

PUBLICATION UPDATE

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California Forms of Pleading and Practice Annotated

Publication 181

Release 248

July 2023

HIGHLIGHTS

- **2023 Legislation, Rules of Court, Regulations, Judicial Council Forms, and Latest Cases.** This release updates various chapters throughout the publication with the changes to California legislation and regulations effective 2023, as well as the latest 2023 changes to the Rules of Court and Judicial Council Forms. This release also updates various chapters with the latest state and federal case law opinions.

Important new developments are added in other areas of law, including:

- Arbitration
- Appeal
- Civil Procedure

- Civil Rights
- Costs and Attorney's Fees
- Elections
- Injunctions and Provisional Remedies
- Insurance
- Judgments
- Probate
- Public Administrative Law
- Schools
- Torts
- Workers' Compensation

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Release 248 of California Forms of Pleading and Practice Annotated updates the publication in many areas noted in more detail below.

ARBITRATION

Contractual Arbitration—Waiver. *Gallo v. Wood Ranch USA, Inc.* (2022) 81 Cal. App. 5th 621, 297 Cal. Rptr. 3d 373, holds that the Federal Arbitration Act (FAA) does not preempt Code Civ. Proc. § 1281.97 et seq. See Ch. 33, *Contractual Arbitration: Appointment of Arbitrator and Conduct of Proceeding*, § 33.17.

Contractual Arbitration—Waiver. *De Leon v. Juanita’s Foods* (2022) 85 Cal. App. 5th 740, 301 Cal. Rptr. 3d 678, concluded that the trial court has no discretion to consider any issue other than the lateness of payment in making its decision on a motion under Code Civ. Proc. § 1281.97 et seq. See Ch. 33, *Contractual Arbitration: Appointment of Arbitrator and Conduct of Proceeding*, § 33.17.

Contractual Arbitrator’s Injunctive Relief. *Kirk v. Ratner* (2022) 74 Cal. App. 5th 1052, 1064, 290 Cal. Rptr. 3d 207, dismissed the appeal of an arbitrator’s order granting injunc-

tive relief. See Ch. 33, *Contractual Arbitration: Appointment of Arbitrator and Conduct of Proceeding*, § 33.20[3][d][ii].

Contractual Arbitrator’s Correction. *Taska v. The RealReal, Inc.* (2022) 85 Cal. App. 5th 1, 301 Cal. Rptr. 3d 75, clarified that a contractual arbitrator does not have statutory authority to correct an award by changing a denial of attorney fees into an award of attorney fees. See Ch. 33, *Contractual Arbitration: Appointment of Arbitrator and Conduct of Proceeding*, § 33.28[5][a].

Contractual Arbitrator’s Amendment. *Starr v. Mayhew* (2022) 83 Cal. App. 5th 842, 299 Cal. Rptr. 3d 99, ruled that arbitrators have a “narrow” nonstatutory power to amend an award. See Ch. 33, *Contractual Arbitration: Appointment of Arbitrator and Conduct of Proceeding*, § 33.28[6].

Contractual Arbitration—Jurisdiction. *Unite Here Local 30 v. Sycuan Band of the Kumeyaay Nation* (9th Cir. 2022) 35 F.4th 695, decided that a challenge was to the contract as a whole, which therefore was for the arbitrator to decide under the FAA. See Ch. 33, *Contractual Arbitration: Appointment of Arbitrator and Conduct of Proceeding*, § 33.43[8][c][i].

Arbitration—Electronic Filing. Amendment of Code Civ. Proc. § 1010.6 expands the circumstances in which electronic filing of documents may be required. See Ch. 33, *Contractual Arbitration: Appointment of Arbitrator and Conduct of*

Proceeding, § 33.60[2][e]; Ch. 34, *Contractual Arbitration: Judicial Review*, §§ 34.50[9], 34.52[5].

Award Against Public Policy. *Honchariw v. FJM Private Mortg. Fund, LLC* (2022) 83 Cal. App. 5th 893, 299 Cal. Rptr. 3d 819, determined that a contractual arbitration award violated public policy. See Ch. 34, *Contractual Arbitration: Judicial Review*, §§ 34.19[4][g], 34.31[15][j].

Arbitration Award—Issue Preclusion. *Gavriiloglou v. Prime Healthcare Mgmt., Inc.* (2022) 83 Cal. App. 5th 595, 299 Cal. Rptr. 3d 34, dealt with the issue preclusive effect of an arbitration award. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.24[1].

