

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

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Report

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee
Hon. Elihu M. Berle, Chair
Case Management Subcommittee, Hon. Robert B. Freedman, Chair
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DATE: October 6, 2006

SUBJECT: Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300)
(Action Required)¹

Issue Statement

A current rule in the California Rules of Court requires counsel to provide notice to the court of any related civil cases. It allows a judge to whom a case is assigned to confer informally with the parties and judges in related cases to determine the feasibility of joint discovery orders and other informal or formal means of coordinating proceedings in the cases. However, the rule does not provide effective means for coordinating related cases.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2007, amend rule 3.300 to provide specific procedures for the assignment of related civil cases and other amendments to make the rule clearer and more effective.

The text of amended rule 3.300 is attached at pages 7–11.

¹ At the June 30, 2006 meeting, the Judicial Council approved the reorganization and renumbering of the California Rules of Court and the Standards of Judicial Administration, effective January 1, 2007. Under the reorganization, rule 804, on related cases, has been renumbered as rule 3.300 and has been reformatted. Hence, the proposed amendments to rule 804 that were circulated for comment are shown throughout this report as amendments to rule 3.300, which will become effective January 1, 2007.

Rationale for Recommendation

Under the proposal, a number of significant changes would be made to the rule on related civil cases.²

Definition

The definition of “related case” should be revised. New subdivision (a)(1) is the same as current (c)(1), i.e., related cases include cases that “[i]nvolve the same parties and are based on the same or similar claims.” But subdivision (a)(2) also includes in the definition cases that “[a]rise from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.” Subdivision (a)(3) defines related cases as including cases involving “claims against, title to, possession of, or damages to the same property.” And new subdivision (a)(4) provides that the definition of related cases includes cases “likely for other reasons to require substantial duplication of judicial resources if heard by different judges.”

Federal cases

Under proposed rule amendments circulated for comment, subdivision (b) would have been modified to require that notice be provided only of related state cases and not of related federal cases. However, the committee has concluded that parties should be required to continue providing notice of related federal cases.

Notice

Subdivision (c), which specifies the contents of the Notice of Related Case, should be modified to require that the notice identify the department in which the case is pending.

Subdivision (d) provides that the Notice of Related Case must be filed in all cases listed in the notice and served on all parties in those cases.

In subdivision (e), the time for service of the notice would be specified. Instead of “promptly,” as under the current rule, the time would be “as soon as possible, but no later than 15 days after the facts concerning the existence of related cases become known.”

Subdivision (f) (formerly (b)) continues to provide that there is a continuing duty to provide notice of related cases to the court and all parties.

In subdivision (g), the time for service and filing a response to a notice has been changed from 10 to 5 days after service of the notice.

² Many of the proposed amendments are based on local rule 7.3(f) of the Superior Court of Los Angeles County.

Procedures

The main new provision in the rule is subdivision (h) on judicial action. The amended rule provides procedures for ordering cases to be related both within a superior court and in different superior courts.

Under (h), if all the related cases have been filed in one superior court, the court on notice to all parties, may order that the cases, including probate and family law cases, be related and assigned to a single judge or department. In a superior court that uses a master calendar, the presiding judge or the judge designated by the presiding judge may order the cases related. In a court in which cases are assigned to a single judge or department, the rule prescribes which judge or department must determine whether cases should be ordered related and to whom they should be assigned.

An intended effect of the provisions in subdivision (a) (defining “related cases” as including previously dismissed cases) combined with the provisions in subdivision (h)(1) is that a previously dismissed and refiled case will go back to the judge to whom it was initially assigned for a determination on where it should be assigned. This will prevent judge shopping.

When related cases are pending in different superior courts, subdivision (h)(2) provides that the court where the earliest case was filed may confer informally to coordinate proceedings. Alternatively, courts may proceed formally, following the case coordination statutes and rules. The rule provides that the provisions for relating cases in subdivision (h) do not apply to complex cases. (Rule 3.300(h)(3).)

