

AMERICAN BOARD OF TRIAL ADVOCATES
 SAN BERNARDINO/RIVERSIDE CHAPTER
 PRESENTS

**The Nuts and Bolts of
 Expedited Jury Trials in California**
 Development and Use 10 Years Later

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WHAT IS THE
AMERICAN BOARD OF TRIAL ADVOCATES

ABOTA is a national organization, founded in 1958, in Los Angeles, that is dedicated to the preservation and promotion of the right to civil jury trials as guaranteed by the 7th Amendment to the U.S. Constitution.

Just as important, ABOTA works to enhance lawyer competency in jury trial advocacy (including ethical and civility standards), which in the larger picture provides effective representation to individual litigants and a more efficient administration of justice.

ABOTA consists of experienced trial lawyers and judges whose membership is balanced equally between plaintiff and defense lawyers and judges in all states and the District of Columbia. ABOTA is an invitation-only organization. Prospective members must have at least five years of active experience as trial lawyers, have tried 10 civil jury trials to conclusion and exhibit the virtues of civility, integrity and professionalism in the practice of law.

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PANEL

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Evolution of Summary Civil Jury Trials in the U.S.

“To secure the just, speedy, and inexpensive determination of every action and proceeding”*

Courts have faced ongoing challenges over time to design procedures to deliver to civil litigants on the substance of the above promise. Expanding criminal, family law and juvenile caseloads have compounded the problem. Both federal and state courts have tried several reforms, both procedural and administrative, to address the problems such as “simplified evidentiary requirements for small-claims cases, expanded discovery . . . , increased case management and alternative dispute resolution (ADR) programs.”**

* Fed.R.Civ.Proc. Rule 1 (1934)

** National Center for State Courts; Short, Summary & Expedited: The Evolution of Civil Jury Trials (2012)

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Evolution of Summary Civil Jury Trials in the U.S. (cont.)

Despite the worthiness of these reforms, they did little toward delivering the Civil Jury Trial system envisioned by the litigants. Not only did the civil justice system remain complex, expensive and delayed, studies showed that civil jury trials decreased precipitously in both the state and federal system:

- “The decline in jury trials meant fewer cases that have the benefit of citizen input, fewer case precedents, fewer jurors who understand the system, fewer judges and lawyers who can try jury cases- and overall, a smudge on the Constitutional promise of access to civil, as well as criminal, jury trials.” *

So, in 1980, a form of a non-binding jury trial was developed by Federal District Court Judge Thomas Lambros to preview for litigants how a jury may assess a litigant’s case as a way to focus settlement efforts through the court. This was the start of transformative developments toward streamlined jury trial programs throughout the country. **California’s program was established in 2011.**

* See: A Return to Trials: Implementing Effective Short, Summary and Expedited Civil Action Programs, Institute for the Advancement of the American Legal System (2012), page 1

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ABOTA’S SUPPORT OF EJT’S resulted in a resolution that contained in part, the following:

“It is therefore, RESOLVED, that ABOTA supports the concept of streamlined pretrial procedures and expedited jury trials and that ABOTA, through its leaders and members, should support, existing jury trial programs and encourage the adoption of similar programs throughout all jurisdictions -- Jan. 14, 2012”

As a promoter of the right and access to the Civil Jury Trial, we (ABOTA) are proud of the resolution National ABOTA adopted in 2012 making true the principles we stand for in acknowledging the value of expedited Jury Trials: . . .

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The Expedited Jury Trial

Overall Comments about EJTs

"California EJT's are an alternative, streamlined method promoting speedy and economic resolution of cases and conserving judicial resources."

"Shorter, streamlined, greater flexibility, increased access to justice and fewer challenges."

"A key feature of the EJT model is its flexibility, which allows the parties to enter into agreements governing the rules of procedure, including the manner and method of presenting evidence and high/low agreements on damages."

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Expedited Jury Trial in California (cont.)

What Cases are Appropriate for EJTs?

- Single or limited issues to be resolved.
- Willingness to stipulate to some facts or issues. Trust in opposing counsel.
- Case value doesn't warrant the expense of live expert testimony or exhaustive trial.
- Desirable to limit exposure or guarantee recovery (high/low agreements).
- Cases that can be resolved in 1 or 2 (even 3) days of testimony and deliberations.
- Cases involving limited availability of witnesses/experts.
- Time sensitive cases – where waiting through the court docket will be prejudicial or undesirable to a party.
- Where parties desire a certain (or almost certain) trial date.
- Cases with insurance coverage concerns where high/low agreements work.
- Cases involving insurance coverage and the carrier consents to be bound.

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The Expedited Jury Trial in California (cont.)

What are the Advantages in an EJT?

- Limited trial length.
- Efficient use of time.
- Saves costs overall.
- Limits issues/save discovery costs.
- Juries instead of arbitrators/Smaller juries
- Less expensive than mediation
- More certain trial dates.
- Allows litigants to focus jury on key issues.
- Promotes stipulations/agreements on issues such as foundation and evidence presentation. Can Structure case from pre-trial disclosures, conferences and presentation in court.
- Pre-trial rulings on evidence and other issues to focus the case.

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The Expedited Jury Trial in California (cont.)

What are the Benefits

- Clients/Litigants/Carriers:
 - Preserves access to juries
 - Reduces Costs, delay and wasted time
 - Opportunity to reduce risk (high/low agreements)
 - More certain trial dates
 - Earlier resolution
- Jurors
 - A better experience, greater juror availability
 - Defined, limited trial time encourages participation
 - More focused evidence improves clarity
 - Continue to take their role seriously
 - Appreciate concentration on issue(s) in dispute

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The Expedited Jury Trial in California (cont.)

What are the Benefits (cont.)

- Attorneys
 - More opportunities for younger attorneys to gain experience
 - Focus improves case and trial management skills
 - Less financial investment in case
 - Promotes flexibility and creativity
 - Incentive to cooperate with opposing counsel

Collateral Benefits

- Complex Cases such as Multi-district mass torts and Patent Infringement can benefit from the EJT process.
- Trial by Agreement on larger cases such as wrongful death

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The Expedited Jury Trial in California (cont.)

Judges' Perspectives and Responses to EJT's

- Vast majority in favor of the program as both a workable solution to preserve the jury trial and as a means to manage judicial resources.
- They are supportive of the parties working together to streamline the trial by modifying the rules and procedures in innovative ways.
- Judges show willingness to be flexible, accommodating and forgiving of strict compliance with time standards and other rules.

Examples: Allocation of times to present party's case, late filings, and modifications of filing deadlines and service of documents and pleadings (motions in limine).

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California's "Expedited Jury Trials Act" Effective: January 1, 2011

- Rules and procedures were developed by a group of individuals from the plaintiff and defense bars, the insurance industry, business groups and consumer organizations. This group was established in April 2009 at request of the Chief Justice and Administrative Director of the Courts. It was referred to as the *Small Claims Working Group*. The ultimate legislation was incorporated into the CCP and the CRC as:
 - Code of Civil Procedure Sections 630.01-630.11 (Voluntary EJT) and Sections 630.20 – 630.29 (Mandatory EJT)
 - California Rules of Court, Rules 3.1545 to 3.1553
- Amended in 2016 renamed Chapter 4.5 to "Voluntary Expedited Jury Trials" and added Chapter 4.6 "Mandatory Expedited Jury Trials"

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Voluntary Expedited Jury Trial Key Features

- **Expedited Jury Trial:** Means a consensual, binding jury trial before a reduced jury panel and a judicial officer. CCP section 630.01.
- **Juries** shall be composed of eight (8) jurors (unless the parties agree to fewer). No alternates shall be selected. CCP section 630.04 (a).
 - Each side is allowed 3 peremptory challenges (if more than two parties and more than two sides, then as determined by the court. Court may allow each party one additional peremptory as the interest of justice may require). CCP section 630.4(b).
 - **Voir Dire:** Parties encouraged to submit a joint form questionnaire to help expedite jury selection. CRC Rule 3.1549.
- **Verdict** – a vote of six of 8 jurors is required for a verdict, unless the parties stipulate otherwise. CCP section 630.07(b)
 - The verdict is binding, subject to any written high/low agreement or other stipulations concerning the amount of the award agreed upon. CCP section 630.07(a).



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Voluntary Expedited Jury Trial (cont.)

Right to Appeal or Move for New Trial - CCP section 630.09(a):

Waived except on the following grounds:

1. Judicial misconduct that materially affected the substantial rights of a party.
2. Misconduct of the jury.
3. Corruption, fraud, or other undue means employed in the proceedings of the court, jury, or adverse party that prevented a party from having a fair trial.

Must make motion for new trial on permitted grounds before filing the appeal. Waiver includes motions for directed verdict, motions to set aside the verdict or any judgment rendered by the jury, or motions for a new trial on the basis of inadequate or excessive damages. CCP section 630.08

Permitted Post Trial Motions CCP section 630.01(c):

Motions relating to costs and attorney fees, motions to correct a judgment for a clerical error, and motions to enforce judgment.

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Voluntary Expedited Jury Trial

(cont.)

Parties can agree to modify rules of procedure and rules of court, (and the court so orders) except with respect to appellate rights and motions specified in CCP sections 630.08 and 630.09.