Arbitration Award—Issue Preclusion. *McProud v. Siller (In re CWS Enters.)* (9th Cir. 2017) 870 F.3d 1106, affirmed a finding of issue preclusion by a prior arbitration award. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.31[11].

Service of Motion—Notice Period. Amendment of Code Civ. Proc. § 1005(b) provides for an increase of 12 days in the notice period before a hearing on a motion where if the place of address is the Secretary of State's address confidentiality program. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.70[6].

Electronic Service. Amendment of Code Civ. Proc. § 1006(a)(4) specifies that a document that is served electronically on a noncourt day is deemed served on the next

court day. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.70[6].

Response Seeking Dismissal—New Form. A new form outlines a Response [Code Civ. Proc. § 1290] Requesting Dismissal of Petition—Skeletal Form. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.51.

Lack of Jurisdiction—New Form. A new form states an Allegation—Lack of Jurisdiction—Arbitrator's Ruling Not Award [Code Civ. Proc. § 1283.4]. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.74.

Lack of Jurisdiction—New Form. A new form models an Allegation—Lack of Jurisdiction—Petition to Confirm Arbitration Award Not Timely Filed [Code Civ. Proc. § 1288]. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.75.

Lack of Jurisdiction—New Form. A new form sets forth an Allegation—Lack of Jurisdiction—Petition to Correct or Vacate Arbitration Award Not Timely Filed [Code Civ. Proc. § 1288]. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.76.

Arbitrator Misconduct—New Form. A new form pleads an Allegation—Arbitrator Engaged in Prejudicial Misconduct [Code Civ. Proc. § 1286.2(a)(3)]. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.93.

Arbitrator Disqualified—New

Form. A new form addresses an Allegation and Remedy—Arbitrator Received Timely Notice of Disqualification and Did Not Disqualify Self [Code. Civ. Proc. § 1286.2(a)(6)(B)]. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.94.

Arbitrator Nondisclosure—New Form. A new form presents an Allegation—Disclosable Matter Discovered After Arbitration Completed [Code. Civ. Proc. § 1286.2(a)(6)(A)]. See Ch. 34, *Contractual Arbitration: Judicial Review*, § 34.95.

Inter-American Convention. New coverage of the Inter-American Convention on International Commercial Arbitration introduces the Convention. See Ch. 35, *Arbitration and Conciliation of International Commercial Disputes*, §§ 35.03[1][b], 35.50.

Convention on Recognition—Jurisdiction. *Day v. Orrick, Herington & Sutcliffe, LLP* (9th Cir. 2022) 42 F.4th 1131, held that where the federal district court designated under 9 U.S.C.S. § 204 lacks personal jurisdiction over the party against whom enforcement of an arbitral summons is sought, the action may be brought in any district court appropriate under the general federal venue statute. See Ch. 35, *Arbitration and Conciliation of International Commercial Disputes*, §§ 35.20[2], 35.64[1][a].

Convention on Recognition—Arbitrability. The new federal Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 gives a person alleging conduct

constituting a sexual harassment dispute or sexual assault dispute, or the named representative of a class or in a collective action alleging that conduct the option to invalidate a predispute arbitration agreement or predispute joint-action waiver or prevent its enforcement with respect to a case filed under federal, tribal, or state law that relates to the sexual assault dispute or the sexual harassment dispute. See Ch. 35, *Arbitration and Conciliation of International Commercial Disputes*, § 35.21[3][b].

APPEAL

Appeal Not Moot When Harm Is Ongoing. In *In re D.P.* (2023) 14 Cal. 5th 266, 276, 303 Cal. Rptr. 3d 388, 522 P.3d 645, the California Supreme Court held that a case is moot when the reviewing court’s decision can have no practical impact or provide the parties effectual relief, and is not moot if the case continues to impact a party’s rights. See Ch. 41, *Appeal: Review Standards and Appellate Rules of Law*, § 41.10[7].

Reviewing Court Need Not Consider Matters Not Included in Record. In *Pacific Palisades Residents Assn. v. City of Los Angeles* (2023) 88 Cal. App. 5th 1338, 1361, 2023 Cal. App. LEXIS 170, the court of appeal refused to violate the rule of appellate procedure that an appellate court will consider only matters which were part of the record at the time the judgment was entered, even to avoid “judicial waste and needless proceedings.” See Ch. 44, *Appeal: Preparing and Filing the Record*, § 44.12[3].