New subdivision (i) would require the court, judge, or department issuing an order relating cases to either (1) file a notice of the order in all pending cases and serve a copy of the order on all parties in those cases or, alternatively, (2) direct counsel for a party to prepare and file the notice in all pending cases and serve it on all parties.

New subdivision (j) would explain what happens to a case if it is not ordered to be related.

Exceptions

Subdivision (k) contains an exception to the requirements under the rule: a party is not required to serve a Notice of Related Case if another party has already filed a notice and served all parties under the rule.

Alternative Actions Considered

The rule on notice of related cases could be left unchanged. However, there are a number of significant benefits to establishing a clearer, more effective procedure for relating cases.

Comments From Interested Parties

The rules proposal was circulated for public comment in spring 2006. Fifteen comments were received on this proposal. The commentators included an appellate justice, a judge, court administrators, the State Bar's Committee on Administration of Justice (CAJ), the president of California Defense Counsel, and a local bar association. A chart summarizing the comments and the committee's responses is attached at pages 12–21. The committee recommends that some of the commentators' suggested modifications to the rules amendments be made and others not.

Definition of "related case"

The commentators suggested some changes to the proposed definition of "related case" in subdivision (a) that was circulated for comment. For example, a proposed subdivision, which had defined a "related case" as including one requiring "the determination of the same or substantially identical questions of law or fact" was criticized as too broad. The CAJ recommended that the phrase "law or fact" be restated as "law and fact." The Superior Court of Los Angeles County's similar local rule uses "and/or," which is ambiguous. The committee concluded that the better solution was to combine the proposed provision with (a)(2) to define "related cases" as including cases arising "from the same or substantially identical transactions, incidents, or events *requiring the determination of the same or substantially identical questions of law or fact.*" (Emphasis added.)

Another comment concerned proposed subdivision (a)(4). The committee, after reviewing the summons, concluded that the phrase "for other good reasons" should be changed to simply "other reasons." The inclusion of "good" could have led to confusion and unnecessary dispute.

Related federal cases

The proposed amendments that were circulated for comment would have deleted the requirement that a party provide notice of a related case pending in a federal court. A commentator objected to this particular amendment and the committee agreed. California trial courts would benefit from being notified about related cases pending in federal courts—for example, a federal bankruptcy proceeding. Hence, the committee reinstated in the rule the requirement that parties provide notice about related federal cases.

Cases disposed of by judgment

The CAJ suggested that cases disposed of by judgment should be treated as related cases in the same manner as cases dismissed with or without prejudice. The committee agreed. Hence it has revised subdivision (a) to include in the preamble a statement that related cases include not only pending cases but also cases that have been dismissed or disposed of by judgment. The inclusion of this broad range of cases will prevent judge shopping as well as ensure that the judge most experienced regarding the related cases will be considering them. To be consistent with these revisions to subdivision (a), the committee also recommends that subdivision (b) be modified to include after “action or proceeding pending” the words “dismissed or disposed of by judgment.”

“Pending” cases

The committee discussed the CAJ’s suggestion that, in several places in the rule, the word “pending” be placed before “cases.” The committee agreed that adding “pending” is appropriate in subdivisions (d) and (g) but not in (c)(2), where it would be redundant.

Attachments to the notice

Some commentators objected to the proposed requirement in subdivision (c)(3) that copies of “complaints, cross-complaints, and other relevant documents” be attached to the notice. The committee agreed that this would be burdensome for parties and the courts and has eliminated this requirement. If a court needs more information or documentation, it may require the parties to provide it. Based on its review of subdivision (c)(3), the committee also concluded that the previous part of the sentence should be revised to read “Describe the manner in which the cases are related” instead of “State the relationship between the related cases.” The proposed new language is likely to produce more useful information.

Five-day provision

Some commentators opposed the proposed shortening of the time to file a response to a Notice of Related Case from 10 to 5 days in subdivision (g). The committee concluded that the proposed new 5-day provision should be retained. It believes that, with the additional time added for service by mail, 5 days is sufficient.

