

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Elihu Berle, Chair
Susan R. Goins, Counsel, Complex Litigation Subcommittee,
415-865-7990, susan.goins@jud.ca.gov

DATE: September 23, 2004

SUBJECT: Rules for Coordination of Complex Civil Actions (amend Cal. Rules of Court, rules 1501–1529 and 1540–1550, and adopt new rules 1530–1532) (Action Required)

Issue Statement

The rules for coordination of complex civil cases require amendment to address the objectives of (1) reducing the time required for assignment of a coordination trial judge and for each interim step in the process, (2) providing for fair and efficient handling of coordination petitions and add-on cases,¹ and (3) addressing the common misperception that cases are usually coordinated in the location requested by the petitioner even when it is not the most appropriate site.

In addition, some of the rules require amendment to make them consistent with the language of the statutes governing coordination. Finally, the rules should be amended to update and clarify their language and make their format consistent with more recently adopted rules. The proposal includes three new rules.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2005, amend rules 1501–1529 and 1540–1550 of the California Rules of Court, and adopt rules 1530–1532 for coordination of complex actions in order to increase the efficiency and fairness in processing these cases, to make certain rules more consistent with relevant statutes and to make other technical

¹ An add-on case is defined as an action that is proposed for coordination, under Code of Civil Procedure section 404.4, with actions previously ordered coordinated. (See Cal. Rules of Court, rule 1501(2) herein.)

changes. The text of amended rules 1501–1529 and 1540–1550 and new rules 1530–1532 is attached at pages 8–33.

Rationale for Recommendation

The coordination rules were adopted in 1974 and most of them have never been amended. The rules need amendment to further the fair and efficient handling of coordination proceedings.

In 1999, in its final report to the Judicial Council, the Complex Civil Litigation Task Force recommended that the Judicial Council charge the Civil and Small Claims Advisory Committee with responsibility for “making recommendations to the council on ways to improve efficient and fair practices for coordinating complex civil cases pending in different counties, including possible review of petitions for coordination by a panel of judges and transfer of cases to counties with complex civil litigation centers.” (Task Force Report at p. 19.) After considering these issues, in January 2002, the committee recommended against creating a panel of judges to review petitions, believing that it would be inefficient, would likely increase delay in deciding petitions, would be less streamlined, and would require additional administrative support. The committee also recommended against transfer of complex cases only to certain courts with complex litigation centers, believing that there was no need to change the current practice of assigning cases to an appropriate court based on the circumstances of the cases. The committee determined instead that certain changes to the rules themselves were needed.

The proposal includes the following changes to coordination procedures in amended and new rules:

- Clarifies the rule permitting a motion for a stay, including eliminating the provision that automatically terminates a stay order depending on the circumstances in which the stay order was issued (rule 1514(g));
- Requires the petitioner, if the petitioner is a plaintiff, to declare whether the petitioner’s attorney has served the summons and complaint on all parties in all included actions in which the attorney has appeared (rule 1521(a)(3));
- Requires the petitioner to declare that the petitioner knows of no actions that share a common question of fact or law other than the actions included in the petition, unless the petitioner has listed actions sharing a common question of fact or law and explained why they are not included (rule 1521(a)(5));
- Permits the coordination motion judge to hear multiple petitions for coordination that include actions sharing a common question of law or fact at

the same hearing and to continue the hearing date on the first petition no more than 30 days in order to do so (rule 1527(a));

- Requires a party to give notice of any potential add-on cases and permits potential add-on cases to be deemed included actions for purposes of the hearing on a petition for coordination (rule 1531);
- Permits the Chair of the Judicial Council to assign a petition for coordination of cases that share a common question of fact or law with cases already coordinated to the trial judge for the existing coordinated cases, to decide the petition as a request to coordinate an add-on case (rule 1532)(a); and
- Requires the coordination motion judge, if the petition for coordination is granted, to recommend a particular court for the site of the coordination proceedings, taking into account relevant factors (rule 1530).

Alternative Actions Considered

The rules could remain unchanged. However, without amendment, some of the rules lack clarity and three of the rules are not entirely consistent with corresponding statutes.² In addition, the proposed new rules are intended to help reduce the amount of time spent adjudicating coordination petitions so that, when appropriate, cases are assigned to a coordination motion judge as soon as possible. For the reasons set forth above, the committee declined recommending establishment of a panel of judges to review petitions and limiting the transfer of cases to courts with complex litigation centers.

Comments From Interested Parties

The proposal was circulated for public comment to the normal RUPRO circulation from April 5 to June 4, 2004. Four individuals or groups responded to the invitation to comment: the State Bar of California Committee on Administration of Justice (CAJ), a local bar association, and two complex litigation judges.³ All agreed with the proposed amendments and the new rules, and suggested some modifications.

Implementation Requirements and Costs

The proposal will not result in any costs.

² They are rule 1505, addressing appellate review, and rules 1524 and 1540, governing assignment of the coordination motion judge and coordination trial judge, respectively.

³ A chart summarizing the comments is attached at pages 34–37.

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In addition, some of the rules require amendment to make them consistent with the language of the statutes governing coordination. Finally, the rules should be amended to update and clarify their language and make their format consistent with more recently adopted rules. The proposal includes three new rules.

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coordinating complex civil cases pending in different counties, including possible review of petitions for coordination by a panel of judges and transfer of cases to counties with complex civil litigation centers.” (Task Force Report at p. 19.) After considering these issues, in January 2002, the committee recommended against creating a panel of judges to review petitions, believing that it would be inefficient, would likely increase delay in deciding petitions, would be less streamlined, and would require additional administrative support. The committee also recommended against transfer of complex cases only to certain courts with complex litigation centers, believing that there was no need to change the current practice of assigning cases to an appropriate court based on the circumstances of the cases. The committee determined instead that certain changes to the rules themselves were needed.

Alternative Actions Considered

The rules could remain unchanged. However, without amendment, some of the rules lack clarity and three of the rules are not entirely consistent with corresponding statutes.² In addition, the proposed new rules are intended to help reduce the amount of time spent adjudicating coordination petitions so that, when appropriate, cases are assigned to a coordination motion judge as soon as possible.

The committee considered an alternative version of proposed new rule 1532, which explicitly provides that a petition for coordination may be treated as a request to coordinate an add-on case under rule 1544 if the petition includes actions that share a common question of law or fact with cases already coordinated. The committee considered proposing a rule that would have allowed the coordination trial judge assigned to the existing coordination proceeding to determine whether coordination with the existing proceeding was appropriate (i.e., coordination as add-on cases) and, if not, whether coordination in a new coordination proceeding was appropriate. This however, would have created a dual role for the judge. It would have put the judge in a position of being first, a coordination trial judge, and then a coordination motion judge. This would have deviated from the ordinary procedure used in assigning a coordination motion judge under Code of Civil Procedure section 404 and rule 1524 and would have created questions about a party’s right to challenge the judge under Code of Civil Procedure section 170.6 and rule 1515. The committee therefore recommends adoption of proposed new rule 1532, which authorizes the Chair of the Judicial Council (chair) to treat a petition for coordination that includes actions sharing a common question of law or fact with cases already coordinated as a request to coordinate an add-on case, and to assign the petition to the coordination trial judge. If the coordination trial judge determines that coordination as an add-on case is not appropriate, the proposed rule authorizes the chair to assign the petition to a coordination motion judge under Code of Civil Procedure section 404 and rule 1524.

² They are rule 1505, addressing appellate review, and rules 1524 and 1540, governing assignment of the coordination motion judge and coordination trial judge, respectively.

Comments From Interested Parties

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Rule 1503

CAJ commented that the provision in existing rule 1503, which it describes as allowing a party to petition the chair to extend or shorten the time within which an act is permitted or required when a coordination motion judge has not yet been assigned, should not be eliminated from the rule. CAJ pointed out that a party could be without “a remedy” if there were no judge to whom such a request could be directed.

CAJ misconstrued this rule and the amendment. The current rule does not allow a party to petition the chair to extend or shorten the time to do an act. Only the assigned judge may shorten or extend the time to do an act. If there is no assigned judge, the current rule provides that the *application* shall be submitted to the chair. But under both the current and amended rule, the assigned judge decides the application. If there is no assigned judge, a party may seek relief in the trial court in which the action was filed. After a petition for coordination has been granted and before coordination trial judge has been assigned, the coordination motion judge may make any necessary orders. (Cal. Rules of Court, rule 1529(c).) The committee therefore recommends amending the rule, since the amendment does not eliminate a party’s ability to seek an extension or shortening of time to do an act.

Rule 1505

A judge commented that existing rule 1505, governing appellate review, refers only to a petition for a writ. Because the statute governing appellate review of coordination proceedings (Code Civ. Proc., § 404.2) is not limited to appellate jurisdiction for writs and because there are no restrictions on the right to appeal an action in a coordination proceeding, the committee recommends amending the rule to require the coordination motion judge to select the court having appellate jurisdiction of the coordinated actions. The proposed amended rule has been modified accordingly.

Rule 1506

CAJ and a judge commentator believe that the proposed amended rule should not eliminate a party’s ability to request individual notice when there is liaison counsel. The committee agrees and this provision has been reinstated in accordance with the comments.

³ A chart summarizing the comments is attached at pages 34–37.

Rule 1512

CAJ believes that rule 1512, the rule pertaining to service of motions filed in coordination proceedings, should be governed by the timing provisions of Code of Civil Procedure section 1005, the statute governing most civil motions. That statute has been amended, effective January 1, 2005, and, as suggested by CAJ, the committee recommends that the amended coordination rule have the same timing provisions as the amended statute. Accordingly, amended rules 1525 and 1526 provide and responses in support of or opposition to a petition for coordination must be submitted or filed and served at least nine court days before a hearing. Proposed amended rule 1512 requires all responsive papers to be filed at least nine calendar days before a hearing.⁴

Rule 1514

CAJ suggested that the provisions permitting a party to move to terminate a stay (rule 1514(g)) be changed to limit that right only to a party that is subject to the stay order. This limitation was intended and the rule has been changed accordingly.

