

California Civil Litigation Timeline

(Getting to trial may take 1-2 years or longer)

Five Year Rule. An action shall be brought to trial within five years after the action is commenced against the defendant. [CCP \$583.310]

the parties may mediate at any time



Lawsuit Filed

A lawsuit is called a "Complaint"

Time limits for filing claims in California vary depending on the nature of the claim. For example, a person injured in an auto accident has two years from the date of the accident in which to file suit. If you feel like you have a poténtial claim, you should immediately contact an attorney to ensure that you understand the time limits in which you can file your claim



Complaint Served

Within 60 days [CRC §3.110]



Defendant files Responsive Pleading-Either Answer or Demurrer and/or Motion to Strike

Defendant has 30 days to file a Responsive Pleading. [CCP §412.20]

- · An Answer typically denies the allegations
- and lists affirmative defenses
- · A Demurrer challenges defects in the
- A Motion to Strike requests the removal of inappropriate allegations or improper items in the complaint



FILED

TATE'S UNIFIED JUDICIAL SYST CLERK OF COURT

Discovery lasts from 8-10 months. Discovery closes 30 days before trial Discovery is generally a lengthy process where the parties exchange information

to evaluate the merits

of the case

Case Management Statement (CMS)

Must be filed 15 days prior to the initial CMC date



Case Management Conference (CMC)

- Judge may set dates: Trial Date, Trial Readiness Conference Date. First &Second Exchange of **Experts, Law & Motion Discovery Cutoff**
- Jury fees must be posted by the party requesting a jury
- Judge may order the parties to go to Mediation



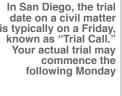
Motion Discovery Cutoff

Discovery closes 30 days before trial, or 15 days before arbitration. Discovery motions must be heard no less than 15 days before trial. [CCP §2024.020]



Mediation

Approximately 80% of cases resolve through Mediation (the parties are free to mediate at any time)





Typically set by judge at CMC. Occurs about 2-3 weeks before the trial. Parties must file a TRC Report



Discovery May Start

or Defendant's appearance to serve written §2025.201(b)], 20 [CCP §2025.210]

 Defendants may conduct discovery any time after being served or after they [CCP §2030.020]



Written Discovery

- Plaintiffs must wait 10 days after Special Interrogatories Form Interrogatories
- service of summons Request for Admissions · Request for Production of Documents
 - may be required. [CCP



Deposition(s) of Parties & Witnesses

Notice must be served at least 10 days before the deposition date. [CCP §2025.270(a)]

If notice accompanied by Request for Production of Documents, additional time §2020-2201



Expert Demand

70 days before trial, or within 10 days of setting trial date, which is closer to trial date, experts must be demanded [CCP §2034.220] In San Diego County the Court typically sets these dates, and no expert demand is necessary.



1st Exchange of Experts

Typically set by judge at CMC. 50 days before trial date, or 20 days after service of demand, date. [CCP §2034.230]





2nd Exchange of Experts

Typically set by judge at CMC. Within 20 days of the 1st Exchange. You may only designate an additional expert on a topic already designated in your opponent's Exchange. [CCP §2034.280]



The example used in the timeline above is a San Diego County Example

CCP–California Code of Civil Procedure CRC-California Rules of Court General Jurisdiction-When complaint demands damages in excess of \$25,000

© 2015 Law Offices of Steven A. Elia, APC. All rights reserved. Disclaimer: The above graphic represents an example of a typical timeline for a civil lawsuit in general jurisdiction in San Diego County. This timeline is intended to be for informational purposes only and is not intended to be treated as legal advice. You should not rely on or act on any information from this timeline without consulting with a competent attorney licensed to practice law in your jurisdiction. You should immeɗiately contact an attorney to discuss any timeline pertaining to your case. Use of this graphic does not create an attorney-client relationship. The owner of this graphic assumes no liability or responsibility for any errors or omissions our out-of-date information in the content contained in it.