ELIA LAW FIRM, APC
INJURY ATTORNEYS

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]

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 potential 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]**

the parties may mediate at any time

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 complaint**
- **A Motion to Strike requests the removal of inappropriate allegations or improper items in the complaint**

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 trial**
- **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)

Trial

In San Diego, the trial date on a civil matter is typically on a Friday, known as "Trial Call." Your actual trial may commence the following Monday

Trial Readiness Conference (TRC)

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

Discovery Phase

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

Discovery May Start

- Plaintiffs must wait 10 days after service of summons or Defendant's appearance to serve written interrogatories. **[CCP §2025.201(b)]** 20 days to serve a deposition notice. **[CCP §2025.210]**
- Defendants may conduct discovery any time after being served or after they appear in the action. **[CCP §2030.020]**

Written Discovery

- **Form Interrogatories**
- **Special Interrogatories**
- **Request for Admissions**
- **Request for Production of Documents**

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 may be required. **[CCP §2020-220]**

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, whichever is closer to trial 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 1st Exchange. **[CCP §2034.280]**

Expert Deposition(s)

Notes about time frames

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

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