Rule 1527

A judge questioned the proposed amendment requiring that the coordination motion judge must, within 30 days of assignment, set a hearing on the petition. (The actual hearing need not occur within 30 days of the judge's assignment.) This provision was intended to reduce the time from filing a coordination petition to hearing on the petition. Initially, the committee proposed requiring that the hearing be set for a date within 30 days of assignment, but concluded that this would be impracticable. The committee recommends adoption of the amended rule.

Rule 1531 potential add-on case

CAJ endorsed the proposed new rule permitting potential add-on cases to be deemed included actions for purposes of the hearing on a coordination petition. It believes, however, that the rule should authorize a procedure and set timing for the parties to brief their positions prior to the hearing on the petition for coordination if they are unable to stipulate that potential add-on cases should be considered included actions.

The committee recommends no change to this new rule because the rule is intended to streamline procedures by having potential add-on cases considered at the hearing on the petition rather than at another time. Allowing briefing on the issue of whether to

⁴ Certain other coordination rules with provisions addressing the timing of filing remain unchanged. They are rule 1514(d) (opposition to a motion for a stay must be filed 10 days after service of the motion), rule 1515 (challenge to the assigned judge must be made within 20 days after service of the order assigning the judge), rule 1543(b) (objection to transfer requires 10 days' written notice), and rule 1544 (notice of opposition to request to coordinate add-on cases must be served within 10 days after the notice of request, and memorandum in opposition must be served and submitted within 15 days after the notice of opposition).

consider potential add-on cases as included actions would likely require additional time and an additional hearing, delaying resolution of the petition for coordination and thereby eliminating any benefit created by this new rule.

It is not necessary to allow briefing on whether a potential add-on case should be deemed an included action because the issue of its commonality with included actions will be addressed by briefing on the petition for coordination. Before ordering a potential add-on case to be coordinated, a coordination motion judge must find that the case has sufficient commonality with included actions listed in the petition for coordination. Code of Civil Procedure section 404.1 requires a coordination motion judge to determine whether the common question of law or fact shared by the included actions “is predominating and significant to the litigation.” Additionally, a party to a potential add-on case that is deemed an included action may submit a response in opposition or support of a petition for coordination. (See Cal. Rules of Court, rules 1525 and rule 1526.)

Rule 1532

This new rule would permit a petition to coordinate to be treated as a request to coordinate add-on cases if there are existing coordination proceedings involving the same litigation.⁵ If a petition to coordinate lists included actions that share a common question of law or fact with cases already ordered coordinated, this rule authorizes the Chair of the Judicial Council to assign the petition to the coordination trial judge assigned to the existing coordination proceedings to determine whether the actions should be coordinated with the existing proceedings.

CAJ endorsed this new rule but suggested that (e) be revised to clarify that if the coordination trial judge denies the petition, the actions will not be coordinated in the *existing* proceeding, but a coordination motion judge may determine that coordination is appropriate as a *separate* coordination proceeding. CAJ believes the text of the proposal suggests that parties have a second chance to seek coordination with cases already coordinated, i.e., as add-on cases.

The additional language is not necessary because a party whose petition for coordination is subject to this rule would not be seeking coordination with cases already coordinated. The rule applies to a situation in which a party seeks coordination of actions *in a separate proceeding* and allows the petition to be

⁵ A request to coordinate an add-on case is governed by rule 1544 (“A request to coordinate an add-on case must comply with the requirements of rules 1520 through 1523, except that the request must be submitted to the coordination trial judge under section 404.4 of the Code of Civil Procedure”). On occasion, however, even though coordination proceedings are established, a petitioner will file a petition to coordinate without referring to or acknowledging the existing proceedings.

considered as one seeking coordination in the existing proceeding. The committee therefore did not modify this rule in response to comments.

Other proposed amendments—rules 1524 and 1540

Rules 1524 and 1540 should be amended to make them fully consistent with the corresponding statutes, Code of Civil Procedure sections 404 and 404.3. The proposed amendments to rules 1524 and 1540 are technical amendments that do not require public circulation. Accordingly, no comments were solicited and none received on these changes.

Code of Civil Procedure section 404, which governs the coordination motion judge assignment, provides that the Chair of the Judicial Council “may assign a judge to determine whether the actions are complex, and if so, whether coordination of the actions is appropriate, or . . . may authorize the presiding judge of a court to assign the matter to judicial officers of the court to make the determination in the same manner as assignments are made in other civil cases.” Existing rule 1524, however, refers only to an order by the chair “assigning a coordination motion judge,” and not to an order authorizing a presiding judge to make the assignment.

Code of Civil Procedure section 404.3, which governs the coordination trial judge assignment, provides that the Chair of the Judicial Council “shall either assign a judge to hear and determine the actions in the site or sites the assigned judge finds appropriate or authorize the presiding judge of a court to assign the matter to judicial officers of the court in the same manner as assignments are made in other civil cases.” Similar to rule 1524, existing rule 1540 authorizes the chair only to “assign a coordination trial judge to hear and determine the coordinated actions as provided by section 404.3 of the Code of Civil Procedure.”

Under current practice, the orders addressing assignment of the motion and trial judges typically authorize the presiding judge to assign a judge from the presiding judge’s court to be the coordination motion judge and the coordination trial judge.⁶ This procedure allows for assignment of another judge, if the first-assigned judge is properly challenged, without the need for an additional assignment order from the Chair of the Judicial Council. The committee recommends amending rules 1524 and 1540 to conform to the statutes and allow for consistent practice.

Implementation Requirements and Costs

The proposal will not result in any costs.

⁶ In the Superior Court of Los Angeles County, the presiding judge has delegated authority to assign the motion judge to the managing judge of the complex litigation program and, therefore, the order to the Los Angeles court typically authorizes the managing judge of the complex litigation program to assign the motion judge. Each time a new presiding judge is named in Los Angeles, AOC coordination staff determines whether the new presiding judge wishes to continue with the delegation.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2005, amend rules 1501–1529 and 1540–1550 of the California Rules of Court, and adopt rules 1530–1532 for coordination of complex actions in order to increase efficiency and fairness in processing these cases to make certain rules more consistent with relevant statutes, and to make other technical changes. The text of amended rules 1501–1529 and 1540–1550 and new rules 1530–1532 is attached at pages 8–33.

Attachments

Effective January 1, 2005, rules 1501 to 1529 and 1540 to 1550 of the California Rules of Court are amended, and rules 1530 to 1532 adopted, to read:

1 **Rule 1501. Definitions**

2
3 As used in ~~these rules~~ this chapter, unless the context or subject matter
4 otherwise requires:

5
6 ~~(a)~~(1) “Action” means any civil action or proceeding that is subject to
7 coordination or affecting an action ~~that is~~ subject to
8 coordination.

9
10 ~~(b)~~(2) “Add-on case” means an action that is proposed for
11 coordination, ~~pursuant to~~ under Code of Civil Procedure
12 ~~section 404.4 of the Code of Civil Procedure~~, with actions
13 previously ordered coordinated.

14
15 ~~(c)~~(3) “Assigned judge” means any judge assigned by the Chairman
16 of the Judicial Council or by a presiding judge authorized by
17 the Chair of the Judicial Council to assign a judge pursuant to
18 under Code of Civil Procedure section 404 or 404.3 of the Code
19 ~~of Civil Procedure~~, including a “coordination motion judge”
20 and a “coordination trial judge.”

21
22 ~~(d)~~(4) “Clerk,” unless otherwise indicated, means any person
23 designated by an assigned judge to perform any clerical duties
24 ~~in accordance with these rules~~ required by the rules in this
25 chapter.

26
27 ~~(e)~~(5) “Coordinated action” means any action that has been ordered
28 coordinated with one or more other actions ~~pursuant to~~ under
29 chapter 2 3 (commencing with section 404) of title 4 of part 2
30 of the Code of Civil Procedure and the rules in this chapter
31 ~~pursuant to these rules~~.

32
33 ~~(f)~~(6) “Coordination attorney” means an attorney in the
34 Administrative Office of the Courts appointed by the Chairman
35 of the Judicial Council to perform such administrative functions
36 as may be appropriate under ~~these~~ the rules in this chapter,
37 including but not limited to the functions described in rules
38 1524 and 1550.