High/Low Agreement – CCP 630.01(b): A **written** agreement that specifies a minimum of damages that a plaintiff is guaranteed and a maximum of damages that the defendant will be liable for, regardless of the ultimate verdict. Neither the existence of, nor the amounts contained in, any high/low agreements may be disclosed to the jury. (Separate from either the Consent Order or Agreement of Parties in Mandatory EJT).

Time Limit to Present Case: Each side shall have up to 5 hours which includes voir dire, open, closing, presentation of the case and cross-examination with the goal to conclude in 5 days. This does not include jury deliberation which does not have a limit. CCP section 630.03(e)(2)(B) and CRC Rule 3.1550. Court can extend time on good cause (Rule 3.1550).

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CONSENT ORDER for Voluntary EJT

To participate in an EJT, the parties need to submit a *Proposed* Consent Order on Judicial Council form; EJT-020 along with any attachments (such as EJT-022A and MC-025).

Timing: Must submit to the court 30 days before any assigned trial date. Although the 30-day rule is not strictly enforced in practice.

CRC Rule 3.1547 and CCP 630.03 address the contents and substance of what is needed in the Consent Order - both mandatory and optional terms (again set forth in the Judicial Council Form).

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CONSENT ORDER for Voluntary EJT – Binding Agreement

Contained in the pre-printed Consent Order that the parties understand and agree to the EJT procedures under the CCP and the CRC along with the additional agreements made between the parties.

Confirms that if an Insurance Carrier is involved, it has no objection to the EJT.

If a minor or self represented person is involved, the court must approve of the use of the EJT and any high/low agreement.

High/low agreement is not submitted to the court unless; the parties agree, in order to approve for minor or self represented person or to enforce a judgment.

Cancel: Parties stipulate to end agreement or Court determines that good cause exists to not proceed with the EJT

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**CONSENT ORDER for
Voluntary EJT** (cont.)

Optional Issues to Address in Consent Order:

- (1) Modifications of the requirements or timelines for pretrial submissions required by rule 3.1548;
- (2) Limitations on the number of witnesses per party, including expert witnesses;
- (3) Modification of statutory rule or provisions regarding exchange of expert witness information and presentation of testimony by such witnesses;
- (4) Allocation of the time periods stated in rule 3.1550 including how arguments and cross-examination may be used by each party in the five-hour time frame;
- (5) Any evidentiary matters agreed to by the parties, including any stipulations or admissions regarding factual matters;
- (6) Any agreements about what constitutes necessary or relevant evidence for a particular factual determination;

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**CONSENT ORDER for
Voluntary EJT** (cont.)

Optional Issues to Address in Consent Order:

- (7) Agreements about admissibility of particular exhibits or demonstrative evidence that are presented without the legally required authentication or foundation;
- (8) Agreements about admissibility of video or written depositions and declarations;
- (9) Agreements about other evidentiary issues or the application of any of the rules of evidence;
- (10) Agreements to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods for presenting information to the jury;
- (11) Agreements concerning the time frame for filing and serving motions in limine;
- (12) Agreement that fewer than eight jurors may hear case
- (13) Agreement concerning number of jurors to reach a verdict including agreement regarding loss of juror.

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Voluntary EJT (cont.)
Pretrial Exchanges CRC Rule 3.1548

Pretrial Exchanges of items set out in CRC Rule 3.1548 are to be served in a manner that is reasonably calculated to be received by the other party no later than 25 days before trial.

Supplemental Exchanges are to be served no later than 20 days before trial. For additional witnesses and documentary evidence.

Motions in limine are to be filed 20 days before trial.

Documents served at expert deposition are deemed to have been timely exchanged.

These Exchanges and service dates are subject to modification by the parties.

Preclusion of evidence sanctions may apply if a party fails to serve documentary evidence as required, unless good cause for the failure is shown.

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Voluntary EJT (cont.)
Pretrial Conferences – CRC Rule 3.1548(f)

Pretrial Conference to be held no later than 15 days before trial unless modified in the Consent Order. List of items to cover per Rule.

The Court will conduct the conference to rule on objections to documentary evidence previously submitted. Absent objections, counsel must stipulate in writing to the admissibility of the evidence.

Additional matters addressed include the following:

- Evidentiary matters, including stipulations and admissions;
- Addressing limitations and use evidence including expert reports;
- Admissibility of exhibits, demonstrative evidence, videos, depositions and recorded materials;
- Jury Questionnaires, instructions, verdicts;
- Time allocations;
- Motions in limine;
- Effect of high/low agreements on award of fees and costs.

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Mandatory EJT's

- **Limited Civil Cases (\$25,000 and under)**
 - **Economic Litigation for Civil Cases: Sections 90-100**
 - Future - May raise limit to \$50,000 and no opt out.
- **Opt out** – CCP section 630.20(b) and CRC Rule 3.1546(c). Must file Request To Opt Out (Form EJT-003) at least 45 days before the first trial date. Objection to Opt out (Form EJT-004) must be served and filed within 15 days after date of service of request.. A number of grounds to Op out are found in CCP section 630.20 (b) and (c)., Examples: Claims involving intentional conduct, cases where punitive damages are sought and cases that may potentially exceed policy limits or there is a reservation of rights defense on the underlying claim or case a judge finds would take more than 5 hours to try and the parties cannot agree to additional time.
- Forcible entry and unlawful detainer (which may eventually be eligible) are automatically excluded.

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Mandatory EJT's
(cont.)

- Mandatory EJT litigants are encouraged to submit an Agreement of Parties (form EJT-018 and attachment Form EJT-22A) to take advantage of modifying the procedure and rules as allowed with a Voluntary EJT (use of the same form- EJT-22A). CRC Rule 3.1546(d).
- High Low Agreement applies – must be in writing and separate from the Agreement.
- All *pretrial* procedures for Limited Civil cases including case management, procedure under CPP sections 90-100, discovery and trial testimony apply to Mandatory EJT's (subject to modification as may be allowed under EJT rules and procedures).

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Mandatory EJT's

(cont.)

RULES and PROCEDURES applicable to Mandatory EJT's
Similar to Voluntary EJT's

- Trial – 5 hours.
- 8 jurors and 1 *alternate* (can agree to fewer).
- 4 *peremptory challenges* per side – court can permit an additional challenge with more than 2 sides, can also request one additional challenge as justice requires.
- Verdict takes 6 of 8.
- *Verdict appealable*.
- Verdict subject to any High/low agreement or other stipulations.

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Presentation Guidelines - TIPS CRC Rules 3.1551 and 3.1552

- The parties may present summaries and may use photographs, diagrams, slides, electronic presentations, overhead projections, individual notebooks of exhibits for submission to the jurors, or other innovative methods of presentation approved at the pretrial conference.
- The parties should stipulate to factual and evidentiary matters to the greatest extent possible.
- The parties should stipulate to modes and methods of presentation that will expedite the process.
- Failure to raise an objection before trial doesn't necessarily preclude making an objection or motion to exclude at trial.

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PANEL Tips for Handling Pre-Trial and Trial Issues

- Approaching opposing counsel/Cooperation
- Approaching client/carrier
- Consent Order and other Agreements (the FORMS)
- For Trial:
 - Theme
 - Condensed presentation
 - Voir Dire
 - Court Presentation
 - Verdict form

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What are the Outcomes of these Expedited Trials

- Data taken from different states including New York, Nevada, South Carolina and California shows essentially a 50/50 split between plaintiff and defense verdicts.
- California analysis has shown plaintiff verdicts at one point 55% and in LASC 52% were defense verdicts.
- Data leans towards showing no appreciable difference in verdict rates and thus a faster jury trial has no discernable advantage to one side or the other.
- Studies also show no appreciable difference in verdicts with 8 versus 12 jurors.

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For Further Reading about the history and expansion of the summary trial throughout the US and the Analysis of these programs with tips and recommendations see:

- National Center for State Courts; Short, Summary & Expedited: The Evolution of Civil Jury Trials (2012) available at https://www.ncsc.org/_data/assets/pdf_file/0020/18083/shortsummaryexpedited-online-rev.pdf
- A Return to Trials: Implementing Effective Short, Summary and Expedited Civil Action Programs, Institute for the Advancement of the American Legal System (2012). Available at: https://iaals.du.edu/sites/default/files/documents/publications/a_return_to_trials_implementing_effective_short_summary_and_expedited_civil_action_programs.pdf

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QUESTIONS?

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This information sheet is for anyone involved in a civil lawsuit who will be taking part in an **expedited jury trial**—a trial that is shorter and has a smaller jury than a traditional jury trial.

You can find the law and rules governing expedited jury trials in Code of Civil Procedure sections 630.01–630.29 and in rules 3.1545–3.1553 of the California Rules of Court. You can find these at any county law library or online. The statutes are online at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>. The rules are at www.courts.ca.gov/rules.

1 What is an expedited jury trial?

An expedited jury trial is a short trial, generally lasting only one or two days. It is intended to be quicker and less expensive than a traditional jury trial.

As in a traditional jury trial, a jury will hear your case and will reach a decision about whether one side has to pay money to the other side. An expedited jury trial differs from a regular jury trial in several important ways:

- **The trial will be shorter.** Each side has 5 hours to pick a jury, put on all its witnesses, show the jury its evidence, and argue its case.
- **The jury will be smaller.** There will be 8 jurors instead of 12.
- **Choosing the jury will be faster.** The parties will exercise fewer challenges.

