

# **LITIGATION BY THE NUMBERS - FOURTH EDITION**

**January 2010 Update**

Enclosed is the 36-page January 2010 Update for your copy of *Litigation By The Numbers® - Fourth Edition*, by Julie A. Goren, Esq. It includes new rules, new and revised forms, the July 29, 2009 urgency legislation changes, and many improvements. The most significant changes are summarized below.

## Urgency Legislation

As you hopefully are aware, after we issued the July 2009 Update, urgency legislation was enacted which affected the accuracy of the book, the most significant relating to court closure days and increased fees. Having been between updates at the time, we emailed our customers about the changes, and made several updated pages (in Chapter 2, Chapter 9, Appendix E and Appendix F) available for free download. These were marked "Rev. 8/09." We are including those pages (revised again in some cases) in the enclosed update, marked "Rev. 1/10."

Note that our "2010 Calendar of California Court Holidays" (Appendix E) now has question marks on the third Wednesday of every month after June 2010. The Judicial Council is supposed to meet in January 2010, to decide whether to continue or reduce the court closure days after June 2010. We will send out an email with a revised calendar as soon as they publish their decision.

## Chapter 2 - Filing, Service, and Calendaring

- C.R.C., Rule 2.260(f) no longer requires a proof of service by electronic service to state that the "transmission was reported as complete and without error." The multi-purpose POS-040 has been revised to reflect that change. If you have created a multi-purpose in-house form, you might want to delete that now obsolete language from the section on electronic service. Do not delete it from the section on fax service -- it is still required for fax service.
- The Judicial Council has adopted some new optional forms relating to electronic service. We mention two of them: Consent to Electronic Service and Notice of Electronic Notification Address, and Notice of Change of Electronic Notification Address.

## Chapter 5 - Discovery

- We have included elements of the Electronic Discovery Act (adopted as part of the urgency legislation) throughout Chapter 5, including the new terms "electronic" and "electronically stored information" ("ESI"), and the revised definition of "inspection demand." Under the Inspection Demand section, we have added information about specifying the form of ESI in the demand and/or the response, and have included more detail on written responses.

## Chapter 9 - Judgment and Enforcement

- There is a new 2-sided optional Judicial Council Form "Notice of Entry of Judgment or Order."
- We have added a calendaring box re the several deadlines triggered by Notice of Entry of

Judgment, including detail on whether C.C.P. § 1013 is applicable.

- C.R.C., Rule 8.104 re time for filing notice of appeal is revised. The rule specifies that the notice of entry of judgment may be served by any method -- it does not have to be mailed (despite the clear language of C.C.P. § 664.5) -- and time for filing notice of appeal starts running from the *service* as opposed to the *mailing* of the notice. [The Judicial Council did not change the mailing vs. service rule as to any other deadline dependent upon mailing notice of entry, i.e., memo of costs, motion for attorneys fees, etc. Look for those in the future.]
- C.R.C., Rule 3.1590, regarding the statement of decision and proposed judgment process, is revised. The time within which to prepare a proposed statement of decision has changed (C.R.C., Rule 3.1590(f) - LBTN, p. 9-9), as has the time within which the court must sign a proposed judgment (C.R.C., Rule 3.1590(l) - LBTN, p. 9-13). We've added a lot of detail here.

### Miscellaneous

We have updated several of the Vocabulary pages in each chapter, the Glossary, and the Index.

Here's how to replace the pages to keep your book current:

	Pages to discard	# pp. to discard	# pp. to insert	Pages to discard	# pp. to discard	# pp. to insert
Title		1	same as discard	5-71 to 5-72	1	same as discard
iii-iv		1	"	6-3 to 6-4	1	"
1-3 to 1-4		1	"	9-1 to 9-14	7	8
2-1 to 2-4		2	"	9-29 to 9-30	1	same as discard
2-9 to 2-14		3	"	Appendix E	1	"
2-27 to 2-30		2	"	Appendix F	1	"
4-3 to 4-4		1	"	Glossary	3	4
5-1 to 5-6		4	"	Index	3	3
5-67 to 5-68		1	"			

Thank you for subscribing to the Update Service. As always, should you have any questions, comments or suggestions about the book or the updates, please give us a call or send an email. We truly appreciate hearing from our subscribers, and often make changes as a result!

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Lawdable Press