39
40 ~~(g)~~(7) “Coordination motion judge” means an assigned judge
41 designated ~~pursuant to~~ under Code of Civil Procedure section

1 404 of the Code of Civil Procedure to determine whether
2 coordination is appropriate.
3

4 ~~(h)~~(8) “Coordination proceeding” means any procedure authorized by
5 chapter ~~2~~ 3 (commencing with section 404) of title 4 of part 2
6 of the Code of Civil Procedure and by ~~these~~ the rules in this
7 chapter.
8

9 ~~(i)~~(9) “Coordination trial judge” means an assigned judge designated
10 ~~pursuant to~~ under Code of Civil Procedure section 404.3 ~~of the~~
11 ~~Code of Civil Procedure~~ to hear and determine coordinated
12 actions.
13

14 ~~(j)~~(10) “Expenses” means all necessary costs that are reimbursable
15 under Code of Civil Procedure section 404.8 ~~of the Code of~~
16 ~~Civil Procedure~~, including the compensation of the assigned
17 judge and other necessary judicial officers and employees, the
18 costs of any necessary travel and subsistence determined
19 ~~pursuant to~~ under rules of the State Board of Control, and all
20 necessarily incurred costs of facilities, supplies, materials, and
21 telephone and mailing expenses.
22

23 ~~(k)~~(11) “Included action” means any action or proceeding included in a
24 petition for coordination.
25

26 ~~(l)~~(12) “Liaison counsel” means an attorney of record for a party to an
27 included action or a coordinated action who has been appointed
28 by an assigned judge to serve as representative of all parties on
29 a side with the following powers and duties, as appropriate:
30

31 ~~(1)~~(A) To receive on behalf of and promptly distribute to the
32 parties for whom he or she acts all notices and other
33 documents from the court;
34

35 ~~(2)~~(B) To act as spokesmanperson for the side ~~which~~ that he or
36 she represents at all proceedings set on notice before trial,
37 subject to the right of each party to present individual or
38 divergent positions; and
39

40 ~~(3)~~(C) To call meetings of counsel for the purpose of proposing
41 joint action.
42

43 ~~(m)~~(13) “Party” includes all parties to all included actions or
44 coordinated actions, and the word “party,” “petitioner,” or any

1 other designation of a party includes ~~such~~ that party's attorney
2 of record. When a notice or other paper is required to be given
3 or served on a party, ~~such~~ the notice or paper shall must be
4 given to or served on ~~his~~ the party's attorney of record, if any.
5

6 ~~(n)~~(14) "Petition for coordination" means any petition, motion,
7 application, or request for coordination of actions submitted to
8 the Chairman of the Judicial Council or to a coordination trial
9 judge ~~pursuant to~~ under rule 1544.
10

11 ~~(o)~~(15) "Remand" means to ~~remove~~ return a coordinated action or a
12 severable claim or issue in ~~that~~ a coordinated action from a
13 coordination proceeding ~~and to return that action or claim or~~
14 ~~issue~~ to the court in which the action was pending at the time
15 the coordination of that action was ordered. If a remanded
16 action or claim had been transferred by the coordination trial
17 judge under rule 1543 from the court in which ~~such action~~ the
18 remanded action or claim was pending, the remand ~~shall~~ must
19 include the retransfer of ~~the~~ that action or claim to that court.
20

21 ~~(p)~~(16) "Serve and file" means that a paper filed in a court ~~is to~~ must be
22 accompanied by proof of prior service ~~in a manner permitted by~~
23 ~~law~~ of a copy of the paper on each party required to be served
24 under ~~these~~ the rules in this chapter.
25

26 ~~(q)~~(17) "Serve and submit" means that a paper to be submitted to an
27 assigned judge ~~pursuant to these~~ under the rules in this chapter
28 ~~is to~~ must be ~~transmitted~~ submitted to that judge at a designated
29 court address. Every paper so submitted must be accompanied
30 by proof of prior service on each party required to be served
31 under ~~these~~ the rules in this chapter. If there is no assigned
32 judge, or if the paper is of a type included in rule 1511(a), such
33 the paper shall must be ~~transmitted~~ submitted to the Chairman
34 of the Judicial Council.
35

36 ~~(r)~~(18) "Side" means all parties to an included or a coordinated action
37 who have a common or substantially similar interest in the
38 issues, as determined by the assigned judge for the purpose of
39 appointing ~~any~~ liaison counsel, or of allotting preemptory
40 challenges in jury selection, or for any other appropriate
41 purpose. Except as defined in rule 1515, a side may include
42 less than all plaintiffs or all defendants.
43

1 ~~(s)~~(19) “Transfer” means to remove a coordinated action or severable
2 claim in that action from the court in which it is pending to any
3 other court ~~pursuant to~~ under rule 1543, without removing ~~such~~
4 the action or claim from the coordination proceeding. ~~The term~~
5 “Transfer” includes “retransfer.”
6

7 **Rule ~~1501.1~~ 1502. Complex case—definition determination**
8

9 The court must consider rule 1800 et seq. in determining whether a case is or
10 is not a complex case within the meaning of Code of Civil Procedure sections
11 403 and 404, ~~the court shall consider rule 1800 et seq. of the California~~
12 Rules of Court.
13

14 **~~Rule 1502. Construction of terms~~**
15

16 ~~(a) “Shall” is mandatory, and “may” is permissive.~~
17

18 ~~(b) The past, present and future tenses shall each include the others.~~
19

20 ~~(c) The singular and plural shall each include the other.~~
21

22 ~~(d) Rule headings do not in any manner affect the scope, meaning, or intent~~
23 ~~of the provisions of these rules.~~
24

25 ~~(e) All section references in these rules are to the Code of Civil Procedure~~
26 ~~unless otherwise specified.~~
27

28 **Rule 1503. Requests for extensions of time or to shorten time**
29

30 **(a) [Assigned judge may grant request]** The assigned judge, on terms
31 that are just, may shorten or extend the time within which any act is
32 permitted or required to be done by a party ~~may be shortened or~~
33 ~~extended by the assigned judge upon such terms as may be just.~~ Unless
34 otherwise ordered, any motion or application for an extension of time to
35 perform an act required by these rules ~~shall~~ must be served and
36 submitted in accordance with rule 1501(17).
37

38 **(b) [Stipulation requires consent of assigned judge]** ~~No~~ A stipulation for
39 an extension of time for the filing and service of documents required by
40 these the rules in this chapter shall be allowed unless consented to by
41 requires approval of the assigned judge. ~~If there is no assigned judge,~~
42 ~~an application for an extension of time shall be submitted to the~~
43 ~~Chairman of the Judicial Council in accordance with rule 1511.~~
44

1 **(c) [Extension does not extend time for bringing action to trial]**
2 Nothing in this rule extends the time within which a party must bring an
3 action to trial under Code of Civil Procedure section 583.310.
4

5 **Rule 1504. General law applicable**
6

7 **(a) [General law applicable]** Except as otherwise provided in ~~these the~~ the
8 rules in this chapter, all provisions of law applicable to civil actions
9 generally apply ~~regardless of nomenclature~~ to an action included in a
10 coordination proceeding ~~if they would otherwise apply to such action~~
11 ~~without reference to this rule.~~

12
13 **(b) [Rules prevail over conflicting general provisions of law]** To the
14 extent that ~~these the~~ rules in this chapter conflict with ~~such~~ provisions of
15 law applicable to civil actions generally, the rules in this chapter ~~shall~~
16 prevail, as provided under Code of Civil Procedure section 404.7 ~~of the~~
17 Code of Civil Procedure.
18

19 **(b)(c) [Manner of proceeding may be prescribed by assigned judge]** If
20 the manner of proceeding is not prescribed by chapter ~~2~~ 3
21 (commencing with section 404) of title 4 of part 2 of the Code of
22 Civil Procedure or by ~~these the~~ the rules in this chapter, or if the
23 prescribed manner of proceeding cannot, with reasonable diligence,
24 be followed in a particular coordination proceeding, the assigned
25 judge may prescribe any suitable manner of proceeding that appears
26 most ~~conformable to such~~ consistent with those statutes and rules.
27

28 **(e)(d) [Specification of applicable local rules]** At the beginning of a
29 coordination proceeding, the assigned judge ~~shall~~ must specify,
30 subject to rule 981.1, any local court rules to be followed in that
31 proceeding, and thereafter all parties ~~shall~~ must comply with ~~such~~
32 those rules. Except as otherwise provided in ~~these the~~ the rules in this
33 chapter or as directed by the assigned judge, the local rules of the
34 court designated in the order appointing the assigned judge ~~shall~~
35 apply in all respects if they would otherwise apply without reference
36 to ~~these the~~ the rules in this chapter.
37

38 **Rule 1505. Appellate review**
39

40 **(a) [Coordination order to specify reviewing court]** If the actions to be
41 coordinated are within the jurisdiction of more than one reviewing
42 court, ~~an~~ the coordination motion judge must select and the order
43 granting a petition for coordination ~~shall~~ must specify, in accordance

1 with Code of Civil Procedure section 404.2 of the Code of Civil
2 Procedure, the court in which any petition for a writ relating to any
3 subsequent order in that coordination proceeding shall be filed having
4 appellate jurisdiction of the coordinated actions.
5

- 6 **(b) [Court for review of order granting or denying coordination]** A
7 petition for a writ relating to an order granting or denying coordination
8 may be filed, subject to the provisions of rule ~~20~~ 47.1, in any reviewing
9 court having jurisdiction under the rules applicable to civil actions
10 generally.
11

12 **Rule 1506. Liaison counsel**
13

- 14 **(a) [Selection and appointment]** An assigned judge may at any time
15 request that the parties on each side of the included or coordinated
16 actions ~~to~~ select one or more of the attorneys of record on that side ~~to be~~
17 appointed for appointment as liaison counsel, and may appoint such
18 liaison counsel if the parties are unable to agree.
19

- 20 **(b) [Duration of appointment by coordination motion judge]** Unless
21 otherwise stipulated to or directed by an assigned judge, the
22 appointment of a liaison counsel by a coordination motion judge ~~shall~~
23 terminates upon the final determination of the issue whether
24 coordination is appropriate. For good cause shown, the coordination
25 motion judge, on ~~his~~ the court's own motion or on the motion of any
26 party, may remove such previously appointed counsel as liaison
27 counsel.
28

- 29 **(b)(c) [Service on party that has requested special notice]** Except as
30 otherwise directed by the assigned judge, any party who has made a
31 written request for special notice ~~shall~~ must be served with a copy of
32 any document thereafter served on the party's liaison counsel.
33

34 **Chapter 2. Procedural Rules Applicable to All Procedures for Complex**
35 **Coordination Proceedings**
36

37 **Rule 1510. Service of papers**
38

- 39 **(a) [Proof of service]** Except as otherwise provided in ~~these~~ the rules in
40 this chapter, all papers filed or submitted ~~under these rules shall~~ must be
41 accompanied by proof of prior service on all other parties to the
42 coordination proceeding, including all parties appearing in all included

1 actions and coordinated actions. Service and proof of such service shall
2 must be made as provided for in civil actions generally.