CIVIL PROCEDURE

Anti-SLAPP—Constitutionally Protected Artistic Work. In *City of Rocklin v. Legacy Family Adventures-Rocklin, LLC* (2022) 86 Cal. App. 5th 713, 733, 303 Cal. Rptr. 3d 52, the court of appeal held that a theme park was not a constitutionally protected artistic work and therefore was not protected under Code Civ. Proc. § 425.17(d)(2). See Ch. 376, *Motions to Strike: Anti-Slapp*, § 376.16[4].

Default Judgment—Substituted Service. *First American Title Ins. Co. v. Banerjee* (2022) 87 Cal. App. 5th 37, 43, 303 Cal. Rptr. 3d 288, holds that the trial court did not abuse its discretion in denying a motion to set aside a default judgment as void under Code Civ. Proc. § 473(d) because the process server's proof of service and declaration of diligence provided substantial evidence supporting a determination that substituted service of the original summons and complaint had been properly effected after many attempts to serve the documents. See Ch. 205, *Default and Default Judgments*, § 205.64[2][a].

Default Judgment—Alter Ego Doctrine. *First American Title Ins. Co. v. Banerjee* (2022) 87 Cal. App. 5th 37, 44, 303 Cal. Rptr. 3d 288, holds that whether or not the complaint adequately stated a cause of action against a company's president, the default judgment was not void because the complaint apprised the president of the nature of a demand to enforce a commission agreement re-

lated to the sale of real property, which the president had signed on behalf of the company, and indicated that the president was being sued as an alter ego of the company. See Ch. 205, *Default and Default Judgments*, § 205.64[10].

Dismissal—Five-Year Time Period. In *California ex rel. Sills v. Gharib-Danesh* (2023) 88 Cal. App. 5th 824, 844–845, 2023 Cal. App. LEXIS 134, the court of appeal held that the stay of a qui tam action while the case is under seal for purposes of the government's intervention results in an exclusion of the five-year period for commencing trial under Code Civ. Proc. § 583.340(b). See Ch. 212, *Dismissal*, § 212.125[3].

Jurisdiction—Sister State Money Judgments Act. *WV 23 Jumpstart, LLC v. Mynarcik* (2022) 85 Cal. App. 5th 596, 608, 301 Cal. Rptr. 3d 402, holds that California's lack of personal jurisdiction over a debtor was not a viable defense under Code Civ. Proc. § 1710.40 to registering a Nevada judgment in California under the Sister State Money Judgments Act (Code Civ. Proc. § 1710.10 et seq.) because registration of a valid judgment was a ministerial act under Code Civ. Proc. § 1710.25, the Nevada court had jurisdiction over the parties and rendered an authorized judgment that comported with due process, and a valid judgment from another state had to be given full force and effect in California. Because foreign judgments were enforceable in California even where the original lawsuit could

not have been brought under California law, Code Civ. Proc. § 1710.35 did not require that all registered judgments be reached in full compliance with California law, including its jurisdictional requirements, to take effect. See Ch. 323, *Jurisdiction: Personal Jurisdiction, Inconvenient Forum, and Appearances*, § 323.86[7].

Limitation of Actions—CEQA. *American Chemistry Council v. Department of Toxic Substances Control* (2022) 86 Cal. App. 5th 146, 204, 302 Cal. Rptr. 3d 52, holds that a challenge to an exemption from CEQA environmental review was untimely because informal dispute resolution did not toll limitations period of Pub. Resources Code § 21167(d); the limitations period starts running on the date the project is approved by the public agency and is not retriggered on each subsequent date that the public agency takes some action toward implementing the project. See Ch. 345, *Limitation of Actions*, § 345.205.

Limitation of Actions—Local Agency Fees and Charges. *Raja Development Co., Inc. v. Napa Sanitary Dist.* (2022) 285 Cal. App. 5th 85, 96, 301 Cal. Rptr. 3d 147, holds that the trial court erred in prematurely adjudicating the issue of severability when it sustained a sanitation district’s demurrer, based on the 120-day statute of limitations in Gov. Code § 66022(a) for challenging capacity charge modifications under Gov. Code § 66013, to a complaint alleging a sewer service charge was

an illegally imposed tax under Cal. Const. art. XIII A, § 4 and Cal. Const. art. XIII C § 1(e)(1), because the claim would be subject to the three-year statute of limitations in Code Civ. Proc. § 338(a) and timely if the ordinances authorizing the sewer charge were severable. See Ch. 345, *Limitation of Actions*, § 345.247.

