

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>E-MAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER:</p> <p>DEFENDANT/RESPONDENT:</p> <p>OTHER:</p>	
<p>REQUEST TO OPT OUT OF MANDATORY EXPEDITED JURY TRIAL PROCEDURES</p>	

See instructions on back.

1. (Name of party): _____ requests to opt out of the mandatory expedited jury trial procedures in this case because it meets one of the criteria set forth in Code of Civil Procedure section 630.20(b).

2. The ground for asking to opt out is (check one or more of the following grounds from Code of Civil Procedure section 630.20(b)):

a. Grounds on which a party may choose to opt out of an expedited jury trial.

- (1) Punitive damages are sought in the case. (§ 630.20(b)(1).)
- (2) Damages in excess of insurance policy limits are sought in the case. (§ 630.20(b)(2).)
- (3) A party's insurer is providing a legal defense subject to a reservation of rights. (§ 630.20(b)(3).)
- (4) The case involves a claim reportable to a governmental entity. (§ 630.20(b)(4).)
- (5) The case involves a claim of moral turpitude that may affect an individual's professional license. (§ 630.20(b)(5).) *(Identify the individual and the license):*
- (6) The case involves claims of intentional conduct. (§ 630.20(b)(6).)
- (7) The case has been reclassified as unlimited pursuant to Code of Civil Procedure section 403.020. (§ 630.20(b)(7).)
- (8) The complaint contains a demand for attorney's fees other than fees sought under Civil Code section 1717. (§ 630.20(b)(8).) *(A complaint seeking attorney's fees provided for in a contract is not exempt.)*

b. Ground on which the judge must make a finding. (Note that good cause includes, but is not limited to, a showing that a party needs more than five hours to present or defend the action and the parties have been unable to stipulate to additional time.)

Good cause exists (other than one of the grounds listed above) for not proceeding as an expedited jury trial (§ 630.20(b)(9)) (explain below or on attached page or pages):

3. If the request is not made within the time required under Cal. Rules of Court, rule 3.1546, describe the good cause for late filing:

Check here if you need more space to describe the good cause for the request, or for delay, and attach a separate page or pages describing it. At the top of each page, write "EJT-003, item 2b" or "EJT-003, item 3," as applicable.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

—INSTRUCTIONS—

1. This form is to be used by any party in a limited civil action seeking to opt out of the mandatory expedited jury trial procedures set out in Code of Civil Procedure sections 630.20–630.29. Those procedures are also described in the *Expedited Jury Trial Information Sheet* (form EJT-001-INFO).
2. The law provides that mandatory expedited jury trial procedures apply to all limited civil cases (except for unlawful detainer or eviction cases), unless the case meets one of the criteria set out in Code of Civil Procedure section 630.20(b). Those are listed on the front of this form, at items 2a–2i. If a case fits into one of those criteria, either party may ask to opt out of the mandatory expedited jury trial procedures.
3. **If you want to opt out:** If you believe the case meets one of the criteria listed in item 2 and you want to opt out of the expedited jury trial procedures, fill out this form, serve a copy on all other parties in the case, and file the original with the court along with a proof of service (you can use form POS-040 for this). The form should be served and filed at least 45 days before the date first set for trial. If you have good cause for filing it later, explain that in item 3.
4. **Documentation not required:** It is not necessary to submit documentary evidence with this application, which is based on statements being made under penalty of perjury. You may submit such evidence if you believe it to be necessary or appropriate.
5. **If you receive a copy of this form:** If you disagree that the the case meets any of the criteria listed in item 2, you can object. To do that, fill out the *Objection to Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-004), serve a copy on all other parties in the case, and file the original with the court along with a proof of service (you can use form POS-040 for this). *You must file the objection within 15 days of the date the request was served on you.*
6. **Court action:** After the court has reviewed the request and any objection that has been filed within 15 days, the court will issue an order that will do one of the following:
 - a. grant the request,
 - b. deny the request, or
 - c. set a hearing to hear further from the parties.
7. **Criteria For Opt-Out No Longer Applicable:** Parties should be aware that they are to promptly inform the court if the ground or grounds which supported the opt out of this case from Mandatory EJT are no longer applicable, and the court may require the case be tried as an expedited jury trial.