Exceptions

The proposed amendments to the rule that were circulated for comment included two exceptions. Under subdivision (k), a party would not be required to file a Notice of Related Case if (1) all related cases are already assigned to the same judge or department; or (2) another party has already filed a notice and served all parties. The CAJ recommended against adopting subdivision (k)(1), which provided that, once a case had been assigned to the same judge or department,

parties no longer needed to provide a Notice of Related Case. The committee agreed with this comment. Even where cases are assigned to an assigned judge, the notice should be given. This would be helpful to the court, particularly where a judge has a large volume of cases pending. The committee also concluded that (k)(2) should be revised. To clarify the exception for the situation where “[a]nother party has already filed a notice and served all parties,” the committee has added the words “on the same case.”

Implementation Requirements and Costs

The amended rule would not require any significant change in practice in the Superior Court of Los Angeles County, which already has a similar local rule, or in most smaller courts. However, some courts will need to institute new practices to implement the rule. The amended rule should result in greater efficiency and judicial economy in the trial courts because related cases will be considered together.

Attachments

Rule 3.300 of the California Rules of Court is amended, effective January 1, 2007, to read:³

1 **Rule 3.300. Notice of Related cases**

2
3 **(a) Definition of “related case”**

4
5 A pending civil case is related to another pending civil case, or to a civil case
6 that was dismissed with or without prejudice, or to a civil case that was
7 disposed of by judgment, if the cases:

- 8
9 (1) Involve the same parties and are based on the same or similar claims;
10
11 (2) Arise from the same or substantially identical transactions, incidents, or
12 events requiring the determination of the same or substantially identical
13 questions of law or fact;
14
15 (3) Involve claims against, title to, possession of, or damages to the same
16 property; or
17
18 (4) Are likely for other reasons to require substantial duplication of judicial
19 resources if heard by different judges.

20
21 **(a)(b) Duty to provide notice**

22
23 Whenever a party in a civil action knows or learns that the action or
24 proceeding is related to another action or proceeding pending, dismissed, or
25 disposed of by judgment in any state or federal court in California, the party
26 must promptly serve and file a Notice of Related Case. ~~The notice must also~~
27 ~~be served on all known parties in each related action or proceeding. It must~~
28 ~~state the court, title, case number, and filing date of each related action or~~
29 ~~proceeding, together with a brief statement of their relationship. If the case is~~
30 ~~pending in the same court, the notice must also give reasons why assignment~~
31 ~~to a single judge is or is not likely to effect economies.~~

32
33 **(c) Contents of the notice**

34
35 The Notice of Related Case must:
36
37
38

39 ³ The amendments are made to the version of this rule adopted by the Judicial Council at its June 30, 2006
40 meeting and reflect the text that will be in effect on January 1, 2007. The amendments adopted as part of
41 this proposal will be incorporated into the text of the rule that goes into effect on January 1, 2007.

- 1
2 (1) List all civil cases that are related by court, case name, case number, and
3 filing date;
4
5 (2) Identify the case that has the earliest filing date and the court and
6 department in which that case is pending; and
7
8 (3) Describe the manner in which the cases are related.

9
10 **(d) Service and filing of notice**

11
12 The Notice of Related Case must be filed in all pending cases listed in the
13 notice and must be served on all parties in those cases.

14
15 **(e) Time for service**

16
17 The Notice of Related Case must be served and filed as soon as possible, but
18 no later than 15 days after the facts concerning the existence of related cases
19 become known.

20
21 **(f)(b) Continuing duty to provide notice**

22
23 The duty under ~~(a)~~ (b)–(e) is a continuing duty that applies when a party files
24 a case with knowledge of a related action or proceeding, and that applies
25 thereafter whenever a party learns of a related action or proceeding.