Limitation of Actions—Public Safety Officers Bill of Rights Act. *Shouse v. County of Riverside* (2022) 84 Cal. App. 5th 1080, 1089, 300 Cal. Rptr. 3d 906. In a case in which petitioner challenged the May 2017 termination of his employment as a captain of a county sheriff’s office, the Court of Appeal concluded the trial court correctly determined there was no violation of the statute of limitations set forth in the Public Safety Officers Procedural Bill of Rights Act (Gov. Code, § 3300 et seq.). The clock did not begin to run until it was determined petitioner had committed an act of misconduct, and because it could not have been determined that petitioner’s relationship with a subordinate deputy was improper (and therefore misconduct) until her status as a person under petitioner’s command had been determined, which occurred in May 2016, the investigation was commenced and competed within one year of the discovery of the misconduct. Insofar as the misconduct with the subordinate was the “tip of the iceberg,” leading to the discovery of other and further misconduct for which petitioner was subjected to discipline, all allegations against pe-

tioner were timely investigated within one year of the notice of intent to terminate. See Ch. 345, *Limitation of Actions*, § 345.282.

Res Judicata—Claim Preclusion. In *5th and LA v. Western Waterproofing Co., Inc.* (2023) 87 Cal. App. 5th 781, 789, 303 Cal. Rptr. 3d 855, the court of appeal held that the worsening condition of the same physical installation did not create a new primary right and a new cause of action and therefore a cause of action based thereon was barred by claim preclusion. See Ch. 491, *Res Judicata*, § 491.14[4][a].

Sanctions Under Code Civ. Proc. § 177.5 for Violation of Court Order. In *People v. Edwards* (2023) 88 Cal. App. 5th 1259, 1279, 2023 Cal. App. LEXIS 167, the court of appeal held that the Legislature intended to limit sanctions under Code Civ. Proc. § 177.5 to \$1,500, unless separate violations of a court order are committed, in which case the violator could be fined up to \$1,500 for each separate violation. See Ch. 510, *Sanctions*, § 510.13[1].

Settlement—Offer to Compromise. *Chen v. BMW of North America, LLC* (2022) 87 Cal. App. 5th 957, 963, 303 Cal. Rptr. 3d 703, holds that a defendant's offer of compromise under Code Civ. Proc. § 998 was clear and specific enough for plaintiff to understand what was being offered and to weigh that against his prospects at trial. Plaintiff did not accept the offer and later agreed to a settlement that provided no greater benefit. The trial court did not err in

enforcing the statutory prohibition against awarding postoffer attorney fees and costs. See Ch. 520, *Settlement and Release*, § 520.76[7].

Settlement—Offer to Compromise. *Smalley v. Subaru of America, Inc.* (2022) 87 Cal. App. 5th 450, 456, 303 Cal. Rptr. 3d 434, holds that Code Civ. Proc. § 998 does not require an offer to include language regarding the prevailing party, and the court may not impose any additional requirements or limitations that do not appear on the face of the statute. See Ch. 520, *Settlement and Release*, § 520.76[7].

Settlement—Offer to Compromise. *Council for Education & Research on Toxics v. Starbucks Corp.* (2022) 84 Cal. App. 5th 879, 300 Cal. Rptr. 3d 729, an action under the Safe Drinking Water and Toxic Enforcement Act of 1986, holds that general releases included in section 998 compromise offers were overly broad, as they encompassed claims beyond the scope of the litigation; as such, they invalidated the compromise offers. See Ch. 520, *Settlement and Release*, § 520.76[7].

Settlement—Offer to Compromise. *K.M. v. Grossmont Union High School Dist.* (2022) 84 Cal. App. 5th 717, 776, 300 Cal. Rptr. 3d 598, holds that in civil litigation against a school district arising from a teacher's sexual abuse of students, the district's offers to compromise, which were rejected, were invalid because they lacked clear terms. The offers stated that the parties would execute a settlement and release, but

did not attach the written agreement or describe the terms in any meaningful detail, leaving plaintiffs to guess at what terms the district might require. See Ch. 520, *Settlement and Release*, § 520.76[7].