2 What cases have expedited jury trials?

- **Mandatory expedited jury trials.** All limited civil cases—cases where the demand for damages or the value of property at issue is \$25,000 or less—come within the *mandatory expedited jury trial* procedures. These can be found in the Code of Civil Procedure, starting at section 630.20. Unless your case is an unlawful detainer (eviction) action, or meets one of the exceptions set out in the statute, it will be within the expedited jury trial procedures. These exceptions are explained more in 7 below.
- **Voluntary expedited jury trials.** If your civil case is not a limited civil case, or even if it is, you can choose to take part in a *voluntary expedited jury trial*, if all the parties agree to do so. Voluntary expedited jury trials have the same shorter time frame and smaller jury that the

mandatory ones do, but have one other important aspect—**all parties must waive their rights to appeal**. In order to help keep down the costs of litigation, there are no appeals following a *voluntary* expedited jury trial except in very limited circumstances. These are explained more fully in 9.

3 Will the case be in front of a judge?

The trial will take place at a courthouse and a judge, or, if you agree, a temporary judge (a court commissioner or an experienced attorney that the court appoints to act as a judge) will handle the trial.

4 Does the jury have to reach a unanimous decision?

No. Just as in a traditional civil jury trial, only three-quarters of the jury must agree in order to reach a decision in an expedited jury trial. With 8 people on the jury, that means that at least 6 of the jurors must agree on the verdict in an expedited jury trial.

5 Is the decision of the jury binding on the parties?

Generally, yes, but not always. A verdict from a jury in an expedited jury trial is like a verdict in a traditional jury trial. The court will enter a judgment based on the verdict, the jury's decision that one or more defendants will pay money to the plaintiff or that the plaintiff gets no money at all.

But parties in an expedited jury trial, like in other kinds of trials, are allowed to make an agreement before the trial that guarantees that the defendant will pay a certain amount to the plaintiff even if the jury decides on a lower payment or no payment. That agreement may also put a cap on the highest amount that a defendant has to pay, even if the jury decides on a higher amount. These agreements are known as “high/low agreements.” You should discuss with your attorney whether you should enter into such an agreement in your case and how it will affect you.

6 How else is an expedited jury trial different?

The goal of the expedited jury trial process is to have shorter and less expensive trials.

- The cases that come within the mandatory expedited jury trial procedures are all limited civil actions, and they must proceed under the limited discovery and



pretrial rules that apply to those actions. See Code of Civil Procedure sections 90–100.

- The voluntary expedited jury trial rules set up some special procedures to help those cases have shorter and less expensive trials. For example, the rules require that several weeks before the trial takes place, the parties show each other all exhibits and tell each other what witnesses will be at the trial. In addition, the judge will meet with the attorneys before the trial to work out some things in advance.

The other big difference is that the parties in either kind of expedited jury trial can make agreements about how the case will be tried so that it can be tried quickly and effectively. These agreements may include what rules will apply to the case, how many witnesses can testify for each side, what kind of evidence may be used, and what facts the parties already agree to and so do not need the jury to decide. The parties can agree to modify many of the rules that apply to trials generally or to any pretrial aspect of the expedited jury trials.

7 Do I have to have an expedited jury trial if my case is for \$25,000 or less?

Not always. There are some exceptions.

- The mandatory expedited jury trial procedures do not apply to any unlawful detainer or eviction case.
- Any party may ask to opt out of the procedures if the case meets any of the criteria set out in Code of Civil Procedure section 630.20(b), all of which are also described in item 2 of the *Request to Opt Out of Mandatory Expedited Jury Trial* (form EJT-003). Any request to opt out must be made on that form, and it must be made within a certain time period, as set out in Cal. Rules of Court, rule 3.1546(c). Any opposition must be filed within 15 days after the request has been served.

The remainder of this information sheet applies only to voluntary expedited jury trials.

8 Who can take part in a voluntary expedited jury trial?

The process can be used in any civil case that the parties agree may be tried in one or two days. To have a voluntary expedited jury trial, both sides must want one. Each side must agree to all the rules described in 1, and to waive most appeal rights. The agreements between the parties must be put into writing in a

document called *[Proposed] Consent Order for Voluntary Expedited Jury Trial*, which will be submitted to the court for approval. (Form EJT-020 may be used for this.) The court must issue the consent order as proposed by the parties unless the court finds good cause why the action should not proceed through the expedited jury trial process.

9 Why do I give up most of my rights to an appeal in a voluntary expedited jury trial?

To keep costs down and provide a faster end to the case, all parties who agree to take part in a voluntary expedited jury trial must agree to waive the right to appeal the jury verdict or decisions by the judicial officer concerning the trial unless one of the following happens:

- Misconduct of the judicial officer that materially affected substantial rights of a party;
- Misconduct of the jury; or
- Corruption or fraud or some other bad act that prevented a fair trial.

In addition, parties may not ask the judge to set the jury verdict aside, except on those same grounds. Neither you nor the other side will be able to ask for a new trial on the grounds that the jury verdict was too high or too low, that legal mistakes were made before or during the trial, or that new evidence was found later.

10 Can I change my mind after agreeing to a voluntary expedited jury trial?

No, unless the other side or the court agrees. Once you and the other side have agreed to take part in a voluntary expedited jury trial, that agreement is binding on both sides. It can be changed only if **both** sides want to change it or stop the process or if a court decides there are good reasons the voluntary expedited jury trial should not be used in the case. This is why it is important to talk to your attorney **before** agreeing to a voluntary expedited jury trial. This information sheet does not cover everything you may need to know about voluntary expedited jury trials. It only gives you an overview of the process and how it may affect your rights. **You should discuss all the points covered here and any questions you have about expedited jury trials with an attorney before agreeing to a voluntary expedited jury trial.**

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

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.

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

1. (*Name of party*): _____ objects to the request to opt out of mandatory expedited jury trial procedures.
2. The request to opt out was filed by (*name of applicant*): _____ and was served on (*date*): _____
3. The ground for objection is (*check one or both of the following grounds*):
 - a. The case does not meet the criteria that the applicant has identified in the *Request to Opt Out* (*identify each ground that was checked in item 2 of the Request, and explain below or on attached page why it does not apply to this case*):

b. The request to opt out is not timely under Cal. Rules of Court, rule 3.1546, and there is no good cause for a late request. (*Explain below or on attached page or pages.*)

4. If the objection 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 and attach a separate page or pages. At the top of each page, write "EJT-004, item 3a," "EJT-004, item 3b," or "EJT-004, item 4," 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)

OBJECTION TO REQUEST TO OPT OUT OF MANDATORY EXPEDITED JURY TRIAL PROCEDURES

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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

Under Code of Civil Procedure section 630.23(d), parties are encouraged to agree to modifications or limitations on pretrial procedures and presentation of information at trial that could streamline the case, including but not limited to those items described in form EJT-022A. This form along with form EJT-022A may be used to record any such agreements.

EACH PARTY AGREES AS FOLLOWS:

1. The parties to the action are:
 - a. Plaintiff (name):
 - b. Defendant (name):
 - c. Other party (name and party):
2. The parties have agreed: as described in attached form EJT-022A. as described below.

Date: _____		_____ <small>(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)</small>
<small>(TYPE OR PRINT NAME AND TITLE, IF ANY)</small>		
Date: _____		_____ <small>(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)</small>
<small>(TYPE OR PRINT NAME AND TITLE, IF ANY)</small>		
Date: _____		_____ <small>(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)</small>
<small>(TYPE OR PRINT NAME AND TITLE, IF ANY)</small>		

- It is so **ORDERED**.
- The order confirming the proposed agreement is **DENIED** for good cause.

Date: _____

JUDICIAL OFFICER

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ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
[PROPOSED] CONSENT ORDER FOR VOLUNTARY EXPEDITED JURY TRIAL		CASE NUMBER:
This form is to be signed by all parties and their attorneys of record consenting to a voluntary expedited jury trial under California Code of Civil Procedure sections 630.01–630.12 and rules 3.1545–3.1553 of the California Rules of Court. Before completing this form, all parties should review <i>Expedited Jury Trial Information Sheet</i> (form EJT-001-INFO).		

