2007, the Judicial Council amended rule 3.300 of the California Rules of Court to, among other things, revise the definition of “related case”; specify the content of notices of related cases and the time for filing and serving them; and provide new procedures for courts to order cases related both within a superior court and in different superior courts.

Notice of Related Case (form CM-015) should be revised to implement the amended rule, specifically, to: (1) track the definition of “related case” under rule 3.300(a); (2) gather the requisite contents of the notice under rule 3.300(c); and (3) collect all of the

information the courts will need to determine the appropriate judicial action under rule 3.300(h).

The current *Notice of Related Case* is based on former rule 804,¹ and asks parties to supply, with respect to a related case, the title, court, case number, filing date, the “relationship to this case,” and, “[i]f the related case is pending in the same court as this case, [the reason] why the assignment of the cases to a single judge is likely to result in efficiencies.” The revised *Notice of Related Case*—like amended rule 3.300—is more extensive, and asks for additional information including the department in which a related case is pending (now required under rule 3.300(c)(2)), the case type (which bears on the appropriate judicial action under rule 3.300(h)), whether the case is complex (in which case, under rule 3.300(h)(3), rule 3.300(h)(1) does not apply), and the status of the related case (see rule 3.300(b)). In addition, rather than asking the open-ended question “why the assignment of the cases to a single judge is likely to result in efficiencies,” subpart h of the revised *Notice of Related Case* provides check boxes that accord with the definitions of “related case” in rule 3.300(a), so that parties may check the boxes that apply and attach additional explanation if necessary.

Revised form CM-015 will promote economy and efficiency by affording litigants the option of using a standard form to satisfy their obligation to quickly serve (i.e., “as soon as possible, but no later than 15 days after the facts concerning the existence of related cases become known”) and to file notices of related cases.

Revised form CM-015 also will promote economy and efficiency by providing judges and judicial administrators with the specific information required of notices of related cases in an orderly and predictable format.

Comments From Interested Parties

Revised form CM-015 was circulated for public comment during the winter cycle of 2007. Seven comments were received: six from court executives and administrators, and one from a superior court judge.² Of the seven commentators, six agreed without substantive comment on the revised form. Although one commentator expressed his opposition to the form on grounds that the “current form satisfies the court’s needs[,]” it seems clear that the rule of court on which the revised form is based has undergone substantial amendments that are not reflected in the current form.

Although no commentator spoke to this issue, on further review the committee recommends one more revision to form CM-015. Because rule 3.300(h)(3) exempts “complex” cases pending in the same court from relation under 3.300(h)(1), and although

¹ Rule 804 was renumbered and amended effective January 1, 2007.

² A chart summarizing the comments is included at pages 7–8.

complex case status is not included among the requisite contents of a notice of related case under rule 3.300(c), sections 1g, 2g and 3g of the proposed form have been inserted to collect this additional piece of information.

Alternative Actions Considered

Form CM-015 could be left unchanged. However, modifying the form to be in accord with rule 3.300 and to aid its implementation seems beneficial.

Implementation Requirements and Costs

There should be no significant implementation requirements or costs, other than making this form available to the public.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER: JUDICIAL OFFICER:
NOTICE OF RELATED CASE	DEPT.:

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title:
- b. Case number:
- c. Court: same as above
 other state or federal court *(name and address):*
- d. Department:
- e. Case type: limited civil unlimited civil probate family law other *(specify):*
- f. Filing date:
- g. Has this case been designated or determined as "complex?" Yes No
- h. Relationship of this case to the case referenced above *(check all that apply):*
 involves the same parties and is based on the same or similar claims.
 arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 involves claims against, title to, possession of, or damages to the same property.
 is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 Additional explanation is attached in attachment 1h
- i. Status of case:
 pending
 dismissed with without prejudice
 disposed of by judgment
2. a. Title:
- b. Case number:
- c. Court: same as above
 other state or federal court *(name and address):*
- d. Department:

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

2. (continued)

- e. Case type: limited civil unlimited civil probate family law other (specify):
- f. Filing date:
- g. Has this case been designated or determined as "complex?" Yes No
- h. Relationship of this case to the case referenced above (check all that apply):
 - involves the same parties and is based on the same or similar claims.
 - arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - involves claims against, title to, possession of, or damages to the same property.
 - is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - Additional explanation is attached in attachment 2h
- i. Status of case:
 - pending
 - dismissed with without prejudice
 - disposed of by judgment

3. a. Title:

b. Case number:

c. Court: same as above
 other state or federal court (name and address):

d. Department:

e. Case type: limited civil unlimited civil probate family law other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" Yes No

h. Relationship of this case to the case referenced above (check all that apply):

- involves the same parties and is based on the same or similar claims.
- arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- involves claims against, title to, possession of, or damages to the same property.
- is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- Additional explanation is attached in attachment 3h

i. Status of case:

- pending
- dismissed with without prejudice
- disposed of by judgment

4. Additional related cases are described in Attachment 4. Number of pages attached: _____

Date:

 (TYPE OR PRINT NAME OF PARTY OR ATTORNEY) ▶ _____
 (SIGNATURE OF PARTY OR ATTORNEY)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF RELATED CASE**

(NOTE: You cannot serve the Notice of Related Case if you are a party in the action. The person who served the notice must complete this proof of service. The notice must be served on all known parties in each related action or proceeding.)

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:

2. I served a copy of the *Notice of Related Case* by enclosing it in a sealed envelope with first-class postage fully prepaid and *(check one)*:

- a. deposited the sealed envelope with the United States Postal Service.
- b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Related Case* was mailed:

- a. on *(date)*:
- b. from *(city and state)*:

4. The envelope was addressed and mailed as follows:

- | | |
|---|---|
| <ul style="list-style-type: none"> a. Name of person served:
 Street address: City: State and zip code:

 b. Name of person served:
 Street address: City: State and zip code: | <ul style="list-style-type: none"> c. Name of person served:
 Street address: City: State and zip code:

 d. Name of person served:
 Street address: City: State and zip code: |
|---|---|

Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)

▶

(SIGNATURE OF DECLARANT)

W07-03
Civil Case Management: Notice of Related Case
(revise form CM-015)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Ms. Krystina Cifuentez Deputy Court Administrator III Superior Court of Kings County Hanford	A	Y	None.	No response required.
2.	Hon. David Long Judge Superior Court of Ventura County Ventura	N	Y	Current form satisfies the court's needs.	Rule 3.300 of the California Rules of Court was significantly amended effective January 1, 2007, and those amendments are not reflected in the current form CM-015.
3.	Ms. Pam Moraida Program Manager Superior Court of Solano County Fairfield	A	N	None.	No response required.
4.	Ms. Andrea Nelson Director of Operations Superior Court of Butte County Oroville	A	N	None.	No response required.
5.	Mr. Mike Roddy Executive Officer Superior Court of San Diego County	A	Y	None.	No response required.

W07-03
Civil Case Management: Notice of Related Case
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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	San Diego				
6.	Mr. Ben Stough Court Executive Officer Superior Court of Mendocino County Ukiah	A	N	None.	No response required.
7.	Ms. Debra Meyers Chief of Staff Counsel Superior Court San Bernadino County	A	Y	This proposal merely revises form CM-015 to conform to the requirements of Rule 3.300 for collection of information regarding related cases.	No response required.