

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

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee  
Hon. Elihu M. Berle, Chair  
Case Management Subcommittee, Hon. Robert B. Freedman, Chair  
Patrick O'Donnell, Committee Counsel, 415-865-7665,  
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DATE: September 28, 2005

SUBJECT: Notice of Related Case (approve form CM-015; revise form  
CM-010) (Action Required)

Issue Statement

Counsel in a civil action have a duty to promptly file a notice of related case whenever they know or learn that the action or proceeding is related to any other action or proceeding pending in any state or federal court in California. (See Cal. Rules of Court, rule 804.) However, no Judicial Council form exists for providing a notice of related case.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2006:

1. Approve *Notice of Related Case* (form CM-015); and
2. Revise *Civil Case Cover Sheet* (form CM-010) to include a new item stating that, if there are any related cases, a notice of related case must be filed and served.

Copies of new optional form CM-015 and revised form CM-010 are attached at pages 4–7.

### Rationale for Recommendation

The new *Notice of Related Case* (form CM-015) would provide a ready means for parties in civil cases to serve and file a notice of a related case. It would assist them in complying with rule 804. The form would be optional.

The current *Civil Case Cover Sheet* (form CM-110) would be revised to include a new item 6 instructing the person filing the cover sheet to indicate whether there are any related cases at the time of the initial filing. The item would also state that the person may use the *Notice of Related Case* (form CM-015) for this purpose. This item will ensure that related cases are promptly brought to the attention of the court.

### Alternative Actions Considered

Attorneys could continue to prepare their own notices of related cases. However, the committee considered it desirable to have an optional form available for this purpose.

### Comments From Interested Parties

The proposed forms were circulated for public comment in the spring of 2005. Ten comments were received on this proposal. The commentators included court administrators, a court attorney, a local bar association, and the Committee on Administration of Justice of the State Bar of California. A chart summarizing the comments and the committee's responses is attached at pages 8–11. All of the commentators supported the proposal, although three suggested modifications to the form that was circulated.

On the *Notice of Related Case* (form CM-015), the committee agreed with a suggestion that items 1f and 2f should ask for “why” instead of “whether” the assignment of the cases to a single judge is likely to result in efficiencies. This language would be consistent with rule 804. In addition, a proof of service has been added to the *Notice of Related Case* for the convenience of litigants.

On the *Civil Case Cover Sheet* (form CM-010), the committee agreed that the proposed language in item 6 regarding the filing and service of notice of related case could be improved. The proposed check boxes have been removed. Instead, item 6 would read: “If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)”

### Implementation Requirements and Costs

Some costs will be incurred in making copies of the new and revised forms available. However, insofar as the availability of the new *Notice of Related Case* form and the added instruction on the *Civil Case Cover Sheet* should encourage

parties to identify related cases early in the action, the new and revised forms should result in greater efficiencies in the handling of cases.

Attachments

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

**The following case or cases are related to the above-captioned case:**

1. a. Title:
- b. Court:  same as above  other (*name and address*):
- c. Case number:
- d. Filing date:
- e. Relationship to this case:
- f. If the related case is pending in the same court as this case, explain why the assignment of the cases to a single judge is likely to result in efficiencies:

Additional explanation is attached in Attachment 1.

2. a. Title:
- b. Court:  same as above  other (*name and address*):
- c. Case number:
- d. Filing date:
- e. Relationship to this case:
- f. If the related case is pending in the same court as this case, explain why the assignment of the cases to a single judge is likely to result in efficiencies:

Additional explanation is attached in Attachment 2.

3.  Additional related cases are described in Attachment 3.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF PARTY OR ATTORNEY)

▶ \_\_\_\_\_  
 (SIGNATURE OF PARTY OR ATTORNEY)

PLAINTIFF: _____ DEFENDANT: _____	CASE NUMBER: _____
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**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF RELATED CASE**

**(NOTE: You cannot serve the Notice of Related Case if you are a party in the action. The person who served the notice must complete this proof of service.)**

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

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

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

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

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

4. The envelope was addressed and mailed as follows:

- |  |  |
|--|--|
| a. Name of person served:<br><br>Street address:<br>City:<br>State and zip code: | c. Name of person served:<br><br>Street address:<br>City:<br>State and zip code: |
| b. Name of person served:<br><br>Street address:<br>City:<br>State and zip code: | d. Name of person served:<br><br>Street address:<br>City:<br>State and zip code: |

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

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

Date:

_____ (TYPE OR PRINT NAME OF DECLARANT)	_____ (SIGNATURE OF DECLARANT)
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)
	CASE NUMBER:
	JUDGE: DEPT:

*Items 1–5 below must be completed (see instructions on page 2).*

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800–1812)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint ( <i>not specified above</i> ) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition ( <i>not specified above</i> ) (43)
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2. This case  is  is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Type of remedies sought (*check all that apply*):  
 a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive
4. Number of causes of action (*specify*): \_\_\_\_\_
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)
- Date: \_\_\_\_\_

_____ (TYPE OR PRINT NAME)	 _____ (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
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**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

# INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

## To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 5 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 227 of the California Rules of Court.