3
4 **(b) [Service on liaison counsel]** Except as provided in rule 1506(b), any
5 party for whom liaison counsel has been designated may be served by
6 serving the liaison counsel.

7
8 **(c) [Effect of failure to serve]** Failure to serve any defendant with a copy
9 of the summons and of the complaint, or failure to serve any party with
10 any other paper or order as required by ~~these~~ the rules in this chapter,
11 ~~shall~~ will not preclude the coordination of the actions, but ~~such~~ the
12 unserved defendant or party may assert ~~such~~ the failure to serve ~~him~~ as
13 a basis for appropriate relief.

14 15 **Rule 1511. Papers to be submitted to Chairman of the Judicial Council**

16
17 ~~A copy of every petition, notice of submission of petition for coordination,~~
18 ~~notice of opposition, application for stay order, stay order, notice of hearing~~
19 ~~on a petition, order granting or denying coordination, order of remand, order~~
20 ~~of transfer, and of every order terminating a coordination proceeding in~~
21 ~~whole or in part shall be transmitted to the Chairman of the Judicial Council.~~
22 ~~Any document required to be submitted to the Chairman of the Judicial~~
23 ~~Council shall be submitted in duplicate unless such document is accompanied~~
24 ~~by proof of submission of the original or a copy thereof to the assigned judge.~~
25 ~~All papers submitted to the Chairman of the Judicial Council under these~~
26 ~~rules shall be transmitted to the San Francisco office of the Judicial Council.~~

27
28 **(a) [Types of papers]** A copy of the following papers must be submitted to
29 the Chair of the Judicial Council at the Judicial Council's San Francisco
30 office:

- 31
32 (1) Petition for coordination, including a petition for coordination of
33 add-on cases;
34 (2) Notice of submission of petition for coordination, along with the
35 caption page of the original action;
36 (3) Order assigning coordination motion judge, if made by a presiding
37 judge;
38 (4) Order assigning coordination trial judge, if made by a presiding
39 judge;
40 (5) Notice of opposition;
41 (6) Response in opposition to or in support of a petition for
42 coordination;
43 (7) Motion for stay order;

- 1 (8) Notice of hearing on petition;
- 2 (9) Order granting or denying coordination, including coordination of
- 3 add-on cases;
- 4 (10) Order of remand;
- 5 (11) Order of transfer;
- 6 (12) Order terminating a coordination proceeding in whole or in part;
- 7 (13) Order dismissing an included or coordinated action;
- 8 (14) Notice of appeal; and
- 9 (15) Notice of disposition of appeal.

10

11 **(b) [Obligation of party]** The papers listed in (a) are to be submitted by

12 the party that filed or submitted and served the papers or that was

13 directed to give notice of entry of the order. Notice of submission must

14 be filed with the court as part of the proof of service.

15

16 **Rule 1512. ~~Points and authorities~~ Service of memorandums and affidavits**

17 **declarations**

18

19 Unless otherwise provided in ~~these~~ the rules in this chapter or directed by the

20 assigned judge, all memorandaums ~~of points and authorities~~ and affidavits

21 declarations in support of or opposition to any petition, motion, or

22 application ~~shall~~ must be served and submitted ~~not later than~~ at least five nine

23 calendar days prior to before any hearing ~~upon~~ the matter at issue.

24

25 **Rule 1513. Evidence presented at court hearings**

26

27 All factual matters to be heard on any petition for coordination, or on any

28 other petition, motion, or application under ~~these~~ the rules in this chapter,

29 ~~shall~~ must be initially presented and heard ~~upon~~ affidavits declarations,

30 answers to interrogatories or requests for admissions, depositions, or matters

31 judicially noticed. Oral testimony ~~shall~~ will not be permitted at a hearing

32 except as the assigned judge may permit to resolve factual issues shown by

33 the affidavits declarations, responses to discovery, or matters judicially

34 noticed to be in dispute. ~~Except as otherwise permitted by the assigned judge~~

35 ~~for good cause shown,~~ Only the parties who that have submitted a petition, or

36 motion ~~or application~~, or a written response or opposition to such a petition,

37 or motion or application, shall will be permitted to appear at the hearing

38 thereon, except the assigned judge may permit other parties to appear, on a

39 showing of good cause.

40

41

1 **Rule 1514. Stay Motions and orders for a stay**

2
3 (a) **[Motion for stay]** ~~An application to an assigned judge~~ Any party may
4 file a motion for an order pursuant to under Code of Civil Procedure
5 section 404.5 of the Code of Civil Procedure staying the proceedings in
6 any action being considered for, or affecting an action being considered
7 for, coordination, or the court may stay the proceedings on its own
8 motion. The motion for a stay may be included with a petition for
9 coordination or may be served and submitted to the Chair of the Judicial
10 Council and the coordination motion judge by any party at any time
11 prior to the determination of such the petition.

12
13 (b) **[Contents of motion]** ~~An application~~ motion for a stay order ~~or~~
14 ~~opposition to such application shall~~ must:

15
16 (1) List all known pending related cases pending in any California
17 court; and shall

18
19 (2) State whether the stay order should extend to any such related
20 case; and

21
22 (3) ~~An application for a stay order shall~~ Be supported by a
23 memorandum of points and authorities and by affidavits
24 declarations establishing the facts relied upon to show that a stay
25 order is necessary and appropriate to effectuate the purposes of
26 coordination.

27
28 (c) **[Service requirements for certain motions for stay orders]** If the
29 action to be stayed is not included in the petition for coordination ~~or~~ any
30 response to that petition, copies of the application motion for a stay
31 order and of all supporting documents shall must be served upon on
32 each party to the action to be stayed and any such party may serve and
33 submit opposition to the application motion for a stay order.

34
35 (d) **[Opposition to motion for stay order]** Any ~~points and authorities~~
36 memorandums and affidavits declarations in opposition to an
37 application motion for a stay order shall must be served and submitted
38 within 10 days after the service of such application the motion.

39
40 (e) **[Hearing on motion for stay order]** ~~and the assigned judge may~~
41 schedule a hearing to determine whether the stay order shall issue. A
42 stay order may be issued with or without a hearing. A party filing a
43 motion for a stay order or opposition thereto may request a hearing to

1 determine whether the stay order should be granted. A request for
2 hearing should be made at the time the requesting party files the motion
3 or opposition. If the coordination motion judge grants the request for a
4 hearing, the requesting party must provide notice.
5

6 **(e)(f) [Determination of motion for stay order]** In ruling upon an
7 application motion for a stay order, the assigned judge shall must
8 determine whether the stay will promote the ends of justice,
9 considering the imminence of any trial or other proceeding that
10 might materially affect the status of the action to be stayed, and
11 whether a final judgment in that action would have a res judicata or
12 collateral estoppel effect with regard to any common issue of the
13 included actions.
14

15 **(b)(g) [Issuance of stay order and termination of stay]** Any stay order
16 ~~issued without a hearing over the prior written objection of a party to~~
17 ~~the action stayed by such order shall terminate on the 30th day~~
18 ~~following filing of the stay order. A stay order issued in the absence~~
19 ~~of any timely written objection and without a hearing shall terminate~~
20 ~~on the 30th day following the submission by any party to the action~~
21 ~~stayed by such order of a written request for a hearing to determine~~
22 ~~whether the stay order shall remain in effect. Notice of a hearing to~~
23 ~~determine whether a stay order should be granted or terminated shall~~
24 ~~be prepared and served at the direction of the coordination motion~~
25 ~~judge. For good cause shown at such hearing, the judge may order~~
26 ~~the stay granted or extended pending determination of the petition~~
27 ~~for coordination. If a stay order is issued, the party that requested the~~
28 ~~stay must serve and file a copy of the order in each included action~~
29 ~~that is stayed. Thirty or more days following issuance of the stay~~
30 ~~order, any party that is subject to the stay order may move to~~
31 ~~terminate the stay.~~
32

33 **(e)(h) [Effect of stay order]** Unless otherwise specified in the stay order,
34 a stay order suspends all proceedings in the action to which it
35 applies. A stay order may be limited by its terms to specified
36 proceedings, orders, motions, or other phases of the action to which
37 the stay order applies.
38

39 **(d)(i) [Effect of absence of stay order]** In the absence of a stay order, a
40 court receiving an order assigning a coordination motion judge may
41 continue to exercise jurisdiction over the included action for
42 purposes of all pretrial and discovery proceedings, but no trial shall
43 may be commenced and no judgment shall may be entered in that

1 action unless trial of the action had commenced ~~prior to~~ before the
2 assignment of the coordination motion judge.

3
4 ~~(f)~~(j) **[Effect of stay order on dismissal for lack of prosecution]** The
5 time during which any stay of proceedings is in effect ~~pursuant to~~
6 ~~these~~ under the rules in this chapter ~~shall~~ must not be included in
7 determining whether the action stayed should be dismissed for lack
8 of prosecution ~~pursuant to~~ under chapter 1.5 (§ 583.110 et seq.) of
9 title 8 of part 2 of the Code of Civil Procedure.

10
11 **Rule 1515. Motions ~~pursuant to~~ under Code of Civil Procedure section 170.6**

12
13 ~~Any~~ A party making a peremptory challenge by motion or affidavit of
14 prejudice regarding an assigned judge ~~shall~~ must be submitted it in writing to
15 the assigned judge within 20 days after service of the order assigning the
16 judge to the coordination proceeding. All plaintiffs or similar parties in the
17 included or coordinated actions ~~shall~~ constitute a side and all defendants or
18 similar parties in such actions ~~shall~~ constitute a side for purposes of applying
19 Code of Civil Procedure section 170.6.

