

ELIA LAW FIRM, APC California Personal Injury Litigation Timeline

(Getting to trial may take 1-2 years or longer)

Five Year Rule. An action shall be brought to trial within five years after the action is commenced against the defendant. [CCP §583.310]

the parties may mediate at any time



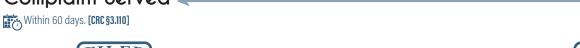
Lawsuit Filed

A lawsuit is called a "Complaint

Time limits for filing claims in California vary depending on the nature of the claim. For example, a person injured in an auto accident has two years from the date of the accident in which to file suit. If you feel like you have a potential claim, you should immediately contact an attorney to ensure that you understand the time limits in which you can file your claim



Complaint Served





Defendant files Responsive Pleading-Either Answer or Demurrer and/or Motion to Strike



- An Answer typically denies the allegations and lists affirmative defenses
- A Demurrer challenges defects in the
- A Motion to Strike requests the removal of inappropriate allegations or improper items in the complaint

Written

Plaintiffs must wait 10 Form Interrogatories Special Interrogatories

appearance to serve written - Request for Production

Discovery

Special Interrogatories

Request for Admissions



Statement (CMS)



Case Management Conference (CMC)

- Judge may set dates: Trial Date, Trial Readiness Conference Date, First &Second Exchange of Experts, Law & Motion Discovery Cutoff
- Jury fees must be posted by the party requesting a iury trial
- Judge may order the parties to go to Mediation



Mediation

Motion

Discovery Cutoff

Discovery closes 30 days before trial, or 15 days

before arbitration. Discovery

motions must be heard no less

than 15 days before trial. **FCCP**

§2024.0201

Approximately 80% of cases resolve through Mediation (the parties are free to mediate at



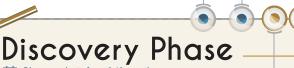
In San Diego, the trial date on a civil matter is typically on a Friday, known as "Trial Call," Your actual trial may commence the following Monday



Typically set by judge at CMC. Occurs about 2-3 weeks before the trial, Parties must file a TRC Report



Must be filed 15 days prior to the initial CMC date



Discovery lasts from 8-10 months. Discovery closes 30 days before trial

Discovery is generally a lengthy process where the parties exchange information to evaluate the merits of the case



Expert Demand

70 days before trial, or within 10 days of setting trial date, which is closer to trial date, experts must be [CCP §2034,220]

In San Diego County, the Court typically sets these dates, and no expert demand is necessary.



Demand for Physical Exam. of Experts

Defendant may serve a demand after service on defendant or after defendant appears in the action, whichever occurs first - CCP 2032.220 (b). Any defendant may demand one physical examination of the plaintiff if (1) exam doesn't include any diagnostic test or procedure that is painful, protracted, or intrusive, and (2) the examination is conducted within 75 miles of CCP 2032,220 (b).



1st Exchange

Typically set by judge at CMC. 50 days before trial date, or 20 days after service of demand, whichever [CCP §2034.230]

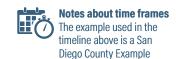


Expert Deposition(s)



2nd Exchange of Experts

Typically set by judge at CMC. Within 20 days of the 1st Exchange. You may only designate an additional expert on a topic already designated in your opponent's 1st Exchange. [CCP §2034.280]



Discovery

May Start

summons or Defendant's

[CCP §2025.201(b)] 20 days to

serve a deposition notice.

Defendants may conduct

discovery any time after

ppear in the action.

being served or after they

[CCP §2025.210]

[CCP §2030.020]

CCP-California Code of Civil Procedure CRC-California Rules of Court General Jurisdiction-When complaint demands damages in excess of \$25,000

Deposition(s) of

Notice must be served at least 10 days before the

for Production of Documents,

deposition date. [CCP §2025.270(a)]

If notice accompanied by Request

additional time may be required

Parties & Witnesses

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