26
27 **(e) Definition of “related case”**

28
29 ~~An action or proceeding is “related” to another when both:~~

- 30
31 ~~(1) Involve the same parties and are based on the same or similar claims; or~~
32
33 ~~(2) Involve the same property, transaction, or event; or~~
34
35 ~~(3) Involve substantially the same facts and the same questions of law.~~

36
37 **(d)(g) Response**

38
39 Within ~~10~~ 5 days after service ~~upon~~ on a party of a Notice of Related Case,
40 the party may serve and file a response supporting or opposing the notice.
41 The response must state why one or more of the cases listed in the notice are
42 not related or why other good cause exists for the court not to transfer the
43 cases to or from a particular court or department. The response must be filed

in all pending cases listed in the notice and must be served on all parties in those cases. A timely response will be considered when the court determines what action may be appropriate to coordinate the cases formally or informally.

(e)(h) Judicial action

(1) Related cases pending in one superior court

If all the related cases have been filed in one superior court, the court, on notice to all parties, may order that the cases, including probate and family law cases, be related and may assign them to a single judge or department. In a superior court where there is a master calendar, the presiding judge may order the cases related. In a court in which cases are assigned to a single judge or department, cases may be ordered related as follows:

- (A) Where all the cases listed in the notice are unlimited civil cases, or where all the cases listed in the notice are limited civil cases, the judge who has the earliest filed case must determine whether the cases must be ordered related and assigned to his or her department;
- (B) Where the cases listed in the notice include both unlimited and limited civil cases, the judge who has the earliest filed unlimited civil case must determine whether the cases should be ordered related and assigned to his or her department;
- (C) Where the cases listed in the notice contain a probate or family law case, the presiding judge or a judge designated by the presiding judge must determine whether the cases should be ordered related and, if so, to which judge or department they should be assigned;
- (D) In the event that any of the cases listed in the notice are not ordered related under (A), (B), or (C), any party in any of the cases listed in the notice may file a motion to have the cases related. The motion must be filed with the presiding judge or the judge designated by the presiding judge; and
- (E) If the procedures for relating pending cases under this rule do not apply, the procedures under Code of Civil Procedure section 1048

and rule 367 must be followed to consolidate cases pending in the same superior court.

(2) Related cases pending in different superior courts

(A) If the related cases are pending in more than one superior court on notice to the all parties, the judge to whom the earliest filed case is assigned may confer informally with the parties and with the judges to whom each related case is assigned, to determine the feasibility and desirability of joint discovery orders and other informal or formal means of coordinating proceedings in the cases.

(B) If it is determined that related cases pending in different superior courts should be formally coordinated, the procedures in Code of Civil Procedure section 403 and rule 3.500 must be followed for noncomplex cases, and the procedures in Code of Civil Procedure section 404 et seq. and rules 3.501 et seq. must be followed for complex cases.

(3) Complex cases

The provisions in (1) of this subdivision do not apply to cases that have been designated as complex by the parties or determined to be complex by the court.

(i) **Ruling on related cases**

The court, department, or judge issuing an order relating cases under this rule must either:

- (1) File a notice of the order in all pending cases and serve a copy of the notice on all parties listed in the Notice of Related Case; or
- (2) Direct counsel for a party to file the notice in all pending cases and serve a copy on all parties.

(j) **Cases not ordered related**

If for any reason a case is not ordered related under this rule, that case will remain assigned to the court, judge, or department where it was pending at the time of the filing and service of the Notice of Related Case.

(k) **Exception**

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3
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A party is not required to serve and file Notice of Related Case under this rule if another party has already filed a notice and served all parties under this rule on the same case.