20
21 **Chapter 3. Petition and Proceedings for Coordination of Actions**

22
23 **Rule 1520. Motions filed in the trial court**

24
25 (a) **[General requirements]** A motion filed in the trial court under this
26 rule ~~shall~~ must set forth specify the matters required by rule 1521(a) and
27 ~~shall~~ must be made in the manner provided by law for motions in civil
28 actions generally.

29
30 (b) **[Permission to submit a petition for coordination]**

31
32 (1) (*Request for permission to submit coordination petition*) If a direct
33 petition is not authorized by Code of Civil Procedure section 404,
34 a party may request permission from the presiding judge of the
35 court in which one of the included actions is pending to submit a
36 petition for coordination to the ~~Chairperson~~ of the Judicial
37 Council. The request ~~shall~~ must be made by noticed motion
38 accompanied by a proposed order ~~to the presiding judge of a court~~
39 ~~in which one of the included actions is pending~~. The proposed
40 order must state that the moving party has permission to submit a
41 petition for coordination to the Chair of the Judicial Council under
42 rules 1521–1523.

1 (2) *(Order to be prepared)* If permission to submit a petition is
2 granted, the moving party shall ~~prepare an order which shall be~~
3 must served and filed in the action the signed order and submitted
4 it to the Chairperson of the Judicial Council. ~~The order shall grant~~
5 ~~the moving party permission to submit a petition for coordination~~
6 ~~to the Chairperson of the Judicial Council in compliance with rules~~
7 ~~1521, 1522, and 1523.~~

8
9 (3) *(Stay permitted pending preparation of petition)* To provide
10 sufficient time for a party to submit a petition, the presiding judge
11 may, ~~under rule 1514(e)~~, stay all related actions pending in that
12 court for a reasonable time not to exceed 30 court or calendar days.

13
14 ~~(e) [Transfer and consolidation]~~ A motion to transfer and consolidate
15 actions pending in the superior court and in a municipal or justice court
16 of the same county under Code of Civil Procedure section 404 shall be
17 submitted to a superior court in which one of the included actions is
18 pending. The original moving papers shall be filed in the superior court
19 action and copies shall be filed in each included action. The prevailing
20 party shall prepare an order setting forth the disposition of the motion
21 and shall serve and file the order in each included action. If transfer and
22 consolidation are granted, the moving party shall take all necessary
23 steps to effect the transfer of the action. The moving party shall
24 complete the transfer no later than 90 days after the date the order of
25 transfer is filed in the included action. If an included action is not
26 transferred within the 90 day period, the order of transfer shall expire
27 with respect to that action without prejudice to renewal of the motion to
28 transfer and consolidate for good cause shown.

29
30 **Rule 1521. Petition for coordination**

31
32 (a) **[Contents of petition]** A request submitted to the Chairman of the
33 Judicial Council for the assignment of a judge to determine whether the
34 coordination of certain actions is appropriate, or a request that a
35 coordination trial judge make such a determination concerning an add-
36 on case, shall must be designated a “Petition for Coordination” and may
37 be made at any time after filing of the complaint. The petition shall
38 must state whether a hearing is requested and shall must be supported
39 by ~~points and authorities~~ a memorandum and affidavits declarations
40 showing:

41
42 (1) The name of each petitioner; or, when the petition is submitted by
43 a presiding or sole judge, the name of each real party in interest,

1 and the name and address of ~~his~~ each party's attorney of record, if
2 any;

3
4 (2) The names of the parties to all included actions, and the name and
5 address of each party's attorney of record, if any;

6
7 (3) If the party seeking to submit a petition for coordination is a
8 plaintiff, whether the party's attorney has served the summons and
9 complaint on all parties in all included actions in which the
10 attorney has appeared;

11
12 ~~(3)~~(4) For each included action, the complete title and case number of
13 each included action, together with, the date the complaint was
14 filed, and the title of the court in which such the action is
15 pending and the number of such action;

16
17 ~~(4)~~(5) The complete title and case number of any other action known
18 to the petitioner to be pending in a court of this state that shares
19 a common question of fact or law with the included actions,
20 and a statement of the reasons for not including such the other
21 action in the petition for coordination or a statement that the
22 petitioner knows of no other actions sharing a common
23 question of fact or law;

24
25 ~~(5)~~(6) The status of each included action, including the status of any
26 pretrial or discovery motions or orders in that action, if known
27 to petitioner;

28
29 ~~(6)~~(7) The facts relied upon to show that each included action meets
30 the coordination standards specified in Code of Civil Procedure
31 section 404.1 of the Code of Civil Procedure; and

32
33 ~~(7)~~(8) any The facts relied upon in support of a request that a
34 particular site or sites be selected for a hearing upon the
35 petition for coordination.

36
37 (b) **[Submit proof of filing and service]** ~~A petition for coordination shall~~
38 ~~be accompanied by proof of filing of a copy of such petition and of the~~
39 ~~notice required by rule 1522 and by proof of prior service of copies of~~
40 ~~the notice and petition as required by rule 1523. Within five calendar~~
41 days of submitting the petition for coordination, the petitioner must
42 submit to the Chair of the Judicial Council proof of filing of the notice
43 of submission of petition required by rule 1522, and proof of service of

1 the notice of submission of petition and of the petition required by rule
2 1523.

3
4 (c) **[Copies of pleadings in lieu of proof by declaration]** In lieu of proof
5 by ~~affidavit~~ declaration of any fact required by ~~subdivision~~ (a)(2),
6 ~~(3)(4), (6)(7), and (7)(8)~~, a certified or endorsed copy of the respective
7 pleadings may be attached to the petition for coordination, provided that
8 the petitioner ~~shall specify~~ ies with particularity the portions of the
9 pleadings that are relied upon to show ~~such~~ the fact.

10
11 (d) **[Effect of imminent trial date]** The imminence of a trial in any action
12 otherwise appropriate for coordination may be a ground for summary
13 denial of a petition for coordination, in whole or in part.

14
15 **Rule 1522. Notice of submission of petition for coordination**

16
17 (a) **[Contents of notice of submission]** In each included action, the
18 petitioner ~~must file~~ Each petition for coordination shall be accompanied
19 ~~by proof of filing in each included action of a “Notice of Submission of~~
20 ~~Petition for Coordination” and of a copy of the petition for coordination.~~
21 Each ~~such~~ notice ~~shall~~ must bear the title of the court in which the
22 notice is to be filed and the title and case number of ~~the~~ each included
23 action that is pending in that court; Each notice and shall must set forth
24 include:

- 25
26 (1) The date that the petition for coordination was submitted to the
27 Chair of the Judicial Council;
28
29 (2) The name and address of the petitioner’s attorney of record;
30
31 (3) The title and case number of the each included action to which the
32 petitioner is a party; and the title of the court in which each action
33 is pending; and
34
35 ~~(4) the title of the court in which that action is pending; and~~
36
37 ~~(5)(4) the notice required by Rule 1523(b)~~ The statement that any
38 written opposition to the petition must be submitted and served
39 at least 10 calendar days before the hearing date.
40

41 (b) **[Copies of notice]** The petitioner ~~must submit the~~ A copy of each such
42 notice and proof of filing in each included action shall be attached to the
43 original petition for coordination to the Chair of the Judicial Council
44 within five calendar days of submitting the petition for coordination.
45

1 **Rule 1523. Service of notice of submission on party**

2
3 (a) The petitioner ~~shall~~ must serve a ~~copy~~ of the notice of submission of
4 petition for coordination that was filed in each included action, ~~together with~~
5 ~~a copy~~ of the petition for coordination, and ~~of the~~ supporting documents,
6 ~~upon~~ each party appearing in ~~such~~ each included action and submit the notice
7 to the Chair of the Judicial Council within five calendar days of submitting
8 the petition for coordination.

9
10 (b) ~~The notice shall advise each party that if he intends to oppose the~~
11 ~~petition for coordination, he must serve and submit written opposition~~
12 ~~thereto not later than 45 days after such notice is served on him. In lieu~~
13 ~~of serving copies of the petition for coordination and supporting~~
14 ~~documents on any party, the petitioner may advise such party in the~~
15 ~~notice of submission of petition for coordination served on such party~~
16 ~~that, within five days after such notice is served on him, he may request,~~
17 ~~in writing, the petitioner to furnish him with copies of such petition and~~
18 ~~of the supporting documents. The petitioner shall immediately furnish~~
19 ~~copies of the petition for coordination and of the supporting documents~~
20 ~~to each party who makes a timely request, in writing, for such papers.~~

21
22 **Rule 1524. Order assigning coordination motion judge**

23
24 (a) **[Contents of order]** An order by the Chairman of the Judicial Council
25 assigning a coordination motion judge to determine whether
26 coordination is appropriate, or authorizing the presiding judge of a court
27 to assign the matter to judicial officers of the court to make the
28 determination in the same manner as assignments are made in other
29 civil cases, shall must include the following:

30
31 (1) ~~bear~~ The special title and number assigned to the coordination
32 proceeding; and

33
34 (2) The court address for submitting all subsequent documents to be
35 considered by the coordination motion judge.

36
37 (b) **[Service of order]** ~~The petitioner must serve~~ A copy of such the order
38 described in (a) shall be served upon each party appearing in an
39 included action and sent send it to each court in which an included
40 action is pending with directions to the clerk to file the order in the
41 included action. The order shall specify a court address to which all
42 subsequent documents to be submitted to the coordination motion judge
43 shall thereafter be transmitted.