## To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

### Auto Tort

- Auto (22)—Personal Injury/Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

### Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

### Employment

- Wrongful Termination (36)
- Other Employment (15)

### Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
  - Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case—Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

### Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

### Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

### Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
  - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal—Labor Commissioner Appeals

### Provisionally Complex Civil

- ### Litigation (Cal. Rules of Court Rules 180A-180J)
- Trade Regulation (03)
  - Construction Defect (10)
  - Claims Involving Mass Tort (40)
  - Securities Litigation (28)
  - Environmental/Toxic Tort (30)
  - Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

### Enforcement of Judgment

- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment (*non-domestic relations*)
  - Sister State Judgment
  - Administrative Agency Award (*not unpaid taxes*)
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

### Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
  - Declaratory Relief Only
  - Injunctive Relief Only (*non-harassment*)
  - Mechanics Lien
  - Other Commercial Complaint Case (*non-tort/non-complex*)
  - Other Civil Complaint (*non-tort/non-complex*)

### Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief from Late Claim
  - Other Civil Petition

**SPR05-11**

**Notice of Related Case (approve form CM-015; revise form CM-010)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Mr. Mike Belote California Advocates, Inc. Sacramento	A	Y	No specific comment.	No response required.
2.	Ms. Linda Gorham Court Manager Superior Court of California, County of San Francisco	A	N	No specific comment.	No response required.
3.	Superior Court of California, County of Los Angeles	A	Y	No specific comment.	No response required.
4.	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	AM	Y	<p><u>Form CM-015:</u></p> <p>1. The court’s executives, managers, and supervisors commented that the language contained in item 1f and item 2f is confusing. The wording should be changed to: “If the related case is pending in the same court as this case, explain <i>why</i> [instead of <i>whether</i>] the assignment of the cases to a single judge is likely to result in efficiencies.”</p> <p>2. The submission of this form by the parties will create the expectation that the court will take some independent action. If this is the case, should there be additional language to explain what the next step should be?</p>	<p><u>Form CM-015:</u></p> <p>1. The committee agreed that the language on items 1f and 2f should be changed from “whether” to “why.”</p> <p>2. Rule 804 (referenced in the lower right-hand corner of the form) indicates that the judge may take various formal or informal actions. No more detailed explanation is needed on this form, which is primarily for the use of the court.</p>
5.	Ms. Pam Moraida Court Program Manager Superior Court of California,	A	N	No specific comment.	No response required.

**SPR05-11**

**Notice of Related Case (approve form CM-015; revise form CM-010)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
	County of Solano Fairfield				
6.	Ms. Tina Rasnow Senior Attorney/Coordinator Superior Court of California, County of Ventura	A	N	No specific comment.	No response required.
7.	Ms. Amy Silva Director Family Law/Probation Operations Orange	AM	N	<p><u>Form CM-015:</u></p> <p>1. This form may present problems for the self-represented, without some kind of direction. They often do not know the filing date of their cases. It may help them to have some choices. For example, under item 1e, which asks for “Relationship to this case,” the form could have:</p> <p><input type="checkbox"/> Parties are the same  <input type="checkbox"/> One of the parties is the same  <input type="checkbox"/> Case opened and dismissed</p> <p>Or other common relationship.</p> <p>2. The form should be modified as follows: Item 1b: the words “(court address)” should replace the word “(describe).”</p> <p>3. Item 2f: This statement should be removed and become item 3. The line should read as follows: “The assignment of the cases to a single judge is likely to result in efficiencies for the following reasons:”</p> <p>Item 3 would then become item 4.</p>	<p><u>Form CM-015:</u></p> <p>1. The committee disagreed. Current items 1e and 2e, which ask for a description of the relationship, are likely to provide more useful information than a conclusory checklist; hence, these items should be kept the same on the final version of the form as on the version circulated for comment.</p> <p>2. The form has been modified to require “(name and address).”</p> <p>3. The committee disagreed. Instead, it has modified 2f as indicated in response to comment 4. Also, items 1f and 2f should not be listed as a separate item or items because they are part of the</p>

**SPR05-11**

**Notice of Related Case (approve form CM-015; revise form CM-010)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
					description of each related case. .
8.	Ms. Patti Morua-Widdows Court Program Manager Superior Court of California, County of Ventura	A	N	No specific comment.	No response required.
9.	Committee on Administration of Justice The State Bar of California San Francisco	AM	Y	<p>The Committee on Administration of Justice (CAJ) supports this proposal subject to the following comments.</p> <p><u>Form CM-015:</u></p> <p>CAJ believes item 6 on the Civil Cover Sheet should be changed from “there are/are not any related cases” to “Plaintiff does know of/does not know of any related cases” or “There are/are not any known related cases.” The parenthetical following that item should then be modified to read “(If <del>there are</del> <u>any are known</u>, file and serve Notice of Related Case (form CM-015).)” CAJ recommends these changes because plaintiffs often do not know at the time of filing a complaint whether there are any related cases.</p> <p><u>Form CM-010:</u></p> <p>CAJ also recommends that items 1f and 2f in the <i>Notice of Related Case</i> should include a reference to the possibility of attachments for those items. This will assist in more complex litigation that will likely include additional</p>	<p><u>Form CM-015:</u></p> <p>The committee agreed that item 6 should be revised. However, instead of the suggested language, the item has been changed to read: “If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)”</p> <p><u>Form CM-010:</u></p> <p>The committee agreed.</p>

**SPR05-11**  
**Notice of Related Case (approve form CM-015; revise form CM-010)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Committee Response</b>
				information to aid the court in determining whether cases are related.	
10.	Mr. Dean Zipser President Orange County Bar Association Irvine	A	Y	No specific comment.	No response required.