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Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300 [formerly 804])

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Hon. Roger W. Boren Administrative Presiding Justice Court of Appeal, Second Appellate District Los Angeles	AM	N	<p>The following revisions (underlined) are proposed:</p> <p><u>Rule 3.300(h)(1)(C)</u> “Where the cases listed in the notice contain a probate or family law case, the presiding judge or a judge designated by the presiding judge must determine whether the case should be <u>ordered</u> related and, if so, to which judge or department they should be assigned.”</p> <p><u>Rule 3.300(h)(1)(D)</u> “In the event that any of the cases listed in the notice are ordered not related under (A), (B), or (C), any party in any of the cases listed in the notice may file a motion <u>with the presiding judge or the judge designated by the presiding judge</u> to have the cases ordered related.”</p>	<p>The committee agreed. The word “ordered” has been added.</p> <p>The committee disagreed. The following sentence in the rule, which states where the motion may be filed, provides direction for where to file the motion in both single assignment and master calendar systems, and it should be retained instead of the proposed language.</p>
2.	Committee on Administration of Justice The State Bar of California, San Francisco	AM	Y	<p>CAJ supports the proposed amendments to rule 3.300 (formerly rule 804), subject to the following comments.</p> <p>First, CAJ recommends that the definition of related cases in rule 3.300(a) (formerly rule 804(a)) be modified to better describe the situation where a pending case is related to a case that is no longer pending.</p>	<p>The committee agreed.</p>

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Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300 [formerly 804])

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>The language “the same or substantially the same” in proposed subdivision (a)(5) is vague, and the requirements relating to cases that have been dismissed should match the requirements of proposed subdivisions (a)(1) through (a)(4).</p> <p>Second, CAJ believes cases disposed of by judgment should be included, along with cases dismissed with or without prejudice.</p> <p>Third, CAJ believes “law or fact” in a proposed subpart of subdivision (a) is too broad, and should be changed to “law and fact,” similar to existing rule 804(b)(3). Countless cases could require the determination of “substantially identical questions of law” (e.g., cases involving the interpretation of language in an insurance policy, cases involving the imposition of punitive damages, the recent cases involving the retroactivity of Proposition 64), and there does not appear to be a reason to require that a Notice of Related Case be filed in all such cases, particularly where the</p>	<p>The committee concluded that the entire set of subparagraphs defining “related cases” needed to be revised and has modified them as described in the report. Proposed subdivision (a)(5) was deleted as part of this revision. Revised subdivision (a) applies to dismissed as well as pending cases.</p> <p>The committee agreed and has modified the rule to so indicate.</p> <p>The committee disagreed with changing “law or fact” to “law and fact,” but combined the proposed subdivision with (a)(2) so that this is no longer a problem; the revised definition is not overbroad. (See report for discussion.)</p>

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				<p>underlying facts are entirely distinct.</p> <p>Finally, CAJ was split on the proposed deletion of the reference to cases in “federal court” in California (as indicated by the bracketed portion of the proposed revision, below). Some members of CAJ agree with the proposed deletion, noting that a federal case would not be ordered “related” to a state case in any event. Other members of CAJ believe the information would be useful to have, and may have relevance to some other issues or proceedings in the state case.</p> <p>CAJ recommends that the proposed amendments to rule 3.300(c) and (b) (formerly rule 804(a) and (b)) be modified to read:</p> <p>“(a) [Definition of “Related cases”] Civil cases are related <u>A pending civil case is related to another pending civil case, or a civil case that was dismissed with or without prejudice, or a case that was disposed of by judgment,</u> when the cases:</p> <p>(1) Involve the same parties and are based on the same or similar claims;</p>	<p>The committee concluded that the reference to “federal cases” should be reinstated. It would be useful for the courts to have that information.</p> <p>The committee agreed that the amendment of the prefatory language is desirable. It has modified the rule to reflect the suggestion.</p>