1 **Rule 1525. Response in opposition to petition for coordination**

2
3 Any party to an included action that opposes coordination ~~Within 45 days~~
4 ~~after being served with a copy of a notice of submission of petition for~~
5 ~~coordination, any party~~ may serve and submit a memorandum points and
6 ~~authorities and affidavits~~ declarations in opposition to the petition. Any
7 response in opposition must be served and filed at least nine calendar days
8 before the date set for hearing.
9

10 **Rule 1526. Response in support of petition for coordination**

11
12 Any party to an included action, that supports coordination ~~within 30 days~~
13 ~~after he is served with a copy of the notice of submission as required by rule~~
14 ~~1523,~~ may serve and submit a written statement in support of the petition.
15 Any response in support must be served and filed at least nine calendar days
16 before the date set for hearing. If a party that supports coordination does not
17 support the particular site or sites requested by the petitioner for the hearing
18 on the petition for coordination, that party may request that a different site or
19 sites be selected and include in his or her response the facts relied on in
20 support thereof.
21

22 **Rule 1527. Notice of hearing on petition for coordination**

- 23
24 (a) **[Timing and notice of hearing]** ~~No action shall be ordered~~
25 ~~coordinated over the objection of any party, and no petition for~~
26 ~~coordination shall be denied, unless a hearing has been held on the~~
27 ~~petition as provided in these rules.~~
28
29 (b) ~~When~~ The coordination motion judge determines that must set a hearing
30 date is required on a petition for coordination; he shall determine within
31 30 days of the date of the order assigning the coordination motion
32 judge. When a coordination motion judge is assigned to decide a
33 petition for coordination that lists additional included actions sharing a
34 common question of law or fact with included actions in a petition for
35 coordination already pending before the judge, the judge may continue
36 the hearing date on the first petition no more than 30 calendar days in
37 order to hear both petitions at the same time. The petitioner must
38 provide notice of the hearing the time, place and matters or issues to be
39 heard and a notice thereof shall be served upon to each party appearing
40 in an included action. If the coordination motion judge shall determines
41 that whether the petitioner has served appropriate notice on all a parties
42 party who that should receive be served with notice of the petition for
43 coordination proceeding, and if he finds that any such party has not

1 ~~been so served with notice, he shall~~ the coordination motion judge must
2 order the petitioner to effect promptly service serve upon such that
3 party. If the coordination motion judge determines that a hearing is not
4 required under (b), the hearing date must be vacated and notice
5 provided to the parties.

6
7 **(b) [Circumstances in which hearing required]** A hearing must be held
8 to decide a petition for coordination if a party opposes coordination. A
9 petition for coordination may not be denied unless a hearing has been
10 held.

11
12 **(c) [Report to the Chair of the Judicial Council]** ~~If the issue whether~~
13 ~~petition for coordination is appropriate has not been determined~~ decided
14 ~~within 90 30 calendar days after his assignment the hearing, the~~
15 ~~coordination motion judge shall~~ must promptly submit to the Chairman
16 of the Judicial Council a written report describing:

17
18 (1) The present status of the petition for coordination proceeding;

19
20 (2) Any factors or circumstances that may have caused undue or
21 unanticipated delay in the determination of the issue whether
22 coordination is appropriate, the decision on the petition for
23 coordination; and

24
25 (3) Any stay orders that are in effect.

26
27 **Rule 1528. Separate hearing on certain coordination issues**

28
29 ~~When it appears that~~ a petition for coordination may be disposed of ~~upon the~~
30 ~~determination of a specified issue or issues, without the necessity of~~
31 ~~conducting a hearing upon all issues raised by such the~~ petition and ~~by any~~
32 ~~opposition thereto, the assigned judge may order that the specified issue or~~
33 ~~issues be heard and determined prior to any~~ before a hearing on the
34 remaining issues.

35
36 **Rule 1529. Order granting or denying coordination**

37
38 **(a) [Filing, and service, and submittal]** ~~When a petition for coordination~~
39 ~~is granted or denied, the petitioner must promptly file a copy of the~~
40 ~~order shall be filed forthwith in each included action, serve it~~ A copy
41 ~~shall also be served on each party appearing in an included action, and~~
42 submit it to the Chair of Judicial Council.

1 (b) **[Stay of further proceedings]** When an order granting coordination is
2 filed in an included action, all further proceedings in that action are
3 automatically stayed, except as directed by the coordination trial judge
4 or by the coordination motion judge pursuant to subdivision under (c).
5 ~~The stay of further proceedings shall~~ does not preclude the court in
6 which the included action is pending from accepting and filing papers
7 with proof of submission of a copy to the assigned judge or from
8 exercising jurisdiction over any severable claim that has not been
9 ordered coordinated.

10
11 (c) **[Authority of coordination motion judge's authority pending**
12 **assignment of coordination trial judge]** After a petition for
13 coordination is has been granted and before a coordination trial judge is
14 has been assigned, the coordination motion judge may for good cause
15 make any appropriate order as the ends of justice may require, but ~~shall~~
16 may not commence a trial or enter judgment in any included action.
17 Good cause ~~shall~~ includes a showing of an urgent need for judicial
18 action to preserve the rights of a party pending assignment of a
19 coordination trial judge.

20
21 (d) **[Order denying coordination]** The authority of a coordination motion
22 judge over an included action terminates when an order denying a
23 petition for coordination is filed in ~~an~~ the included action and served on
24 the parties to the action, ~~the authority of the coordination motion judge~~
25 ~~over the included action shall terminate.~~ Any A stay that has been
26 ordered by the coordination motion judge shall terminates 10 days after
27 ~~the filing of the order denying coordination is filed.~~

28
29 **Rule 1530. Site of coordination proceedings**

30
31 (a) **[Recommendation by coordination motion judge]** If a petition for
32 coordination is granted, the coordination motion judge must, in the
33 order granting coordination, recommend to the Chair of the Judicial
34 Council a particular superior court for the site of the coordination
35 proceedings.

36
37 (b) **[Factors to consider]** The coordination motion judge may consider any
38 relevant factors in making a recommendation for the site of the
39 coordination proceedings, including the following:

40
41 (1) The number of included actions in particular locations;

42
43 (2) Whether the litigation is at an advanced stage in a particular court;

- 1 (3) The efficient use of court facilities and judicial resources;
2
3 (4) The locations of witnesses and evidence;
4
5 (5) The convenience of the parties and witnesses;
6
7 (6) The parties’ principal places of business;
8
9 (7) The office locations of counsel for the parties; and
10
11 (8) The ease of travel to and availability of accommodations in
12 particular locations.
13

14 **Rule 1531. Potential add-on case**
15

- 16 **(a) [Notice]** Any party to an included action in a pending petition for
17 coordination must promptly provide notice of any potential add-on
18 cases in which that party is also named or in which that party’s attorney
19 has appeared. The party must submit notice to the coordination motion
20 judge and the Chair of the Judicial Council and serve it on each party
21 appearing in the included actions in the pending petition and each party
22 appearing in the potential add-on cases.
23
24 **(b) [Stipulation or order]** By stipulation of all parties or order of the
25 coordination motion judge, each potential add-on case will be deemed
26 an included action for purposes of the hearing on the petition for
27 coordination.
28

29 **Rule 1532. Petition for coordination when cases already ordered coordinated**
30

- 31 **(a) [Assignment of coordination trial judge]** If it appears that included
32 actions in a petition for coordination share a common question of law or
33 fact with cases already ordered coordinated, the Chair of the Judicial
34 Council may assign the petition to the coordination trial judge for the
35 existing coordinated cases to decide the petition as a request to
36 coordinate an add-on case under rule 1544.
37
38 **(b) [Order]** The coordination trial judge’s order must specify that the
39 request to coordinate an add-on case is either granted or denied.
40

1 **(c) [Filing and service]** The petitioner must promptly file the order in each
2 included action, serve it on each party appearing in an included action,
3 and submit a copy to the Chair of Judicial Council.
4

5 **(d) [Cases added on and right to peremptory challenge]** If the
6 coordination trial judge grants the petition, the included actions will be
7 coordinated as add-on cases and the right to file a peremptory challenge
8 under Code of Civil Procedure section 170.6 will be limited by rule
9 1515.
10

11 **(e) [Assignment of coordination motion judge if cases not added on]** If
12 the coordination trial judge denies the petition as a request to coordinate
13 an add-on case under rule 1544, the Chair of the Judicial Council must
14 assign a coordination motion judge to determine whether coordination is
15 appropriate under rule 1524.
16

17 **Chapter 4. Pretrial and Trial Rules for Complex Coordinated Actions**

18 **Rule 1540. Order assigning coordination trial judge**

19 **(a) [Assignment by the Chair of the Judicial Council]** ~~Upon the granting~~
20 ~~of~~ When a petition for coordination is granted, the Chairman of the
21 Judicial Council shall ~~must~~ either assign a coordination trial judge to
22 hear and determine the coordinated actions or authorize the presiding
23 judge of a court to assign the matter to judicial officers of the court in
24 the same manner as assignments are made in other civil cases, as
25 provided by under Code of Civil Procedure section 404.3 of the Code of
26 Civil Procedure. The order assigning a coordination trial judge must
27 designate an address for submission of papers to that judge.
28

29 **(b) [Powers of coordination trial judge]** Immediately upon his
30 assignment, the coordination trial judge may exercise all the powers
31 over each coordinated action of ~~of~~ that are available to a judge of the court
32 in which that action is pending.
33

34 **(c) [Filing and service of copies of assignment order]** The petitioner
35 must file ~~A copy of the assignment order shall be filed~~ in each
36 coordinated action and another copy thereof shall be transmitted to
37 serve it on each party appearing in such each action. The order
38 assigning a coordination trial judge shall designate a single address to
39 which all papers to be submitted to that judge shall be transmitted.
40 ~~Every paper filed in a coordinated action shall~~ must be accompanied by
41 proof of submission of a copy thereof of the paper to the coordination
42
43

1 trial judge at the designated address. A copy of the assignment order
2 must be included in any subsequent service of process on any defendant
3 in the action.
4