EACH PARTY AGREES AS FOLLOWS:

1. The parties to the action, each of whom has the authority to consent to an expedited jury trial (EJT), are:
 - a. Plaintiff (*name*):
 - b. Defendant (*name*):
 - c. Other party (*name and party*):
2.
 - a. Plaintiff is represented by an attorney who has advised plaintiff about the EJT procedures and provided plaintiff with an *Expedited Jury Trial Information Sheet* (form EJT-001-INFO).
 - b. Defendant is represented by an attorney who has advised defendant about the EJT procedures and provided defendant with an *Expedited Jury Trial Information Sheet* (form EJT-001-INFO).
 - c. I (*name*): _____ am representing myself and understand the voluntary expedited jury trial procedures as set forth in Code of Civil Procedure sections 630.01–630.12 and rules 3.1545–3.1553 of the California Rules of Court.
 - d. Insurance carriers responsible for providing coverage or defense for the following parties have been informed of the EJT procedures and provided with an *Expedited Jury Trial Information Sheet* (form EJT-010) and do not object to the procedures:
 - (1) Insurance carrier (*name of carrier*): _____
for (*name of party*): _____
 - (2) Insurance carrier (*name of carrier*): _____
for (*name of party*): _____
 - (3) Additional insurance carriers and parties are listed on attached form MC-025.
3. A party to this action is is not a minor, an incompetent person, or a person for whom a conservator has been appointed.
4. Each party understands and agrees to the voluntary expedited jury trial procedures, as follows:
 - a. That all parties **waive all rights to appeal**, to move for directed verdict, or to make any posttrial motions, except as provided in Code of Civil Procedure sections 630.08 and 630.09;
 - b. That each side will have up to **five hours** in which to complete jury voir dire and present its case;
 - c. That the jury will be composed of **eight or fewer jurors** with no alternates;
 - d. That each side will be **limited to three peremptory challenges**, unless the court permits an additional challenge in cases with more than two sides as provided in Code of Civil Procedure section 630.04; and
 - e. That the trial and pretrial matters will proceed under a–d above and, unless the parties expressly agree otherwise in this agreement or the attachment to it, under all other provisions for voluntary expedited jury trials (Code Civ. Proc., § 630.01 et seq.) and the rules of court for voluntary expedited jury trials (Cal. Rules of Court, rules 3.1545–3.1553).

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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5. Each party understands that only three-quarters of the jury need to agree in order to reach a decision, unless otherwise agreed by the parties.
6. Each party understands that the parties may make additional agreements concerning the trial in terms of applicable rules, number of witnesses, types of evidence, or other matters in order to shorten the length of time in which the matter will be tried to the jury. Any such agreements are described in item 9 below or in *Attachment to [Proposed] Consent Order for Voluntary Expedited Jury Trial* (form EJT-022A).
7. Each party understands that the parties may enter a confidential high-low agreement specifying a minimum amount of damages that a plaintiff is guaranteed to receive from defendant and a maximum amount that defendant will be liable for, regardless of the verdict returned by the jury.
8. Each party understands that any award of attorney's fees and costs will be decided by the court.
9. Other agreements are described in attached form EJT-022A are as follows:

10. Total number of pages attached: _____ The consents below apply to all the agreements described in those pages.

After reading the above and any attachments, I hereby consent to the voluntary expedited jury trial procedures for this case as stated in these documents.

PARTIES

Date: _____ (TYPE OR PRINT NAME AND TITLE, IF ANY)	▶	_____ (SIGNATURE OF PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME AND TITLE, IF ANY)	▶	_____ (SIGNATURE OF DEFENDANT)
Date: _____ (TYPE OR PRINT NAME AND TITLE, IF ANY)	▶	_____ (SIGNATURE OF <i>(describe party)</i>):

ATTORNEYS

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR <i>(describe party)</i>):

- It is so **ORDERED**.
- The proposed consent order is **DENIED** for good cause.

Date: _____

JUDICIAL OFFICER

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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ATTACHMENT TO

- [PROPOSED] CONSENT ORDER FOR VOLUNTARY EXPEDITED JURY TRIAL**
 AGREEMENT OF PARTIES (MANDATORY EXPEDITED JURY TRIAL PROCEDURES)

(This attachment may be used with form EJT-018 OR EJT-020)

The parties have agreed to the following *(check all items on which agreements have been reached and describe the agreements in detail. If more space is needed for any item, use form MC-025 and complete item 15 below):*

1. *(For voluntary expedited jury trial cases only)* Modifications of the timeline for, or other aspects of, the pretrial submissions required by rule 3.1548 of the California Rules of Court *(describe timeline or other changes)*:

2. Limitations on the number of witnesses per party, including expert witnesses *(describe)*:

3. Modifications of statutory or rule provisions regarding exchange of expert witness information and presentation of testimony by such witnesses *(describe)*:

4. Allocation of time periods stated in rule 3.1550 of the California Rules of Court, including how arguments and cross-examination may be used by each party in the five-hour time frame *(describe)*:

5. Agreement as to any evidentiary matters, including any stipulations or admissions regarding factual matters *(state such matters in detail)*:

6. Agreement about what constitutes necessary or relevant evidence for a particular factual determination *(describe)*:

Plaintiff/Petitioner: Defendant/Respondent:	CASE NUMBER:
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7. Agreement about admissibility of particular exhibits or demonstrative evidence presented without the legally required authentication or foundation (*describe*):
8. Agreement about admissibility of video or written depositions and declarations (*describe*):
9. Agreement about any other evidentiary issues or the application of any of the rules of evidence (*describe*):
10. Agreement to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods for presenting information to the jury (*describe*):
11. Agreement concerning the time frame for filing and serving motions in limine (*describe*):
12. Agreement that fewer than eight jurors may hear this case (*describe*):
13. Agreement concerning the number of jurors required to reach a verdict in this case (*describe, including any agreement regarding loss of juror after trial starts*):
14. Other agreements (*describe*):
15. Form MC-025 is attached, with further details concerning items (*list items*):

**ATTACHMENT TO
[PROPOSED] CONSENT ORDER or
AGREEMENT OF PARTIES**

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SHORT TITLE: <hr/>	CASE NUMBER:
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ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

JUROR QUESTIONNAIRE

PLEASE PRINT ALL ANSWERS LEGIBLY

To facilitate the jury selection process, provide the requested information under penalty of perjury. The completed questionnaire will be reviewed by all parties. The questionnaire is a public record and may be open to public inspection. If you believe that any question requires an answer that is too sensitive (personal or private) to be included in the public record, you have the right to request a private hearing, rather than writing the answer on the form. If you prefer to discuss this outside of the presence of other jurors, circle the question and write "P" (for "private") in the space for the answer.

General Information

- 1. **FULL NAME:** _____
- 2. Age: _____
- 3. Area, neighborhood, or community in this county where you generally live *(do not give your street address)*: _____

HOUSE
 APARTMENT
 OWN
 RENT

- 4. Do you have children? YES NO
 If yes, how many? _____ Ages: _____

Employment

- 5. Are you employed? YES NO
 If yes, occupation: _____ Current employer: _____

Relationship Information

- 6. Are there other adults in your household? YES NO
 If yes, their occupations: _____

Education

- 7. High school graduate: YES NO
 College graduate: YES NO
 Postgraduate degree: YES NO
- 8. If college or postgraduate degrees, degrees obtained: _____

Prior Jury Service

- 9. Have you served on a jury before? YES NO
 If yes: Civil Criminal

Other Experience

- 10. Have you, a relative, or a close friend ever sued anyone or been sued? YES NO
 If yes, describe: _____

- 11. Do you or does anyone close to you have training or expertise in any of the following areas *(check all that apply)*:

Evaluating claims for loss or damage
 Law enforcement
 Law
 Accident reconstruction or biomechanics
 Medicine
 Specialized training in _____

- 12. Is there any matter not covered by this questionnaire that could affect your ability to understand the proceedings or to be a fair and impartial juror? YES NO
 If yes, describe: _____

I declare under penalty of perjury under the laws of the State of California that the responses I have given on this questionnaire and on any attached sheets are true and correct to the best of my knowledge and belief.

Date: _____



(SIGNATURE OF JUROR)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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Code of Civil Procedure – Voluntary Expedited Jury Trials

CCP § 630.01

For purposes of this chapter:

- (a) “Expedited jury trial” means a consensual, binding jury trial before a reduced jury panel and a judicial officer.
- (b) “High/low agreement” means a written agreement entered into by the parties that specifies a minimum amount of damages that a plaintiff is guaranteed to receive from the defendant, and a maximum amount of damages that the defendant will be liable for, regardless of the ultimate verdict returned by the jury. Neither the existence of, nor the amounts contained in, any high/low agreements may be disclosed to the jury.
- (c) “Post-trial motions” does not include motions relating to costs and attorney's fees, motions to correct a judgment for a clerical error, and motions to enforce a judgment.

CCP § 630.02

The rules and procedures applicable to expedited jury trials are as follows:

- (a) The procedures in this chapter and in the implementing rules of court shall apply to expedited jury trials, unless the parties agree otherwise, as permitted under subparagraph (E) of paragraph (1) of subdivision (e) of Section 630.03, and the court so orders.
- (b) Any matters not expressly addressed in this chapter, in the implementing rules of court, or in a consent order authorized by this chapter and the implementing rules, are governed by applicable statutes and rules governing civil actions.

CCP § 630.03

- (a) All parties agreeing to participate in an expedited jury trial and, if represented, their counsel, shall sign a proposed consent order granting an expedited jury trial.
- (b) Except as provided in subdivision (d), the agreement to participate in the expedited jury trial process is binding upon the parties, unless either of the following occurs:
 - (1) All parties stipulate to end the agreement to participate.
 - (2) The court, on its own motion or at the request of a party by noticed motion, finds that good cause exists for the action not to proceed under the rules of this chapter.
- (c) Any agreement to participate in an expedited jury trial under this chapter may be entered into only after a dispute has arisen and an action has been filed.

(d) The court shall approve the use of an expedited jury trial and any high/low agreements or other stipulations for an expedited jury trial involving either of the following:

(1) A self-represented litigant.