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				<p>(2) Arise from the same or substantially identical transactions, incidents, or events;</p> <p>(3) Involve claims against, title to, possession of, or damages to the same property;</p> <p>(4) Require the determination of the same or substantially identical questions of law or <u>and</u> fact; <u>or</u></p> <p>(5) Are the same or substantially the same as an earlier case in the superior court that has been dismissed either with or without prejudice; or (6) Are likely for other good reasons to require substantial duplication of judicial resources if heard by different judges.</p> <p>(b) [Duty to provide notice] Whenever a party in a civil action knows or learns that the action or proceeding is related to another action or proceeding pending, <u>dismissed, or disposed of by judgment</u> in any state [or federal] court in California, the party must serve and file a Notice of Related</p>	<p>Subpart (2) has been combined with (4). (See report.)</p> <p>The committee disagreed; however, this subpart has been combined with subpart (a)(2). (See report.)</p> <p>The committee also recommends deleting “good” for the reasons explained in the report.</p> <p>The committee agreed that this language should be added.</p>

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Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300 [formerly 804])

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p align="center">Case.”</p> <p>In addition to these changes, other changes would need to be made in other provisions to reflect the fact that related cases may be either pending or dismissed. For example, subdivision (c)(2) states that the Notice of Related Case must “Identify the case that has the earliest filing date and the court and department in which that case is pending.” This should be changed as follows: “Identify the <u>pending</u> case that has the earliest filing date and the court and department in which that case is pending.”</p> <p>The requirement to file the notice “in all cases” in proposed subdivision (d) should be changed to “in all <u>pending</u> cases” (as in (i)), and the requirement to file a response “in all cases” in proposed subdivision (g) should be changed to “in all <u>pending</u> cases.”</p> <p>Changes should be made to subdivision (h) to account for the fact that the related cases may not all be pending and to allow for the transfer of a pending related case to the judge who presided over a dismissed related case.</p> <p>CAJ does not agree with the requirement in</p>	<p>The committee believes this is unnecessary and redundant.</p> <p>The committee agreed; these provisions should refer to <u>pending</u> cases.</p> <p>The committee agreed. The first sentence of (h)(1) has been revised to refer to related cases that “have been filed” instead of “are pending.”</p> <p>The committee agreed that, as a</p>

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Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300 [formerly 804])

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>proposed subdivision (c)(3) that “complaints, cross-complaints, and other relevant documents” be attached. CAJ believes it is overly burdensome to require this in all cases as a matter of course – especially large complex cases where there may be multiple parties and filings – particularly given the 15 day time for service that would be set under proposed subdivision (c) and the expanded definition of “related case.” Subdivision (c)(3) should simply require a statement of the relationship between the related cases. Additional documentation could presumably be supplied, if necessary in a particular case.</p> <p>CAJ believes the response time in proposed subdivision (g) should remain at 10 days, and should not be shortened to 5 days.</p> <p>CAJ does not believe the proposed exception in subdivision (k)(1) should be adopted, to the extent it is intended to exempt cases that have been assigned to the same judge or department, but have not been officially ordered related. Assignment to the same judge or department would not have the same significance as a determination that cases are related. Once</p>	<p>general rule, the requirements of (c)(3) were too burdensome and should be eliminated. However, in an appropriate case, the court may order the parties to provide such documentation.</p> <p>The committee agreed.</p> <p>The committee disagreed; five days should be sufficient.</p> <p>The committee agreed that the proposed exception in subdivision (k)(1) should not be included in the rule.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				cases have been ordered related, it makes it easier for the courts to track the various cases internally, and ensure that all related cases are treated appropriately.	
3.	Ms. Janet Garcia Manager Planning and Research Unit Superior Court of California, County of Los Angeles Los Angeles	A	N	No comment.	No response required.
4.	Mr. Thomas M. Holsinger Research Attorney Superior Court of California, County of Stanislaus Modesto	A	N	No comment.	No response required.
5.	Hon. Thomas J. Hutchins and Ms. Cheryl Kanatzar Judge and Deputy Executive Officer Superior Court of California, County of Ventura Ventura	AM	N	<u>Judge Hutchins:</u> There should be provisions that require a court to take action upon the filing of a “Notice of Related Case.” For example, California Rules of Court, rules 1811 and 1812 (new rules 3.402 and 3.403) impose an objection in reference to “complex” cases. Similarly, the court should be obligated to act in the case of “Related Cases.” <u>Cheryl Kanatzar:</u> Add to rule 3.300(b): When court becomes aware of related case, direct party to give notice; and to 3.300(c) parties to designate	The committee agreed. The new rules provide for such a procedure and require courts to determine whether cases should be ordered related. The committee believes this is not necessary. The proposed provisions adequately address