5 **Rule 1541. Duties of the coordination trial judge**
6

7 (a) **[Initial case management conference]** The coordination trial judge
8 shall ~~must~~ hold a ~~preliminary trial~~ case management conference
9 ~~preferably~~ within 30 45 days after issuance of the assignment order ~~by~~
10 ~~the Chairman of the Judicial Council.~~ Counsel and all self-represented
11 ~~persons appearing in propria persona~~ shall ~~must come to~~ attend the
12 conference and be prepared to discuss all matters specified in the order
13 setting the conference. At any time following the assignment of the
14 coordination trial judge, ~~counsel~~ a party may serve and submit a
15 proposed agenda for the conference and a proposed form of order
16 covering such matters of procedure and discovery as may be
17 appropriate. At ~~such~~ the conference, the judge may:
18

- 19 (1) Appoint liaison counsel ~~in accordance with~~ under rule 1506;
- 20
- 21 (2) Establish a timetable for filing motions other than discovery
22 motions;
- 23
- 24 (3) Establish a schedule for discovery;
- 25
- 26 (4) Provide a method and schedule for the submission of preliminary
27 legal questions that might serve to expedite the disposition of the
28 coordinated actions;
- 29
- 30 (5) In class actions, establish a schedule, if practicable, for the prompt
31 determination of matters pertinent to the class action issue;
- 32
- 33 (6) Establish a central depository or depositories to receive and
34 maintain for inspection by the parties evidentiary material and
35 specified documents that are not required by ~~these~~ the rules in this
36 chapter to be served ~~upon~~ all parties; and
- 37
- 38 (7) Schedule further ~~pretrial~~ conferences if appropriate.
- 39

40 (b) **[Management of proceedings by coordination trial judge]** The
41 coordination trial judge shall ~~must~~ assume an active role in managing all
42 steps of the pretrial, discovery, and trial proceedings to expedite the just
43 determination of the coordinated actions without delay. ~~He~~ The judge
44 may, for the purpose of coordination and to serve the ends of justice:
45

- 1 (1) Order any coordinated action transferred to another court pursuant
2 to under rule 1543;
3
- 4 (2) Schedule and conduct hearings, conferences, and a trial or trials at
5 any site within this state that he the judge deems appropriate with
6 due consideration to the convenience of parties, witnesses, and
7 counsel; to the relative development of the actions and the work
8 product of counsel; to the efficient utilization of judicial facilities
9 and manpower resources; and to the calendar of the courts; and
10
- 11 (3) Order any issue or defense to be tried separately and prior to the
12 before trial of the remaining issues when it appears that the
13 disposition of any of the coordinated actions might thereby be
14 expedited.
15

16 **Rule 1542. Remand of action or claim**

17
18 The coordination trial judge, ~~upon the stipulation of all parties to a~~
19 ~~coordination proceeding or upon the basis of evidence received at a hearing~~
20 ~~ordered on his own motion or on the motion of any party to any coordinated~~
21 ~~action,~~ may at any time remand a coordinated action or any severable claim
22 or issue in that action to the court in which the action was pending at the time
23 the coordination of that action was ordered. Remand may be made on the
24 stipulation of all parties or on the basis of evidence received at a hearing on
25 the court's own motion or on the motion of any party to any coordinated
26 action. provided that No action or severable claim or issue in that action shall
27 may be remanded over the objection of any party unless the evidence
28 demonstrates a material change in the circumstances that are relevant to the
29 criteria for coordination as stated in under Code of Civil Procedure section
30 404.1. If the order of remand requires that the action be transferred, the
31 provisions of rule 1543(b) shall be are applicable to the transfer. A remanded
32 action is no longer part of the coordination proceedings for purposes of the
33 rules in this chapter.
34

35 **Rule 1543. Transfer of action or claim**

- 36
37 (a) **[Court may transfer coordinated action]** The coordination trial
38 judge, ~~on his motion or on the motion of any party to any coordinated~~
39 ~~action,~~ may order any coordinated action or severable claim in that
40 action transferred from the court in which it is pending to another court
41 for a specified purpose or for all purposes. Transfer may be made by the
42 court on its own motion or on the motion of any party to any
43 coordinated action.
44

1 **(b) [Hearing on motion to transfer]** ~~No action or claim shall be~~
2 ~~transferred over the objection of any party unless~~ If a party objects to
3 ~~transfer, the court must hold a hearing has been held upon~~ on at least 10
4 ~~days' written notice served upon all parties to that action. At any~~
5 ~~hearing to determine whether an action or claim should be transferred,~~
6 ~~the court shall must~~ consider the convenience of parties, witnesses, and
7 ~~counsel; the relative development of the actions and the work product of~~
8 ~~counsel; the efficient utilization of judicial facilities and manpower~~
9 ~~resources; the calendar of the courts; and any other relevant matter.~~

10
11 **(b)(c) [Order transferring action]** ~~The order transferring the action or~~
12 ~~claim shall must~~ designate the court to which the action is
13 ~~transferred and shall must~~ direct that a copy of the order of transfer
14 ~~shall be filed in each coordinated action. The order must indicate~~
15 ~~whether the action remains part of the coordination proceedings for~~
16 ~~purposes of the rules in this chapter.~~

17
18 **(d) [Duties of transferor and transferee courts]**

19
20 (1) (Duty of transferor court) ~~The clerk of the court in which the~~
21 ~~action was pending shall must~~ immediately prepare and transmit to
22 ~~the court to which the action is transferred a certified copy of the~~
23 ~~order of transfer and of the pleadings and proceedings in that the~~
24 ~~transferred action and shall must~~ serve a copy of the order of
25 ~~transfer upon each party appearing in that action.~~

26
27 (2) (Duty of transferee court) ~~The court to which the action is~~
28 ~~transferred shall must~~ file the action as if the action had been
29 ~~commenced in that court. No fees shall may~~ be required for such
30 ~~transfer by either court.~~

31
32 (3) (Transmission of papers) ~~If it is necessary to have any of the~~
33 ~~original pleadings or other papers in the transferred action before~~
34 ~~the coordination trial judge, the clerk of the court from which the~~
35 ~~action was transferred shall must,~~ upon written request of a party
36 ~~to that action or of the coordination trial judge, transmit such~~
37 ~~papers or pleadings to the court to which the action is transferred, a~~
38 ~~and must retain a certified copy thereof being retained.~~

39
40 **(e) [Transferee court to exercise jurisdiction]** ~~Upon~~ On receipt of an
41 ~~transfer order of transfer,~~ the court to which the action is transferred
42 ~~may exercise jurisdiction over the action in accordance with the orders~~
43 ~~and directions of the coordination trial judge, and no other court shall~~

1 may exercise jurisdiction over that action except as provided in this
2 rule.

3
4 **Rule 1544. Add-on cases**

5
6 (a) **[Request to coordinate add-on case]** A request to coordinate an add-
7 on case ~~shall~~ must conform to comply with the requirements of rules
8 1520 through 1523, except that ~~such~~ the request shall must be submitted
9 to the coordination trial judge ~~pursuant to~~ under section 404.4 of the
10 Code of Civil Procedure, with proof of mailing of one copy thereof to
11 the Chairman of the Judicial Council and with proof of service as
12 required by rule 1510.

13
14 (b) **[Opposition to request to coordinate an add-on case]** Within 10 days
15 after ~~such~~ the service of a request, any party may serve and submit a
16 notice of opposition to ~~such~~ the request. Thereafter, within 15 days
17 after submitting ~~his~~ a notice of opposition, the party ~~shall~~ must serve
18 and submit ~~his points and authorities~~ a memorandum and affidavits
19 declarations in opposition to the request. Failure to serve and submit
20 ~~such points and authorities~~ a memorandum and affidavits declarations in
21 opposition may be a ground for granting the request to coordinate an
22 add-on case.

23
24 (b)(c) **[Hearing on request to coordinate an add-on case]** The
25 coordination trial judge may order a hearing ~~to be held on the a~~
26 request to coordinate an add-on case ~~as provided by~~ under rules 1527
27 and 1528 and may allow the parties to serve and submit additional
28 written materials in support of, or ~~in~~ opposition to, the request. ~~At~~
29 ~~any such hearing~~ In deciding the request to coordinate, the court
30 ~~shall~~ must consider the relative development of the actions and the
31 work product of counsel, in addition to any other relevant matter.
32 ~~Any~~ An application for an order staying the add-on case ~~shall~~ must
33 be made to the coordination trial judge ~~in the manner provided by~~
34 under rule 1514.