(2) A minor, an incompetent person, or a person for whom a conservator has been appointed.

(e) The proposed consent order submitted to the court shall include all of the following:

(1) A preliminary statement that each named party and any insurance carrier responsible for providing coverage or defense on behalf of that party, individually identified in the proposed consent order, have been informed of the rules and procedures for an expedited jury trial and provided with a Judicial Council information sheet regarding expedited jury trials, have agreed to take part in or, in the case of a responsible insurance carrier, not object to, the expedited jury trial process, and have agreed to all the specific provisions set forth in the consent order.

(2) The parties' agreement to all of the following:

(A) That all parties waive all rights to appeal and to move for directed verdict or make any post-trial motions, except as provided in Sections 630.08 and 630.09 .

(B) That each side shall have up to five hours in which to complete voir dire and to present its case.

(C) That the jury shall be composed of eight or fewer jurors with no alternates.

(D) That each side shall be limited to three peremptory challenges, unless the court permits an additional challenge in cases with more than two sides as provided in Section 630.04 .

(E) That the trial and pretrial matters will proceed under subparagraphs (A) to (D), inclusive, and, unless the parties expressly agree otherwise in the proposed consent order, under all other provisions in this chapter and in the implementing rules of court.

(f) The court shall issue the consent order as proposed by the parties, unless the court finds good cause why the action should not proceed through the expedited jury trial process, in which case the court shall deny the proposed consent order in its entirety.

CCP § 630.04

(a) Juries in expedited jury trial cases shall be composed of eight jurors, unless the parties have agreed to fewer. No alternates shall be selected.

(b) The court shall allow each side three peremptory challenges. If there are more than two parties in a case and more than two sides, as determined by the court

under subdivision (c) of Section 231 , the parties may request one additional peremptory challenge each, which is to be granted by the court as the interests of justice may require.

CCP § 630.05

Nothing in this chapter is intended to preclude a jury from deliberating as long as needed.

CCP § 630.06

(a) The rules of evidence apply in expedited jury trials, unless the parties stipulate otherwise.

(b) Any stipulation by the parties to use relaxed rules of evidence may not be construed to eliminate, or in any way affect, the right of a witness or party to invoke any applicable privilege or other law protecting confidentiality.

(c) The right to issue subpoenas and notices to appear to secure the attendance of witnesses or the production of documents at trial shall be in accordance with this code.

CCP § 630.07

(a) The verdict in an expedited jury trial case is binding, subject to any written high/low agreement or other stipulations concerning the amount of the award agreed upon by the parties.

(b) A vote of six of the eight jurors is required for a verdict, unless the parties stipulate otherwise.

CCP § 630.08

(a) By agreeing to participate in the expedited jury trial process, the parties agree to waive any motions for directed verdict, motions to set aside the verdict or any judgment rendered by the jury, or motions for a new trial on the basis of inadequate or excessive damages.

(b) The court shall not set aside any verdict or any judgment, shall not direct that judgment be entered in favor of a party entitled to judgment as a matter of law, and shall not order a new trial, except on the grounds stated in Section 630.09 .

CCP § 630.09

(a) By agreeing to participate in the expedited jury trial process, the parties agree to waive the right to bring post-trial motions or to appeal from the determination of the matter, except as provided in this section. The only grounds on which a party may move for a new trial or appeal are any of the following:

(1) Judicial misconduct that materially affected the substantial rights of a party.

(2) Misconduct of the jury.

(3) Corruption, fraud, or other undue means employed in the proceedings of the court, jury, or adverse party that prevented a party from having a fair trial.

(b) Within 10 court days of the entry of a jury verdict, a party may file with the clerk and serve on each adverse party a notice of the intention to move for a new trial on any of the grounds specified in subdivision (a). The notice shall be deemed to be a motion for a new trial.

(c) Except as provided in subdivision (b), parties to an expedited jury trial shall not make any post-trial motions except for motions relating to costs and attorney's fees, motions to correct a judgment for clerical error, and motions to enforce a judgment.

(d) Before filing an appeal, a party shall make a motion for a new trial under subdivision (b). If the motion for a new trial is denied, the party may appeal the judgment to the appropriate court with appellate jurisdiction and seek a new trial on any of the grounds specified in subdivision (a). Parties to an expedited jury trial may not appeal on any other ground.

CCP § 630.10

All statutes and rules governing costs and attorney's fees shall apply in expedited jury trials, unless the parties agree otherwise in the consent order.

CCP § 630.11

The Judicial Council shall, on or before July 1, 2016, update rules and forms to establish uniform procedures implementing the provisions of this chapter, including, but not limited to, rules for all of the following:

(a) Additional content of proposed consent orders.

(b) Pretrial exchanges and submissions.

(c) Pretrial conferences.

(d) Presentation of evidence and testimony.

(e) Any other procedures necessary to implement the provisions of this chapter.

CODE OF CIVIL PROCEDURE

SECTION 630.20-630.30

630.20. (a) Except as provided in subdivisions (b) and (c), an action or special proceeding treated as a limited civil case pursuant to Article 1 (commencing with Section 85) of Chapter 5.1 of Title 1 of Part 1, including an action or special proceeding initially filed as a limited civil case or remanded as one thereafter, shall be conducted as a mandatory expedited jury trial pursuant to this chapter.

(b) Either party may opt out of the mandatory expedited jury trial procedures if any of the following criteria is met:

(1) Punitive damages are sought.

(2) Damages in excess of insurance policy limits are sought.

(3) A party's insurer is providing a legal defense subject to a reservation of rights.

(4) The case involves a claim reportable to a governmental entity.

(5) The case involves a claim of moral turpitude that may affect an individual's professional licensing.

(6) The case involves claims of intentional conduct.

(7) The case has been reclassified as unlimited pursuant to Section 403.020.

(8) The complaint contains a demand for attorney's fees, unless those fees are sought pursuant to Section 1717 of the Civil Code.

(9) The judge finds good cause exists for the action not to proceed under the rules of this chapter. 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 that the parties have been unable to stipulate to additional time.

(c) This chapter does not apply to a proceeding in forcible entry or forcible or unlawful detainer.

(d) A judgment in a limited civil case conducted as a mandatory expedited jury trial may be appealed to the appellate division of the superior court in which the case was tried.

630.21. For purposes of this chapter:

(a) "Mandatory expedited jury trial" means a jury trial before a reduced jury panel and a judge, conducted pursuant to this chapter.

(b) "High/low agreement" means a written agreement entered into by the parties that specifies a minimum amount of damages that a plaintiff is guaranteed to receive from the defendant, and a maximum amount of damages that the defendant will be liable for, regardless of the ultimate verdict returned by the jury. Neither the existence of, nor the amounts contained in, any high/low agreements may be disclosed to the jury.

630.22. (a) The procedures in this chapter and in the implementing rules of court shall apply to mandatory expedited jury trials conducted in limited civil cases, unless the parties agree otherwise, as permitted under subdivision (d) of Section 630.23, and the court so orders.

(b) Any matters not expressly addressed in this chapter, in the

implementing rules of court, or in an agreement authorized by this chapter and the implementing rules, are governed by applicable statutes and rules governing civil actions.

630.23. The following rules and procedures apply to mandatory expedited jury trials conducted pursuant to this chapter:

(a) Each side shall have up to five hours in which to complete voir dire and to present its case.

(b) The jury shall be composed of eight jurors and one alternate, unless the parties have agreed to fewer jurors.

(c) Each side shall be limited to four peremptory challenges, unless the court permits an additional challenge in cases with more than two sides. If there are more than two parties in a case and more than two sides, as determined by the court under subdivision (c) of Section 231, the parties may request one additional peremptory challenge each, which is to be granted by the court as the interests of justice may require.

(d) The parties may agree to modify the rules and procedures specified in this chapter and the implementing rules of court, subject to the court's approval.

630.24. Nothing in this chapter is intended to preclude a jury from deliberating as long as needed.

630.25. (a) The rules of evidence apply to mandatory expedited jury trials conducted in limited civil cases, unless the parties stipulate otherwise.

(b) Any stipulation by the parties to use relaxed rules of evidence shall not be construed to eliminate, or in any way affect, the right of a witness or party to invoke any applicable privilege or other law protecting confidentiality.

(c) The right to issue subpoenas and notices to appear to secure the attendance of witnesses or the production of documents at trial shall be in accordance with this code.

630.26. (a) A vote of six of the eight jurors is required for a verdict, unless the parties stipulate otherwise.

(b) The verdict in a limited civil case following a mandatory expedited jury trial case shall be appealable under subdivision (d) of Section 630.20 and subject to any written high/low agreement or other stipulations concerning the amount of the award agreed upon by the parties.

630.27. All statutes and rules governing costs and attorney's fees shall apply in limited civil cases that are conducted as mandatory expedited jury trials, unless the parties stipulate otherwise.

630.28. The Judicial Council shall, on or before July 1, 2016, adopt rules and forms to establish uniform procedures implementing

the provisions of this chapter, including, rules for the following:

(a) Pretrial exchanges and submissions.

(b) Pretrial conferences.

(c) Opt-out procedures pursuant to subdivision (b) of Section 630.20.

(d) Presentation of evidence and testimony.