Statutory Interpretation—School Expulsion Statute. In *Natomas Unified Sch. Dist. v. Sacramento County Bd. of Education* (2022) 86 Cal. App. 5th 1013, the appellate court reversed judgment for a school district that expelled a middle-school student; and held that the “continuing danger” provisions in the statutory scheme require consideration of all the relevant facts, not merely those concerning the nature of the student’s act or the nature of the violation. See Ch. 531, *Statutes and Ordinances*, § 531.56.

CIVIL RIGHTS

42 U.S.C. § 1983 Action. In *Duarte v. City of Stockton* (9th Cir. 2023) 60 F.4th 566, the Ninth Circuit reversed dismissal of a 42 U.S.C. § 1983 claim, holding that the bar to a § 1983 claim under *Heck v. Humphrey* requires an actual judgment of conviction, not its functional equivalent, such as a no-contest plea that results in dismissal. See Ch. 113, *Civil Rights: The Post-Civil War Civil Rights Statutes*, § 113.14[5][f].

Local Government Liability under Monell. The court in *Casey N. v. County of Orange* (2022) 86 Cal. App. 5th 1158, held that the defendant county incurred liability under 42 U.S.C. § 1983 and *Monell v. Dep’t of Soc. Servs.* (1978) 436 U.S. 658, for its policy and custom of

using deceptive evidence in child-dependency reports, and for inadequate training of social workers. See Ch. 113, *Civil Rights: The Post-Civil War Civil Rights Statutes*, § 113.14[7].

42 U.S.C. § 1983 Action: “State-Created Danger” Exception. In *Murguia v. Langdon* (9th Cir. 2023) 61 F.4th 1096, the Ninth Circuit set forth the requirements for application of the “state-created danger” exception to a plaintiff’s inability to sue under 42 U.S.C. § 1983 for due-process violations based on a state’s failure to prevent acts of private parties. See Ch. 113, *Civil Rights: The Post-Civil War Civil Rights Statutes*, § 113.14[4][i].

ADA Title III Standing. The Ninth Circuit in *Langer v. Kiser* (9th Cir. 2023) 57 F.4th 1085, has enunciated guidelines for its “deterrent effect” doctrine for establishing standing under Title III of the ADA, holding, among other things, that a plaintiff’s status as a “serial ADA litigant” has no place in a court’s standing analysis. See Ch. 116, *Civil Rights: Discrimination In Business Establishments*, § 116.52[2].

School Expulsion Reversed. In *Natomas Unified Sch. Dist. v. Sacramento County Bd. of Education* (2022) 86 Cal. App. 5th 1013, the court reversed judgment for the school district in a case appealing a student’s expulsion, holding that the school board erred by expelling a middle-school student who brought BB guns to school, when the board excluded the student’s evidence at

the administrative hearing that showed that other students did not fear him. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.40[1].

First Amendment Protection of Student's Off-Campus Speech. The Ninth Circuit in *Chen v. Albany Unified Sch. Dist.* (2022) 56 F.4th 708, held that a high-school student's social media postings made off-campus and contained within a "private" Instagram account, which contained bullying or harassing speech targeting other students, subjected the account owner to expulsion, because the content eventually and predictably reached the targeted students, and the First Amendment did not protect that speech under those circumstances. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.34[9].

State Preemption of School District's Vaccination Policy. The court in *Let Them Choose v. San Diego Unified Sch. Dist.* (2022) 85 Cal. App. 5th 693, held that a school district's policy of requiring student vaccination against the COVID-19 virus is preempted by provisions of the Health & Safety Code. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.11[1][b].

Exhaustion of IDEA Administrative Procedures. In *Perez v. Sturgis Pub. Sch.*, (2023) 143 S. Ct. 859, the U.S. Supreme Court held that a suit admittedly premised on the past denial of a FAPE cannot proceed without exhausting IDEA's administrative processes if the remedy a

plaintiff seeks is not one that IDEA provides. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.33[5][h].

"Least Restrictive Environment" Factor for Public Schools under FAPE. In *D.R. v. Redondo Beach Unified Sch. Dist.* (2022) 56 F.4th 636, the Ninth Circuit held that an IEP's academic goals need not aim for grade-level advancement when that level of achievement is not obtainable, although they must be appropriately ambitious in light of the child's unique circumstance. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.33[1].

COSTS AND ATTORNEY'S FEES

Updated Judicial Council Forms. This release includes updated Judicial Council appellate fee waiver forms, FW-001, APP-015/FW-015-INFO, and FW-001-GC effective April 1, 2023. *See* Ch. 174, *Costs and Attorney's Fees*.

