

<b>California Civil Procedure Fall 2009 Prof. Slomanson Mon/Wed: 10:00-11:15</b> Required: Cases and Materials on California Civil Procedure (3d ed 2008); Cal. Forms Supp. (photocopy: Fall, 2010). <u>Optional</u> : (1) Civil Procedure in California: State and Federal (stat. supp: maroon 2009 ed.); (2) Quick Review (Sum & Substance: 2008); (3) Cal. Civ. Pro. in a Nutshell (3d ed. 2008) [all = West books].		
WK	SUBJECTS:	PAGES: [ <u>CWP</u> = Course Web Page]
1	Intro: Sources; WWVW: State or Fed. <b>JurisVenConflicts</b> : SMJ classification. ■ Service of process; Venue; FNC.	1-36 ( <u>not</u> Schmier, but n.2,3,5; <u>not</u> Jelinek, but n.1); 39( <i>Stern</i> )-44n.1, 4,5,7,9. ■ 59( <i>Espindola</i> )-66 & n.2,3,5-8; 63( <i>Dill</i> )-70 n.3-7; 80( <i>Brown</i> )-85n.3 & 6; 88-89 <u>just</u> (b)&(e); 90 ( <i>Morris</i> ).
2	Choice of law (tort & contract); <b>Pleadings</b> : Pre-filing requisite; Terminology; Form & verified complaints. ■ “Fact” pleading; Damages; Economic Lit Proj.	106( <i>Kearney</i> ) & 116n.2; 118( <i>Expansion Pt.</i> ); 126( <i>Stockton CWP Chap. 3</i> ); 132( <i>People</i> )-134; 135(c)-136. ■ 137(3.)( <i>Bockrath</i> )-143n.1; 143( <i>Doe</i> ); 153(4.) ( <i>Schwab</i> )-158n.1-5; 160(b) ( <i>College Hosp</i> )-167n.1,3; 168(5.).
3	Econ.Lit. Proj.; Demurrers; Motion practice; Answer; Appearances; Denial; Affirm. defenses; SOL. ■ More SOL; Amendments; Doe Ds; Frivolous pleadings.	<i>Sheehan</i> (CWP Chap 3); 168( <i>Pomo Indians</i> ) & n.3; 178(5.); 179(C.)( <u>not</u> 180); 72(3.)( <i>Roy</i> )-77; 180(1.)( <i>Avantec</i> )-185; 187(b)( <i>Norgart</i> )-190 & n.2. ■ 193( <i>Jolly</i> ); 216n.3,4; 218( <i>Davaloo</i> ) & n.1,3; 227( <i>Fuller</i> )-234 & n.1-5; 237( <i>Eichenbaum</i> )-240 & n.2-4.
4	SLAPP motions. ■ Erie- SLAPP; Class action.	242( <i>Flatley</i> ) & n.2,7,9; 256(b)( <i>DIRECTV</i> ) & n.1,4,5; 263( <i>Brenton</i> )-267 n.1,5 ■ 269(d)( <i>Metabolife</i> )-276 n.1-2; 298( <i>Linder</i> ) & n.5; self-review for <b>Q &amp; A</b> thru Week 4.
5	<b>Discovery</b> : Philosophy; Informal Disc; Relevance; Privileges. ■ Privilege log; Work product; Waiver.	325( <i>Greyhound &amp; Pullin</i> )-333 n.3; 335( <i>Stewart</i> )-n.1 Problem; 339(3.)( <i>Pioneer Electronics</i> )-346 & n.2,3 ■ 347( <i>Hernandez</i> )-349 n.1,3; 351(c)( <i>Laff</i> )-357 n.1-3; 358( <i>County L.A.</i> )-363 n.1-3; 365; <i>Rico</i> (CWP Chap 4) & 369 n.1,2,7.
6	Interrogatories; Depos; Physical & Mental Exams; Docs ■ Requests for Admissions; Continuing & Electronic Disc; Experts 1.	371( <i>Sinaiko</i> ) & 377 n.4; 378( <i>Maldonado</i> )-385 n.3; 385(a)( <i>Vinson</i> )-392 n.2,4; 393( <i>Stadish</i> )-398 & n.3,4 ■ 401( <i>Wilcox</i> )-405 n.2; 405(6.)( <i>Biles</i> )-410 n.1,3; 411(7.)( <i>Toshiba</i> ) & n.1,5; 419(D.)( <i>Bonds</i> )-424 & n.2-5.
7	Experts 2; Oversight; Meet & Confer; Sanctions. ■ Protective orders; Cutoff; Punitive damages discovery.	426( <i>Western</i> )*-430; 431( <i>Obregon</i> ) & 437 2-440; <i>Doppes</i> (CWP Chap 4); 452 n. 3 & 6. ■ 453( <i>Planned</i> )-n4; 462( <i>Fairmont</i> ); 469(5.)( <i>Jabro</i> ) & n.3, 5. Q & A.