(e) Any other procedures necessary to implement the provisions of this chapter.

630.29. Sections 630.20 to 630.27, inclusive, shall become operative on July 1, 2016.

630.30. This chapter shall remain in effect only until July 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2019, deletes or extends that date.

CALIFORNIA RULES OF COURT

Rule 3.1545. Expedited jury trials

(a) Application

The rules in this chapter apply to civil actions in which the parties either:

- (1) Agree to a voluntary expedited jury trial under chapter 4.5 (commencing with section 630.01) of title 8 of part 2 of the Code of Civil Procedure, or
- (2) Are required to take part in an expedited jury trial under chapter 4.6 (commencing with section 630.20) of title 8 of part 2 of the Code of Civil Procedure.

(Subd (a) amended effective July 1, 2016.)

(b) Definitions

As used in this chapter, unless the context or subject matter otherwise requires:

- (1) "Consent order" means the consent order granting an expedited jury trial described in Code of Civil Procedure section 630.03.
- (2) "Expedited jury trial" is a short jury trial before a reduced jury panel, and may be either a "mandatory expedited jury trial" or "voluntary expedited jury trial".
- (3) "Mandatory expedited jury trial" has the same meaning as stated in Code of Civil Procedure section 630.21.
- (4) "Voluntary expedited jury trial" has the same meaning as stated for "expedited jury trial" in Code of Civil Procedure section 630.01.
- (5) "High/low agreement" and "posttrial motions" have the same meanings as stated in Code of Civil Procedure section 630.01.

(Subd (b) amended effective July 1, 2016.)

(c) Other programs

This chapter does not limit the adoption or use of other expedited trial or alternative dispute resolution programs or procedures.

Rule 3.1546. Pretrial procedures for mandatory expedited jury trials

(a) Pretrial procedures

The pretrial procedures for limited civil actions set out in Code of Civil Procedure sections 90-100 are applicable to all cases with mandatory expedited jury trials. The statutory procedures include limited discovery, optional case questionnaires, optional requests for pretrial statements identifying trial witnesses and exhibits, and the possibility of presenting testimony in the form of affidavits or declarations.

(b) Case management

The case management rules in chapter 3 of division 7 of these rules, starting at rule 3.720, are applicable to all cases with mandatory expedited jury trials, except to the extent the rules have been modified by local court rules applicable to limited civil cases.

(c) Opting out of mandatory expedited jury trial procedures

- (1) Parties seeking to opt out of mandatory expedited jury trial procedures on grounds stated in Code of Civil Procedure section 630.20(b) must file a *Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-003).
- (2) Except on a showing of good cause, the request to opt out must be served and filed at least 45 days before the date first set for trial or, in cases in which the date first set for trial occurred before July 1, 2016, 45 days before the first trial date after July 1, 2016.
- (3) Except on a showing of good cause, any objection to the request must be served and filed within 15 days after the date of service of the request, on an *Objection to Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-004).
- (4) If the grounds on which a party or parties have opted out of mandatory expedited jury trial procedures no longer apply to a case, the parties must promptly inform the court, and the case may be tried as a mandatory expedited jury trial.

(Subd (c) amended effective September 1, 2017.)

(d) Agreements regarding pretrial and trial procedures

Parties are encouraged to agree to procedures or limitations on pretrial procedures and on presentation of information at trial that could streamline the case, including but not limited to those items described in rule 3.1547(b). The parties may use *Agreement of Parties (Mandatory Expedited Jury Trial Procedures)* (form EJT-018) and the attachment (form EJT-022A) to describe such agreements.

Rule 3.1546 amended effective September 1, 2017; adopted effective July 1, 2016.

Rule 3.1547. Consent order for voluntary expedited jury trial

(a) Submitting proposed consent order to the court

- (1) Unless the court otherwise allows, to be eligible to participate in a voluntary expedited jury trial, the parties must submit to the court, no later than 30 days before any assigned trial date, a proposed consent order granting an expedited jury trial.
- (2) The parties may enter into written stipulations regarding any high/low agreements or other matters. Only in the following circumstances may a high/low agreement be submitted to the court with the proposed consent order or disclosed later in the action:
 - (A) Upon agreement of the parties;
 - (B) In any case involving either
 - (i) A self-represented litigant, or
 - (ii) A minor, an incompetent person, or a person for whom a conservator has been appointed; or
 - (C) If necessary for entry or enforcement of the judgment.

(Subd (a) amended effective July 1, 2016.)

(b) Optional content of proposed consent order

In addition to complying with the provisions of Code of Civil Procedure section 630.03(e), the proposed consent order may include other agreements of the parties, including the following:

- (1) Modifications of the requirements or timelines for pretrial submissions required by rule 3.1548;
- (2) Limitations on the number of witnesses per party, including expert witnesses;
- (3) Modification of statutory or rule provisions regarding exchange of expert witness information and presentation of testimony by such witnesses;
- (4) Allocation of the time periods stated in rule 3.1550 including how arguments and cross-examination may be used by each party in the five-hour time frame;
- (5) Any evidentiary matters agreed to by the parties, including any stipulations or admissions regarding factual matters;
- (6) Any agreements about what constitutes necessary or relevant evidence for a particular factual determination;
- (7) Agreements about admissibility of particular exhibits or demonstrative evidence that are presented without the legally required authentication or foundation;
- (8) Agreements about admissibility of video or written depositions and declarations;
- (9) Agreements about any other evidentiary issues or the application of any of the rules of evidence;
- (10) Agreements to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods for presenting information to the jury;
- (11) Agreements concerning the time frame for filing and serving motions in limine; and
- (12) Agreements concerning numbers of jurors required for jury verdicts in cases with fewer than eight jurors.

(Subd (b) amended effective July 1, 2016.)

Rule 3.1547 amended effective July 1, 2016; adopted effective January 1, 2011.

Rule 3.1548. Pretrial submissions for voluntary expedited jury trials

(a) Service

Service under this rule must be by a means consistent with Code of Civil Procedure sections 1010.6, 1011, 1012, and 1013 or rule 2.251 and be reasonably calculated to assure delivery to the other party or parties no later than the close of business on the last allowable day for service as specified below.

(b) Pretrial exchange for voluntary expedited jury trials

Unless otherwise agreed by the parties, no later than 25 days before trial, each party must serve on all other parties the following:

- (1) Copies of any documentary evidence that the party intends to introduce at trial (except for documentary evidence to be used solely for impeachment or rebuttal), including, but not limited to, medical bills, medical records, and lost income records;

- (2) A list of all witnesses whom the party intends to call at trial, except for witnesses to be used solely for impeachment or rebuttal, and designation of whether the testimony will be in person, by video, or by deposition transcript;
- (3) A list of depositions that the party intends to use at trial, except for depositions to be used solely for impeachment or rebuttal;
- (4) A copy of any audiotapes, videotapes, digital video discs (DVDs), compact discs (CDs), or other similar recorded materials that the party intends to use at trial for evidentiary purposes, except recorded materials to be used solely for impeachment or rebuttal and recorded material intended to be used solely in closing argument;
- (5) A copy of any proposed jury questionnaires (parties are encouraged to agree in advance on a questionnaire);
- (6) A list of proposed approved introductory instructions, preinstructions, and instructions to be read by the judge to the jury;
- (7) A copy of any proposed special jury instructions in the form and format described in rule 2.1055;
- (8) Any proposed verdict forms;
- (9) A special glossary, if the case involves technical or unusual vocabulary; and
- (10) Motions in limine.

(Subd (b) amended effective July 1, 2016.)

(c) Supplemental exchange for voluntary expedited jury trials

No later than 20 days before trial, a party may serve on any other party any additional documentary evidence and a list of any additional witnesses whom the party intends to use at trial in light of the exchange of information under subdivision (b).

(Subd (c) amended effective July 1, 2016.)

(d) Submissions to court for voluntary expedited jury trials

No later than 20 days before trial, each party must file all motions in limine and must lodge with the court any items served under (b)(2)-(9) and (c).

(Subd (d) amended effective July 1, 2016.)

(e) Preclusionary effect

Unless good cause is shown for any omission, failure to serve documentary evidence as required under this rule will be grounds for preclusion of the evidence at the time of trial.

(f) Pretrial conference for voluntary expedited jury trials

No later than 15 days before trial, unless that period is modified by the consent order, the judicial officer assigned to the case must conduct a pretrial conference, at which time objections to any documentary evidence previously submitted will be ruled on. If there are no objections at that time, counsel must stipulate in writing to the admissibility of the evidence. Matters to be addressed at the pretrial conference, in addition to the evidentiary objections, include the following:

- (1) Any evidentiary matters agreed to by the parties, including any stipulations or admissions regarding factual matters;

- (2) Any agreement of the parties regarding limitations on necessary or relevant evidence, including any limitations on expert witness testimony;
- (3) Any agreements of the parties to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods of presenting information to the jury;
- (4) Admissibility of any exhibits or demonstrative evidence without legally required authentication or foundation;
- (5) Admissibility of video or written depositions and declarations and objections to any portions of them;
- (6) Objections to and admissibility of any recorded materials that a party has designated for use at trial;
- (7) Jury questionnaires;
- (8) Jury instructions;
- (9) Special verdict forms;
- (10) Allocation of time for each party's case;
- (11) Motions in limine filed before the pretrial conference; and
- (12) The parties' intention on how any high/low agreement will affect an award of fees and costs.