DISCOVERY

Limitations of Crime-Fraud Exception to Attorney-Client Privilege. In *Militello v. VFARM 1509* (2023) 2023 Cal. App. LEXIS 208, *20, the court of appeal held that the crime-fraud exception to the attorney-client privilege does not permit disclosure of communications that reveal a plan to commit a crime or fraud, but it does permit disclosure of communications made to enable or aid anyone to commit or plan to commit a crime or fraud. *See* Ch. 191, *Discovery: Privileges and Other Discovery Limitations*, § 191.80[2].

Discovery Protective Orders. In *Gropen v. Superior Court* (2023) 2023 Cal. App. LEXIS 242, **18–19, the court of appeal held that a protective order was proper to allow the wife of a deponent with PTSD to accompany him at his deposition, even if she was a potential witness. See 193, *Discovery: Depositions*, § 193.156[1][e].

Deadline for Nonparty Consumer or Employee to Object to Subpoena. In *Thai v. Richmond City Center, L.P.* (2022) 86 Cal. App. 5th 282, 290, 302 Cal. Rptr. 3d 356, the court of appeal held that after the 20-day period in Code Civ. Proc. § 1985.3(g) expires, the subpoenaing party cannot move to enforce the subpoena over the consumer's objection through a motion to compel under Code Civ. Proc. § 2025.480, which has a 60-day deadline. See 535, *Subpoena*, § 535.21[8].

ELECTIONS

Contribution Limit. Amendment of Gov. Code § 84308 extended the period during which officers of most state or local governmental agencies may not accept contributions exceeding \$250 from applicants before their agency from three to 12 months following the decision date on the application. See Ch. 242, *Election Campaigns*, § 242.42[8].

Contribution Report. Amendment of Gov. Code § 84308 expanded the definition of applicants before most state or local governmental agencies who must report contributions to officers of the agency deciding their application to include

majority shareholders of applicants that are closed corporations and expanded the reporting requirement to include contributions during the 12 months prior to the date of application. See Ch. 242, *Election Campaigns*, § 242.42[8].

Campaign Report. Amendment of Gov. Code § 84226 applies the election-statement reporting requirement to local candidates. See Ch. 242, *Election Campaigns*, §§ 242.50[1], [3], 242.53.

Committee Ad Disclosures. Amendment of Gov. Code §§ 84502, 84503 alter the details of disclosures required of campaign committees in election ads. See Ch. 242, *Election Campaigns*, § 242.55B[3].

Electronic Media Ad Disclosures. Amendment of Gov. Code § 84504.3 extensively modified the details of disclosures required in election ads in electronic media. See Ch. 242, *Election Campaigns*, § 242.55B[8].

Audio and Video Ad Disclosures. Amendment of Gov. Code § 84504.4 added disclosures required of party or candidate-controlled committees in election ads on the radio and television. See Ch. 242, *Election Campaigns*, § 242.55B[9], [10].

Print Ad Disclosures. Amendment of Gov. Code § 84504.2 changed the details of disclosures required in election ads in print. See Ch. 242, *Election Campaigns*, § 242.55B[11].

Ordinances on Disclosures. Newly adopted Gov. Code § 84504.8

allows merging of disclosures required in state and local law. See Ch. 242, *Election Campaigns*, § 242.55B[13A].

Lobbying Firm Disclosures. Amendment of Gov. Code § 86114(a)(2) increases the specificity of reporting by lobbying firms concerning which legislation they targeted. See Ch. 242, *Election Campaigns*, § 242.62[2].

Lobbyist Employer Disclosures. Newly added Gov. Code § 86117(c) requires lobbyist employers to report details of contracts on which the employers made specified payments during the period beginning 60 days before the date the Legislature is scheduled to adjourn for the interim recess or final recess. See Ch. 242, *Election Campaigns*, § 242.62[3].

Vote-by-Mail Ballots. Elec. Code §§ 3006–3009, concerning application for ballots formerly known as absentee ballots, were repealed. See Ch. 243, *Elections*, § 243.13[4].

Registration Cancellation. Amendment of Elec. Code § 2201(c) requires county officials to provide the requisite notice and return form before cancelling a voter registration on some grounds starting January 1, 2024. See Ch. 243, *Elections*, § 243.15[1].

