

**REORGANIZED CALIFORNIA RULES OF COURT
APPROVED BY THE JUDICIAL COUNCIL, EFFECTIVE 1/01/07**

1 An order granting or denying all or part of a motion to consolidate ~~shall~~ must be
2 filed in each case sought to be consolidated. If the motion is granted for all purposes
3 including trial, any subsequent document ~~shall~~ must be filed only in the lead case.
4

5 **(d) Caption and case number**
6

7 All documents filed in the consolidated case ~~shall~~ must include the caption and case
8 number of the lead case, followed by the case numbers of all of the other
9 consolidated cases.
10

Chapter 5. Complex Cases

11
12
13 **Rule ~~3.400, 1800.~~ Definition**
14

15 **(a) Definition**
16

17 A “complex case” is an action that requires exceptional judicial management to
18 avoid placing unnecessary burdens on the court or the litigants and to expedite the
19 case, keep costs reasonable, and promote effective decision making by the court, the
20 parties, and counsel.
21

22 **(b) Factors**
23

24 In deciding whether an action is a complex case under ~~subdivision~~ (a), the court
25 ~~shall~~ must consider, among other things, whether the action is likely to involve:
26

- 27 (1) Numerous pretrial motions raising difficult or novel legal issues that will be
28 time-consuming to resolve;
- 29 (2) Management of a large number of witnesses or a substantial amount of
30 documentary evidence;
- 31 (3) Management of a large number of separately represented parties;
- 32 (4) Coordination with related actions pending in one or more courts in other
33 counties, states, or countries, or in a federal court; or
- 34 (5) Substantial postjudgment judicial supervision.
35
36
37
38
39

40 **(c) Provisional designation**
41

42 Except as provided in ~~subdivision~~ (d), an action is provisionally a complex case if it
43 involves one or more of the following types of claims:

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2 (1) Antitrust or trade regulation claims;
3
4 (2) Construction defect claims involving many parties or structures;
5
6 (3) Securities claims or investment losses involving many parties;
7
8 (4) Environmental or toxic tort claims involving many parties;
9
10 (5) Claims involving mass torts;
11
12 (6) Claims involving class actions; or
13
14 (7) Insurance coverage claims arising out of any of the claims listed in
15 subdivisions (c)(1) through (c)(6).
16

17 **(d) Court’s discretion**

18
19 Notwithstanding ~~subdivision~~ (c), an action is not provisionally complex if the court
20 has significant experience in resolving like claims involving similar facts and the
21 management of those claims has become routine. A court may declare by local rule
22 that certain types of cases are or are not provisionally complex ~~pursuant to~~ under
23 this subdivision.
24

25 **Rule ~~3.401.1810.~~ Complex case designation**

26
27 A plaintiff may designate an action as a complex case by filing and serving with the
28 initial complaint the *Civil Case Cover Sheet* (form CM-010) marked to indicate that the
29 action is a complex case.
30

31 **Rule ~~3.402.1811.~~ Complex case counterdesignations**

32
33 **(a) Noncomplex counterdesignation**

34
35 If a *Civil Case Cover Sheet* (form CM-010) designating an action as a complex case
36 has been filed and served and the court has not previously declared the action to be
37 a complex case, a defendant may file and serve no later than its first appearance a
38 counter *Civil Case Cover Sheet* (form CM-010) designating the action as not a
39 complex case. The court must decide, with or without a hearing, whether the action
40 is a complex case within 30 days after the filing of the counterdesignation.
41

42 **(b) Complex counterdesignation**
43

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1 A defendant may file and serve no later than its first appearance a counter *Civil*
2 *Case Cover Sheet* (form CM-010) designating the action as a complex case. The
3 court must decide, with or without a hearing, whether the action is a complex case
4 within 30 days after the filing of the counterdesignation.
5

6 **(c) Joint complex designation**
7

8 A defendant may join the plaintiff in designating an action as a complex case.
9

10 **Rule ~~3.403.1812.~~ Action by court**
11

12 **(a) Decision on complex designation**
13

14 Except as provided in rule ~~3.402 1811~~, if a *Civil Case Cover Sheet* (form CM-010)
15 designating an action as a complex case has been filed and served, the court must
16 decide as soon as reasonably practicable, with or without a hearing, whether the
17 action is a complex case.
18

19 **(b) Court’s continuing power**
20

21 With or without a hearing, the court may decide on its own motion, or on a noticed
22 motion by any party, that a civil action is a complex case or that an action
23 previously declared to be a complex case is not a complex case.
24

25 **Chapter 6. Coordination of Noncomplex Actions**
26

27 **Rule ~~3.500.1500.~~ Transfer and consolidation of noncomplex common-issue actions**
28 **filed in different courts**
29

30 **(a) Application**
31

32 This rule applies when a motion under Code of Civil Procedure section 403 is filed
33 requesting transfer and consolidation of noncomplex cases involving a common
34 issue of fact or law filed in different courts.
35

36 **~~(a)~~ (b) Preliminary step**
37

38 A party ~~who~~ that intends to file a motion under Code of Civil Procedure section 403
39 must first make a good-faith effort to obtain agreement of all parties to each case to
40 the proposed transfer and consolidation.
41

42 **~~(b)~~ (c) Motion and hearing**
43