35
36 (e)(d) **[Order on request to coordinate an add-on case]** If no party has
37 filed a notice of opposition within the time required under (b), the
38 coordination trial judge may enter an order granting or denying the
39 request without a hearing. An order granting or denying a request to
40 coordinate an add-on case ~~shall~~ must be prepared and served ~~as~~
41 ~~provided by~~ under rule 1529 and an order granting such request
42 ~~shall, upon filing,~~ automatically stays all further proceedings in the
43 add-on case as provided in ~~under~~ rule 1529.
44

1 **Rule 1545. Termination of coordinated action**

2
3 **(a) [Coordination trial judge may terminate action]** The coordination
4 trial judge may terminate any coordinated action by settlement or final
5 dismissal, summary judgment, or judgment, or may transfer ~~such~~ the
6 action so that it may be dismissed or otherwise terminated in the court
7 where ~~the action~~ it was pending when coordination was ordered.
8

9 **(b) [Copies of order dismissing or terminating action and judgment]** A
10 certified copy of ~~any~~ the order dismissing or terminating the action and
11 of any judgment ~~shall~~ must be transmitted to:
12

13 (1) The clerk of the court in which the action was pending when
14 coordination was ordered, who shall promptly enter any judgment
15 and serve notice of entry of the judgment ~~upon~~ all parties to the
16 action, and on the Chair of the Judicial Council; and
17

18 (2) The appropriate clerks for filing in each pending coordinated
19 action.
20

21 **(c) [Judgment in coordinated action]** The judgment entered in each
22 coordinated action ~~shall~~ must bear the title and case number ~~that would~~
23 ~~be applicable to that action without regard to the coordination~~
24 ~~proceeding~~ assigned to the action at the time it was filed.
25

26 **(d) [Proceedings in trial court after judgment]** Until the judgment in a
27 coordinated action becomes final or until a coordinated action is
28 remanded, all further proceedings in that action to be determined by the
29 trial court ~~shall~~ must be determined by the coordination trial judge;.
30 Thereafter, unless otherwise ordered by the coordination trial judge, all
31 such proceedings ~~shall~~ must be conducted in the court where the action
32 was pending when coordination was ordered. The coordination trial
33 judge ~~shall~~ must also specify the court in which any ancillary
34 proceedings ~~shall~~ will be heard and determined. For purposes of this
35 rule, a judgment is final when it is no longer subject to appeal.
36

37 **Chapter 5. Administration of Coordinated Complex Actions**

38
39 **Rule 1550. General administration by Administrative Office of the Courts**

40
41 **(a) [Coordination attorney]** Except as otherwise provided in ~~these~~ the
42 rules in this chapter, all necessary administrative functions under this
43 division ~~shall~~ will be performed at the direction of the ~~Chairman~~ of the

1 Judicial Council by a coordination attorney in the Administrative Office
2 of the Courts.

3
4 **(b) [Duties of coordination attorney]** The coordination attorney ~~shall~~
5 must at all times maintain:

6
7 ~~(1) for the Chairman of the Judicial Council~~ A list of active and retired
8 judges who are qualified and currently available to conduct
9 coordination proceedings; and

10
11 ~~(2) The coordination attorney shall maintain~~ A register of all
12 coordination proceedings and a file for each proceeding, for public
13 inspection during regular business hours at the San Francisco
14 office of the Judicial Council ~~a register of all coordination~~
15 ~~proceedings and a file for each such proceeding for public~~
16 ~~inspection during regular business hours.~~

17
18 **(b)(c) [Coordination proceeding title and case number]** The
19 coordination attorney must assign each coordination proceeding
20 ~~shall be given~~ a special title and coordination proceeding number,
21 ~~assigned by the coordination attorney, and~~ Thereafter all papers in
22 that proceeding shall must bear such that title and ~~coordination~~
23 ~~proceeding~~ number.
24

SPR04-10
Rules for Coordination of Complex Civil Cases
(amend Cal. Rules of Court, rules 1501-1529 and 1540-1550; adopt rules 1530-1532)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Mr. Saul Bercovitch The State Bar of California Committee on Administration of Justice San Francisco	A	Y	<p>Rule 1502 Complex case definition The proposal appears to have inadvertently combined two different rules (the current rule 1501.1 defining a complex case and current rule 1502 on the construction of terms). The rule should continue to refer to rule 1800 defining what cases are considered complex.</p> <p>Rule 1503 Requests for extension of time or to shorten time The last sentence in (b) which refers to the ability to petition the Chair of the Judicial Council to shorten or extend the time within which an act is permitted or required, should not be deleted. There might be situations in which the coordination motion judge has not yet been assigned and a party is subject to a particular time limit in a case. Unless allowed to petition the Chair for an extension of time, the party would be without a remedy.</p> <p>Rule 1506 Liaison counsel The last sentence, concerning service on a party that has requested special notice should not be deleted. This provision is necessary to ensure that liaison counsel is acting in the best interests of the parties.</p> <p>Rule 1510 Service of papers For the reasons stated in connection with rule 1506,</p>	<p>Rule 1502 Complex case definition The rules were not inadvertently combined. The existing rule addressing determining whether a case is complex (rule 1501.1) was renumbered as rule 1502 and existing rule 1502 will be repealed as unnecessary. New rule 1502 continues to refer to the rule defining a complex case (existing rule 1800, to be renumbered as rule 3.400).</p> <p>Rule 1503 Requests for extension of time or to shorten time Disagree. Current rule 1503 does not allow a party to petition the chair to shorten or extend the time to do a particular act. Only the assigned judge may shorten or extend the time; if there is no assigned judge, the current rule provides that the <i>application</i> shall be submitted to the chair. But under both the current and amended rule, the assigned judge decides the application. If there is no assigned judge, a party may seek relief in the trial court in which the action was filed.</p> <p>Rule 1506 Liaison counsel Agree</p> <p>Rule 1510 Service of papers Agree</p>

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

SPR04-10
Rules for Coordination of Complex Civil Cases
(amend Cal. Rules of Court, rules 1501-1529 and 1540-1550; adopt rules 1530-1532)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>the provision allowing special notice requests should not be deleted.</p> <p>Rule 1512 Service of memorandums The purpose of the rule is unclear and should be clarified. If it is intended to govern motions filed in the coordination proceeding, after coordination, it should be governed by the timing provision set out in Code of Civil Procedure section 1005 and the rule should make this clear. If it is intended to be limited to only certain petitions, motions, or applications, the rule should so state.</p> <p>Rule 1514 Motions and order for a stay CAJ endorses the changes which would clarify the current confusing language, but suggests that the last sentence in (g) be changed to read as follows: “Thirty days or more following the issuance of the stay order, <u>any party that is subject to the stay order</u> may move to terminate the stay.”</p> <p>Rule 1531 Potential add-on case CAJ endorses the proposed new rule in general, but believes it should authorize a procedure and time for the parties to brief their positions, if they are unable to stipulate, prior to the hearing on the petition for coordination.</p> <p>Rule 1532 Petition for coordination when cases already ordered coordinated CAJ endorses the proposed new rule in general, but suggest changing (e) to clarify that, if the coordination trial judge denies the petition, the actions will not be coordinated in the <i>existing</i></p>	<p>Rule 1512 Service of memorandums This rule has been in effect since 1974 and the committee does not believe clarification is necessary. The committee agrees, however, that it would be helpful if the timing provisions were the same as those in Code of Civil Procedure section 1005.</p> <p>Rule 1514 Motions and order for a stay Agree</p> <p>Rule 1531 Potential add-on case Disagree. The committee believes that allowing briefing on the issue could delay resolution of the petition to coordinate and recommends not making this change to the new rule.</p> <p>Rule 1532 Petition for coordination when cases already ordered coordinated This rule applies to a petition that seeks coordination in a new coordination proceeding and allows it to be treated as a petition to coordinate as add-on cases. The</p>

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

SPR04-10
Rules for Coordination of Complex Civil Cases
(amend Cal. Rules of Court, rules 1501-1529 and 1540-1550; adopt rules 1530-1532)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				proceeding, but a coordination motion judge may determine that coordination is appropriate as a <i>separate</i> coordination proceeding. As drafted, the rule suggest that the petitioning parties have a second chance to seek coordination with the cases <i>already</i> coordinated, but that does not appear to be the intent of the rule.	petitioning parties will not have sought coordination as add-ons so it is not necessary to revise the rule to exclude a “second chance” at coordinating as add-ons.
2.	Ms. Kim Hubbard President Orange County Bar Association Irvine	A	Y	None.	
3.	Hon. Richard Kramer Superior Court of California, County of San Francisco	A	N	<p>Rule 1503 Requests for extension of time or to shorten time Change (c) to “Nothing in the rule is intended to extends the time within which a party must bring an action to trial under Code of Civil Procedure section 583.310.”</p> <p>Rule 1504 General law applicable Delete “if they would otherwise apply to the action without reference to the rule” at the end of (a). What are the consequences if the assigned judge does not specify local court rules to be followed?</p> <p>Rule 1505 Appellate review The rule refers only to writs, not appeals.</p>	<p>Rule 1503 Requests for extension of time or to shorten time Agree</p> <p>Rule 1504 General law applicable Agree</p> <p>The proposed change substitutes “must” for the existing rule’s “shall”. The committee does not believe the rule should either address the consequences or eliminate the requirement that any local court rules must be specified.</p> <p>Rule 1505 Appellate review Agree. The committee has revised the proposed amendment to state “the court having appellate jurisdiction of the coordinated actions.”</p>

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

SPR04-10
Rules for Coordination of Complex Civil Cases
(amend Cal. Rules of Court, rules 1501-1529 and 1540-1550; adopt rules 1530-1532)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>Rule 1506 Liaison counsel The provision concerning service on a party that has requested special notice should not be deleted.</p> <p>Rule 1527 Notice of hearing on petition for coordination Why does rule require the coordination motion judge to set a hearing on the petition within 30 days of assignment?</p>	<p>Rule 1506 Liaison counsel Agree</p> <p>Rule 1527 Notice of hearing on petition for coordination The committee's goal in this and other amendments is to speed up the time from submission of to decision on a petition.</p>
4.	Hon. Carl West Superior Court of California, County of Los Angeles		N	<p>Instead of using "complex" it might be better to refer to "Coordination and Transfer of Civil Action" as in the existing rules. While coordination proceedings may, as a whole be considered complex, often the individual cases are not complex.</p> <p>Stays Coordination petitions are sometimes filed when things aren't going well for one side or the other in an attempt to get a more favorable forum. In such cases, automatic stays may reward the attempts at forum shopping.</p> <p>Rule 1541 It would be helpful if there were a provision allowing the coordination trial judge to order the coordination cases consolidated for limited purposes such as the determination of common legal or factual issues, thus allowing global determination of some issues. This could be added to (a) or (b)(2) and (3).</p>	<p>Disagree. The rules are intended to apply to complex cases.</p> <p>Stays The rule does not allow an automatic stay. Recommend no change.</p> <p>Rule 1541 Consolidation for these purposes is currently allowed under Code of Civil Procedure section 1048. The committee does not see the need for any change to the rule.</p>

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.