Registration Cancellation. Amendment of Elec. Code § 2201(b) allows the Secretary of State to cancel the voter registration of a voter who has died starting January 1, 2024. See Ch. 243, *Elections*, § 243.15[1].

Notice of Lawsuit. *Law Office of Carlos R. Perez v. Whittier Union High Sch. Dist.* (2023) 87 Cal. App. 5th 463, ordered the award of “costs of work product” to a law firm that incurred expenses in generating a notice of intent to file lawsuit after the local government adopted an ordinance establishing district-based elections. See Ch. 243, *Elections*, § 243.19.

Voter Inducement. *Lincoln v. Lopez* (2022) 77 Cal. App. 5th 922, 292 Cal. Rptr. 3d 880, ruled that to “induce” under Elec. Code § 18522, means that a violator must have the requisite specific intent. See Ch. 243, *Elections*, § 243.172[3].

Initiative Signatures. *Cty. of San Bernardino v. Superior Court* (2022) 77 Cal. App. 5th 1100, Cal. Rptr. 3d 190, concludes that a county has no duty to state in advance the number of required signatures for getting initiative on the ballot. See Ch. 302, *Initiative, Referendum, and Recall*, § 302.15.

Content of Petition. Amendment of Elec. Code § 101(a) altered content required on petitions for initiative or referendum. See Ch. 302, *Initiative, Referendum, and Recall*, § 302.16[1].

Presumption. *Bates v. Poway Unified Sch. Dist.* (2022) 83 Cal. App. 5th 907, 299 Cal. Rptr. 3d 828, applied the general presumption in law that both the Legislature and the electorate by the initiative process are deemed to be aware of laws in effect at the time they enact new laws. See Ch. 302, *Initiative, Referendum, and*

Recall, § 302.20, 302.82[6][c].

State Initiative Petition. Amendment of Elec. Code § 9008 added content required in petitions for statewide initiative. See Ch. 302, *Initiative, Referendum, and Recall*, § 302.20, 302.21[4][a].

City Initiative Petition. *Starr v. Chaparro* (2022) 73 Cal. App. 5th 1094, 1097–98, 288 Cal. Rptr. 3d 885, determined that adoption of a proposed amendment to an ordinance “adopted by the voters” is a nullity and therefore does not meet the requirement of adoption or placement on the ballot. See Ch. 302, *Initiative, Referendum, and Recall*, § 302.24[7].

Amendment of Initiative Ordinance. *Williams v. Alameda Cnty.* (N.D. Cal. Nov. 22, 2022) 2022 U.S. Dist. LEXIS 212072, decided that an amendment that falls within the authority that voters delegated to the local governing body in an initiative does not violate the respective statute barring legislative amendment. See Ch. 302, *Initiative, Referendum, and Recall*, § 302.29[2].

Ordinance Never Took Effect. *Protect Our Neighborhoods v. City of Palm Springs* (2022) 73 Cal. App. 5th 667, 289 Cal. Rptr. 3d 32, clarified that an ordinance subject to referendum petition within 30 days of its enactment and subsequently repealed never took effect. See Ch. 302, *Initiative, Referendum, and Recall*, § 302.45[6].

No Election of Successor. Amendment of Elec. Code § 11382 ends the practice of electing a succes-

sor upon the recall of a local official other than a city councilor. See Ch. 302, *Initiative, Referendum, and Recall*, § 302.73[2].

Political Reform Act—Contracts. *Lexin v. Superior Court* (2010) 47 Cal. 4th 1050, 103 Cal. Rptr. 3d 767, 222 P.3d 214, specified the elements to determine in deciding whether Gov. Code § 1090 has been violated. See Ch. 469, *Public Entities and Officers: Conflicts of Interest*, § 469.11[3][a][i].

Political Reform Act—Contracts. *Cal.-Am. Water Co. v. Marina Coast Water Dist.* (2022) 86 Cal. App. 5th 1272, involved tort claims allegedly arising from a violation of Gov. Code § 1090. See Ch. 469, *Public Entities and Officers: Conflicts of Interest*, § 469.11[3][d].

Political Reform Act—Limitations. *AIDS Healthcare Found. v. City of L.A.* (2022) 86 Cal. App. 5th 322, 340, 302 Cal. Rptr. 3d 342, rules that the statute of limitations in the Political Reform Act does not automatically control over the 90-day limitation period set by Gov. Code § 65009. See Ch. 469, *Public Entities and Officers: Conflicts of Interest*, § 469.32[4].