(Subd (f) amended effective July 1, 2016.)

(g) Expert witness documents

Any documents produced at the deposition of an expert witness are deemed to have been timely exchanged for the purpose of (c) above.

Rule 3.1548 amended effective July 1, 2016; adopted effective January 1, 2011.

Rule 3.1549. Voir dire

Parties are encouraged to submit a joint form questionnaire to be used with prospective jurors to help expedite the voir dire process.

Rule 3.1549 amended effective July 1, 2016; adopted effective January 1, 2011.

Rule 3.1550. Time limits

Including jury voir dire, each side will be allowed five hours to present its case, including opening statements and closing arguments, unless the court, upon a finding of good cause, allows additional time. The amount of time allotted for each side includes the time that the side spends on cross-examination. The parties are encouraged to streamline the trial process by limiting the number of live witnesses. The goal is to complete an expedited jury trial within two trial days.

Rule 3.1550 amended effective July 1, 2016; adopted effective January 1, 2011.

Rule 3.1551. Case presentation

(a) Methods of presentation

Upon agreement of the parties and with the approval of the judicial officer, the parties may present summaries and may use photographs, diagrams, slides, electronic presentations, overhead projections, individual notebooks of exhibits for submission to the jurors, or other innovative methods of presentation approved at the pretrial conference.

(b) Exchange of items

Anything to be submitted to the jury under (a) as part of the evidentiary presentation of the case in chief must be exchanged 20 days in advance of the trial, unless that period is modified by the consent order or agreement of the parties. This rule does not apply to items to be used solely for closing argument.

(Subd (b) amended effective July 1, 2016.)

(c) Stipulations regarding facts

The parties should stipulate to factual and evidentiary matters to the greatest extent possible.

Rule 3.1551 amended effective July 1, 2016; adopted effective January 1, 2011.

Rule 3.1552. Presentation of evidence

(a) Stipulations regarding rules of evidence

The parties may offer such evidence as is relevant and material to the dispute. An agreement to modify the rules of evidence for the trial made pursuant to the expedited jury trial statutes commencing with Code of Civil Procedure section 630.01 may be included in the consent order or agreement of the parties. To the extent feasible, the parties should stipulate to modes and methods of presentation that will expedite the process, either in the consent order or at the pretrial conference.

(Subd (a) amended effective July 1, 2016.)

(b) Objections

Objections to evidence and motions to exclude evidence must be submitted in a timely manner. Except as provided in rule 3.1548(f), failure to raise an objection before trial does not preclude making an objection or motion to exclude at trial.

Rule 3.1552 amended effective July 1, 2016; adopted effective January 1, 2011.

Rule 3.1553. Assignment of judicial officers

The presiding judge is responsible for the assignment of a judicial officer to conduct an expedited jury trial. The presiding judge may assign a temporary judge appointed by the court under rules 2.810-2.819 to conduct an expedited jury trial. A temporary judge requested by the parties under rules 2.830-2.835, whether or not privately compensated, may not be appointed to conduct a voluntary expedited jury trial.

Rule 3.1553 amended and renumbered effective July 1, 2016; adopted as rule 3.1546 effective January 1, 2011.

CASE 1

(3 hours per side 2013)

EJT-020A

PLAINTIFF/PETITIONER: [REDACTED] Janet	CASE NUMBER: [REDACTED]
DEFENDANT/RESPONDENT: [REDACTED] ELIZAR	

**ATTACHMENT TO
[PROPOSED] CONSENT ORDER FOR EXPEDITED JURY TRIAL**

(This attachment may be used with form EJT-020.)

As part of the [Proposed] Consent Order for Expedited Jury Trial, the parties have agreed to the following (check all items on which agreements have been reached and describe the agreements in detail. If more space is needed for any item, use form MC-025 and complete item 15 below):

1. Modifications of the timelines for pretrial submissions required by rule 3.1548 of the California Rules of Court (describe timeline): Unless the parties waive this provision or agree otherwise, the following shall be followed:
 1. The parties shall exchange Lists of witnesses and exhibits no later than 14 days before trial, with supplemental lists no later than 7 days before trial. All lists shall be delivered either personally or by fax.
 2. Issues subject to potential motions in limine shall be presented to the other party no later than 14 days before trial. The parties shall be required to meet and confer on said issues no later than 7 days before trial. See #11

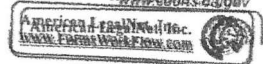
2. Limitations on the number of witnesses per party, including expert witnesses (describe):
 The parties agree that the following witnesses may be called either in person, by deposition or by reference to a statement in a traffic collision report:
 Janet [REDACTED], Cherise [REDACTED], Eliazar [REDACTED], Herman [REDACTED], Eliazar [REDACTED] Jr, and Ciprano [REDACTED].
 The parties agree that only Janet [REDACTED], Eliazar [REDACTED] and Eliazar [REDACTED] Jr., may be called in person. The remaining persons shall provide testimony either through deposition or statements in the traffic collision reports.

3. Modifications of statutory or rule provisions regarding exchange of expert witness information and presentation of testimony by such witnesses (describe):
 The parties have agreed that NO expert witnesses will be called in this Trial.

4. Allocation of time periods stated in rule 3.1550 of the California Rules of Court, including how arguments and cross-examination may be used by each party in the three-hour time frame (describe):
 Each side shall have three hours to present his or her case, not including opening statements and/or closing argument. Each side shall cooperate with the other to share this time of 6 hours to the extent the allotted time by one party is not used or anticipated to be used. Each side shall limit opening statement to 20 minutes and closing argument, including rebuttal, to 40 minutes.

5. Agreement as to any evidentiary matters, including any stipulations or admissions regarding factual matters (state such matters in detail):
 The parties shall to the extent possible and to expedite the trial, agree on foundation of evidence and stipulate to the admission of evidence whenever possible. Said stipulations should include admissibility of photographs, vehicle documents and portions of the traffic collision reports (foundational items not reasonably in dispute). Any issues as to admissibility of evidence may be brought to the trial judge before the commencement of trial.

6. Agreement about what constitutes necessary or relevant evidence for a particular factual determination (describe):
 This case shall be tried on liability only. No evidence regarding injuries and damages shall be admitted other than to inform the jury that plaintiff sustained injuries and damages that are not being presented at this trial.



PLAINTIFF/PETITIONER: [REDACTED] JANET	CASE NUMBER: [REDACTED]
DEFENDANT/RESPONDENT: [REDACTED] ELIAZAR	

7. Agreement about admissibility of particular exhibits or demonstrative evidence presented without the legally required authentication or foundation (*describe*):
The parties shall meet and confer on any demonstrative evidence and photographs. Any photographs not previously supplied in discovery shall be exchanged no later than 14 days before trial. Demonstrative exhibits including power points, charts etc. to be used in opening or closing shall be exchanged 3 court days before trial.
8. Agreement about admissibility of video or written depositions and declarations (*describe*):
Deposition testimony shall be submitted by traditional question and answer to a person on the witness stand or by reading portions thereof. The parties shall meet and confer no later than 3 court days before trial to review each side's proposed deposition testimony and method of presentation. The other party shall have the right to object to the question which shall be ruled on by the court, if not resolved before it is presented in court.
9. Agreement about any other evidentiary issues or the application of any of the rules of evidence (*describe*):
10. Agreement to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods for presenting information to the jury (*describe*):
The parties shall meet and confer on exhibits and demonstrative evidence to compile a joint exhibit book, which shall include complete copies of all depositions. If there is an objection to the use of any piece of evidence, demonstrative exhibit or deposition testimony the parties shall meet and confer no later than 3 court days before trial and if no resolution, admissibility or use shall be decided by the trial judge.
11. Agreement concerning the time frame for filing and serving motions in limine (*describe*):
Service of motions in limine shall be made no later than 3 court days before trial on matters that are not resolved by the meet and confer noted above in #1. The parties agree to exclude any evidence of, reference to, or mention of the traffic collision reports, defendant's insurance, the parties' wealth or poverty, settlement offers or offers of compromise made by any party as if a motion in limine was presented and granted by the court. Notwithstanding the forgoing, the parties may agree to use portions of the traffic collision reports (such as statements) that would
12. Agreement that fewer than eight jurors may hear this case (*describe*): (11 cont.) otherwise be admissible.
NA
13. Agreement concerning the number of jurors required to reach a verdict in this case (*describe, including any agreement regarding loss of juror after trial starts*):
Per code, three-quarters of the jury need to reach a verdict on each question presented in the Special Verdict.
14. Other agreements (*describe*):
The parties have agreed to try the case on liability only. They have come to an agreement on the amount due to plaintiff based upon the percentage of negligence, if any, attributed to defendant, Eliazar [REDACTED]. The parties shall not disclose to the jury the disposition of the claims against any other defendant or involved party.
15. Form MC-025 is attached, with further details concerning items (*list items*):
- Agreement on damages based upon special verdict.
 - Costs and attorney fees.
 - Entry of Judgment or Dismissal.
 - Special Verdict - proposed.