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				master file. Rule 3.300(g): leave at 10 days instead of reducing to 5 days.	these circumstances and authorize the court to act. The committee disagreed. (See discussion in the report.)
6.	Ms. Tressa S. Kentner and Ms. Debra Meyers Executive Officer and Chief of Staff Counsel Services Superior Court of California, County of San Bernardino San Bernardino	A	N	No comments.	No response required.
7.	Ms. Cristina Llop Director Superior Court of California, County of San Francisco San Francisco	A	N	Does this include small claims cases?	No. Small claims cases may be transferred under the separate procedures provided for such cases.
8.	Mr. Wayne Maire President California Defense Counsel Sacramento	A	N	No comment.	No response required.
9.	Hon. Laura Masunaga Commissioner Superior Court of California, County of Siskiyou Yreka	A	N	No comment.	No response required.
10.	Ms. Julie M. McCoy Orange County Bar Association Irvine	A	N	No comment.	No response required.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
11.	Ms. Pam Moraida Civil/Small Claims Program Manager Superior Court of California, County of Solano Fairfield	A	N	No comment.	No response required.
12.	Ms. Tina Rasnow Senior Attorney/Coordinator Superior Court of California, County of Ventura Ventura	A	N	Question: How, if at all, does this impact the holding in <i>Greene v. Superior Court</i> 37 Cal.2d 307 (1951) with respect to cases involving child custody either family law or probate guardianship?	The amended rule provides new procedures for handling family law and guardianship cases within a county, but does not change the law regarding intercounty jurisdiction over such cases.
13.	Ms. Kimberly Ringer Research Attorney Superior Court of California, County of Stanislaus Modesto	A	N	No comment.	No response required.
14.	Mr. Michael M. Roddy Executive Officer Superior Court of California, County of San Diego San Diego	AM	Y	1. The revisions to rule 3.300(b) could be read to require parties, not their counsel, to file and serve the Notice of Related Case. This rule should be clarified to state the "...party's attorney or the party, if self-represented, must serve and file a Notice of Related case." 2. The revision to rule 3.300(c)(3) to require the Notice of Related Case to include a copy	1. It is not necessary to state this separately. (See Cal. Rules of Court, rule 1.6(15) [formerly rule 200.1].) ("Party" includes the party's attorney of record.) 2. The committee agreed. The committee concurred that the

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Civil Law: Related Cases (amend Cal. Rules of Court, rule 3.300 [formerly 804])

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>of any complaint, cross-complaint and other relevant document would cause an avalanche of paper to be received by the court and then to be placed permanently in the case file. An alternative would be for a party filing the Notice of Related Case to be required to lodge the specified documents with the notice so that these documents may be returned to the party upon being considered by the court.</p> <p>3. The revision to rule 3.300(g) that reduces the time period from 10 days to 5 days for other parties to respond to a Notice of Related Case is too short for parties to have an adequate opportunity within which to investigate and prepare a response. The time period should either remain the same and/or be increased by 5 days.</p>	<p>proposed requirement in (c)(3) that copies of these documents must be provided should be eliminated. Courts may order the parties to provide this documentation in individual cases, if appropriate.</p> <p>3. The committee disagreed. The 5-day period is appropriate.</p>
15.	Ms. Mindy Wall Court Investigator Superior Court of California, County of Tulare Visalia	AM	N	Subsection (i) needs to specify who in the courts shall be responsible for the notice requirement (i.e., the court clerk’s office, the courtroom clerk, or other court personnel).	The committee agreed. Subdivision (i) is sufficiently clear as to who is responsible; hence, the proposal is not needed.