8	<b><u>Dispo without Trial:</u></b> Arbitration; Waiver; Statutory claims. ■ Judicial arbitration; Rent Judge; Pre-emption; Mediation; Case management.	475( <i>Moncharsh</i> )-487 n.2; 488( <i>Engalla</i> )-498 n.2; 499( <i>Armendariz</i> )-507 n.1,3,4,6. ■ 510 Problem; 511( <i>Porreco</i> )-514 n.3; 515 Note; 517(4.)-519; 520(B.)( <i>Foxgate</i> )-529 n.1-4,6; 531(C.)( <i>Garcia</i> ).
9	Dismissal; Failure to prosecute; Default. ■ Settlement; Allocation; Good faith settlement.	540( <i>Franklin</i> ); 548( <i>Landry</i> ); 552( <i>Tamburina</i> ) & n.2,4,6; 557(b)( <i>Greenup</i> )-565 n.1-3, 7. ■ 566(F.)( <i>Wackeen</i> ) & n.3; 572(2.)( <i>Tech-Bilt</i> ) & 580 n.2; 581(b)( <i>Weidenfeller</i> )-585 n.2.
10	Offer of judgment. ■ Summ judgment; Reconsideration; <b><u>Trial:</u></b> Right to jury; Approach; Waiver; Size.	586( <i>Cobb</i> )-591 n.1,4,6; 593( <i>Guzman</i> )-586 n.1-3; 597( <i>Jones</i> )-600 n.1; 600 Note. ■ 601(G.)-603; 1. <i>Robinson</i> (CWP Chap. 5); 2. <i>Kojabian</i> (CWP Chap. 5); 615(H.)( <i>Le Francois</i> ) & n.3; 624( <i>Crouchman</i> )-630; 630 Note; 635( <i>Grafton</i> ) & n.2,3; 645 Note; 648 Note.
11	Jury pool; Community; Voir dire; New categories; Judicial challenges. ■ Instructions; Verdicts.	649( <i>Burgener</i> )-655 n.1; 656( <i>Williams</i> )-651 n.1,3; 665(3.)( <i>Garcia</i> )-674 n.1-3, 5; 677 Note. ■ 678( <i>Mitchell</i> )-687 n.3 & 5-7; 697( <i>Resch</i> )-701 n.1-4; 702 Note; <b>Q &amp; A</b> thru Week 11.
12	Nonsuit; Directed verdict; JNOV; New trial. ■ Relief fm judgment; Enforcement: Attachment; TRO/preliminary injunctions; Contempt.	711( <i>Panico</i> ) & n.1; 717( <i>Daily</i> ) & n.1-2; 719( <i>Garretson</i> ) & n.1,3; 724( <i>Fountain</i> ); 732-734 Notes. ■ 735( <i>Zamora</i> ) & n.3-5(a-b); 755 ( <i>Western</i> ) & n.4,5; 769( <i>Sundance</i> )-776 n.1; 792(2.)( <i>Ivey</i> )-800 n.2.
13	Costs; Attorney's fees. ■ <b><u>Appeal:</u></b> Final judgment rule; Multiple claims; Orders; Writs; Timeliness.	802( <i>El Dorado</i> ) & n.1(quote); 709(2.)( <i>Sokolow</i> )-818 n.2; 821( <i>PCLM</i> ) & n.5. ■ 835( <i>Morehart</i> ) & n.5; 846(b)( <i>Roden</i> ) & n.1; 856(2.)( <i>Science</i> ); 872 n.2,4,6.
14	<b><u>Prior Adjudication:</u></b> Stare decisis; Retroactivity; Law of the case; Res judicata ■ Q&A	899-901(not 2.); 910( <i>Newman</i> )-914 n.2; 915(4.)-916; 917( <i>Mycogen</i> ) & n.1-3(a),(b),(c). ■ <b>Q&amp;A</b> & office hours.

**Notes:** (1) Principal cases and their following notes are assigned only when listed above (assigned cases are *italicized*). (2) I infrequently include only a case's casenotes; e.g., Day 1, n.2-3 to unassigned *Schmier* case. (3) The symbol "■" = midweek breakpoint. (4) \* = rugged facts—focus on issue presented, not the facts. (5) A small % of your grade will be based on your moot court presentations. Each person will have about six. (6) You will have a practical midterm, e.g., drafting a demurrer, based on last semester's final exam & an example provided in the course supplement. (7) Prior exams: <<http://home.att.net/~sломansonb/CalCivPro.html>>. Click Exam Bank. I will provide User Name \_\_\_\_\_ & Password \_\_\_\_\_ on first day of class. **DO NOT** give that information to anyone else. (8) There will be one grade deduction of -.1 for each "unprepared." Get a buddy. As in practice, there are no ex parte communications with the court after assignments are made. (9) Most of these matters are addressed in the TJSL Cal Civ Pro Course Description.

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