CASE 1

SHORT TITLE: [REDACTED]	Janet J. ELIAZAR	CASE NUMBER: [REDACTED]
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ATTACHMENT (Number): ONE

(This Attachment may be used with any Judicial Council form.)

CONTINUED ATTACHMENT TO [PROPOSED] CONSENT ORDER FOR EXPEDITED TRIAL

15. OTHER ITEMS

a. Agreement on damages and costs based upon special verdict:
 The parties agree that the jury shall decide liability only. That they shall determine the percentage of responsibility (negligence and substantial factor) of Eliazar [REDACTED] attributable to the claim of Janet [REDACTED] among all persons who may be responsible for her harm. That if the percentage is 25% or above, plaintiff shall receive an award of \$15,000. That if the percentage of responsibility is below 25%, plaintiff shall receive an award based upon the percentage found by the jury multiplied by \$60,000. In no event, and regardless of the percentage of responsibility found against Eliazar, shall an award of more than \$15,000 be made against Eliazar [REDACTED] not including any costs that may be awarded under Code of Civil Procedure section 1012 or Code of Civil Procedure section 998.

b. Costs and attorney fees. Attorneys fees are not considered costs in this matter under any statute or section of the Code of Civil Procedure. In addition, the parties agree to incur their own attorney fees. Costs will be based upon the code sections noted above, with the parties acknowledging that the following CCP 998 offers have been made: Plaintiff's offer of \$9,750.00 was served on December 19, 2012 and Defendant's offer of a waiver of statutory costs of suit in exchange for a dismissal of the subject action was served on January 13, 2011.

Any determination for recovery or denial of costs provided for herein shall be based upon the amount of the award as determined herein. Notwithstanding that costs shall be determined by the Court in accordance with the above referenced code sections, the parties shall meet and confer on the costs prior to filing any Memorandum of Costs or motion to tax to resolve the issues without court intervention.

THE TERMS OF THIS PARAGRAPH 15a. shall not be disclosed to the Jury by either party, their attorneys or any witness or participant in this trial. The parties may, with the consent of the other party, discuss the terms of this agreement with any juror only after the jury is discharged from their duties and obligations as jurors in this case.

c. Entry of Judgment or Dismissal - The parties agree that if there is a positive dollar award to Janet [REDACTED] with or without costs that it shall be satisfied by [REDACTED] Insurance Company via a draft in exchange for a general release and dismissal. If the verdict is in favor of Eliazar [REDACTED], the court shall enter judgment after costs are determined unless Janet [REDACTED] tenders payment on costs before entry is made.

- d. The parties agree to submit a Special Verdict to the Jury in substantially the following form:
1. Was Eliazar [REDACTED] negligent?
 2. Was Eliazar [REDACTED] negligence a substantial factor in causing the accident?
 3. Were any of the following persons negligent? (yes, no or not applicable (na))
 - Herman [REDACTED]
 - Ciprano [REDACTED]
 4. For each person in number 3 who you said was negligent, was his negligence a substantial factor in causing the accident (yes, no or not applicable (na)):
 - Herman [REDACTED]
 - Ciprano [REDACTED]
 5. What percentage of responsibility for the accident do you assign to the following (provide a percentage for those who have received a 'yes' in answer to question 2 and 4 that will equal 100%).
 - Eliazar [REDACTED]
 - Herman [REDACTED]
 - Ciprano [REDACTED]

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

(Add pages as required)

CASE 2
5 hours per side - 2016

Plaintiff/Petitioner: Margarita [REDACTED]	+ JESS + Maggie	CASE NUMBER: [REDACTED]
Defendant/Respondent: Sarah [REDACTED]		

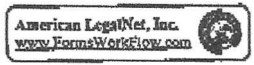
ATTACHMENT TO
 [PROPOSED] CONSENT ORDER FOR VOLUNTARY EXPEDITED JURY TRIAL
 AGREEMENT OF PARTIES (MANDATORY EXPEDITED JURY TRIAL PROCEDURES)
(This attachment may be used with form EJT-018 OR EJT-020)

The parties have agreed to the following (check all items on which agreements have been reached and describe the agreements in detail. If more space is needed for any item, use form MC-025 and complete item 15 below):

1. (For voluntary expedited jury trial cases only) Modifications of the timeline for, or other aspects of, the pretrial submissions required by rule 3.1548 of the California Rules of Court (describe timeline or other changes):
 Parties to meet and confer prior to the Readiness Conference (TRC) on all issues applicable in the Department [REDACTED]'s trial guidelines. This includes Motions in Limine, Joint trial documents, including a Joint Statement of the Case, Joint witness and exhibit lists (per the format in S22) to be completed in order to be presented by the Readiness Calendar. Parties to submit Joint list of Jury Instructions that set out the agreed and disputed instructions. Parties to resolve evidentiary and foundation issues by the TRC with unresolved issues to be submitted in writing to the court for resolution.
2. Limitations on the number of witnesses per party, including expert witnesses (describe):
3. Modifications of statutory or rule provisions regarding exchange of expert witness information and presentation of testimony by such witnesses (describe):
 Plaintiffs have decided to submit expert medical testimony via reading in portions of medical records or reports, subject to evidentiary objections and or redaction, if certain records will be offered into evidence. Defendant shall have the same opportunity however, defendant will also call her designated medical/chiropractic expert, [REDACTED]

The parties will meet and confer PRIOR to the commencement of trial regarding the documents that will be used, read into the record or submitted into evidence by plaintiffs. The parties intend to stipulate to the admission of the medical bills subject to redaction of inadmissible matter.

4. Allocation of time periods stated in rule 3.1550 of the California Rules of Court, including how arguments and cross-examination may be used by each party in the five-hour time frame (describe):
 The Code allows each side - including Voir Dire, 5 hours to present its case. The parties agree to endeavor to complete Voir Dire examination and have the jury selected within a three hour time period.
5. Agreement as to any evidentiary matters, including any stipulations or admissions regarding factual matters (state such matters in detail):
 - a. Defendant admits that she was negligent as that term is used in CACI 424. CACI 424 governs as to the issues in dispute.
 - b. The parties stipulate to foundation of the medical records and billings from plaintiff's medical care providers as claimed to be related to the subject incident without the need for a custodian of record to authenticate the same.
 - c. Medical bills that have been paid or adjusted by any insurance or medical care coverage shall be limited to the amounts paid pursuant the Howell and/or Hanif cases (citations omitted).
 - d. The parties stipulate to foundation of all medical records exchanged in discovery, obtained via discovery subpoenas and/or submitted to the court via trial subpoenas without a custodian of record to authenticate.
 - e. Admission into evidence to be submitted to the jury of any records, reports, bills, photographs or other documents shall be allowed to the extent the parties stipulate to the same. The attorneys will meet and confer on a particular exhibit before it is offered into evidence to be given to the jury, including the medical bills.
 - f. Photographs of the vehicles involved in the subject incident are admissible without foundation.
6. Agreement about what constitutes necessary or relevant evidence for a particular factual determination (describe):



CASE 2

Plaintiff/Petitioner: Margarita [REDACTED]	CASE NUMBER: [REDACTED]
Defendant/Respondent: Sarah [REDACTED]	[REDACTED]

- 7. Agreement about admissibility of particular exhibits or demonstrative evidence presented without the legally required authentication or foundation (describe):
Pursuant to paragraph 5 above.
- 8. Agreement about admissibility of video or written depositions and declarations (describe):
- 9. Agreement about any other evidentiary issues or the application of any of the rules of evidence (describe):
To be decided by the Court on counsels' objections.
- 10. Agreement to use photographs, diagrams, slides, electronic presentations, overhead projections, notebooks of exhibits, or other methods for presenting information to the jury (describe):
- 11. Agreement concerning the time frame for filing and serving motions in limine (describe):
on or before the first day of trial if the parties have any unresolved matters that are the subject of a motion in limine.
- 12. Agreement that fewer than eight jurors may hear this case (describe):
- 13. Agreement concerning the number of jurors required to reach a verdict in this case (describe, including any agreement regarding loss of juror after trial starts):
6 jurors are required to reach a verdict. The parties will request one alternate.
- 14. Other agreements (describe):
 - a. The parties agree that statutory costs of suit are available as allowed by law and that offers served under and pursuant to Code of Civil Procedure section 998 are in effect and that costs thereunder will be determined under existing law. This is in accordance with CCP section 630.10.
 - b. The parties agree to a confidential high-low agreement for each plaintiff with a maximum recovery to each plaintiff of \$20,000, regardless of the jury verdict and a minimum of zero. The minimum amount reflecting that no plaintiff will be subject to a judgment for costs should defendant prevail with a zero result on any claim or on any CCP 998 offer in which costs including expert fees are awarded and offset against any verdict made in that plaintiff's favor such that the net result could end up in a monetary judgment for defendant.
 - c. The parties agree that upon a final determination of any amount owed to a plaintiff, the same shall be satisfied by the plaintiff executing a full release and dismissal of her action. Defendant may request that the GAL for the minor seek an order approving the final settlement, compromise or disposition of proceeds, if any, due to Maggie [REDACTED]
- 15. Form MC-025 is attached, with further details concerning items (list items):

ATTACHMENT TO
[PROPOSED] CONSENT ORDER or
AGREEMENT OF PARTIES