INJUNCTIONS AND PROVISIONAL REMEDIES

Preliminary Injunction Requires Likelihood of Success on Merits. In *Iloh v. Regents of University of California* (2023) 87 Cal. App. 5th 513, 523, 303 Cal. Rptr. 3d 709, the court of appeal held that the trial court did not abuse its discretion in determining that the plaintiff had not estab-

lished a likelihood of prevailing on the merits of her petition to prevent disclosure under the California Consumer Privacy Act. See Ch. 303, *Injunctions*, § 303.104[15][f].

INSURANCE

Duty to Defend. In *LaBarbera v. Security Nat'l Ins. Co.* (2022) 86 Cal. App. 5th 1329, the court held that under a contractor's general liability policy, the "indemnitee defense" clause did not obligate the insurer to defend a homeowner who hired the insured, with respect to an injured subcontractor's personal-injury suit against the homeowner and contractor. See Ch. 308, *Insurance*, § 308.119[1].

Coverage for Business Losses Arising from Pandemic. In *John's Grill, Inc. v. The Hartford Fin. Svcs. Group, Inc.* (2022) 86 Cal. App. 5th 1195, the appellate court held that a restaurant business survived demurrer to its complaint seeking coverage for business losses arising from the COVID-19 pandemic, in that the policy contains a customized "trigger-of-coverage" language that is virus-specific, which is broad enough to encompass the insured's allegations. See Ch. 308, *Insurance*, § 308.61.

JUDGMENTS

Intervention to Enforce Judgment. In *Juarez v. Ward* (2023) 88 Cal. App. 5th 730, 735–736, 2023 Cal. App. LEXIS 125, the court of appeal held that Intervention under Code Civ. Proc. § 708.190 was proper to determine a third party's right, rather than the judgment credi-

tor's right to the judgment debtor's Oscar award. See Ch. 254, *Executions and Enforcement of Judgments*, § 254.229.

Updated Judicial Council Form.

This release includes updated Judicial Council execution of judgment form EJ-125, effective April 1, 2023. See Ch. 254, *Executions and Enforcement of Judgments*, § 254.780[1].

PROBATE

Conservatorships. Numerous changes, revisions, and clarifications of California conservatorship law were enacted by a series of bills passed in 2022. These changes have been incorporated into Chapters 280 through 290I of this publication, resulting in extensive changes. Among the changes enacted in 2022 are the following:

- Enactment of a general duty on the part of the conservator to accommodate the desires of the conservatee, except to the extent that doing so would violate the conservator's fiduciary duties or impose an unreasonable expense on the conservatorship estate.
- A corresponding general duty on the part of the conservator to inform the conservatee, on a regular basis, of decisions made on the conservatee's behalf.

- A general increase in emphasis on involving the conservatee in the decisionmaking process while under the conservatorship, to the extent that the conservatee is able to understand, make and communicate the conservatee's own confirmed choices while under conservatorship.
- Consideration of the conservatee's preference regarding the identity of the person appointed as conservator or successor conservator.
- "Supported decision-making" as a potential alternative to the creation of a traditional conservatorship, and the content and operation of a supported decisionmaking agreement.
- Creation and dissemination of an informational packet for conservatees explaining the rights of a conservatee within the conservatorship.
- Appointment of counsel for a conservatee who wishes to terminate the conservatorship.
- At the establishment or periodic review of a conservatorship, mandatory consideration of whether less restrictive alternatives could be tried, and, if indicated, terminating or modifying the conservatorship.
- Automatic termination of a conservatorship or limited conservatorship without an evidentiary hearing if both the conservator and conservatee wish to terminate the conservatorship and the conservatorship is no longer the least restrictive alternative for the conservatee's protection.
- Several revised Judicial Council forms (with more expected in 2023).
- Increased scrutiny of situations in which a conservator seeks to sell or partition the conservatee's residence or former personal residence.
- Modification to certain items of information required to be included in the annual statement required of a professional fiduciary.

PUBLIC ADMINISTRATIVE LAW

Public Records Act Recodification. Chapter 470C, *Public Records Act*, is extensively rewritten and revised with the recodified California Public Records Act. The California legislature repealed the prior California Public Record Act effective January 1, 2023 [Gov. Code § 6276.50] and replaced that act with the new California Public Records Act [Gov. Code § 7920.000 et seq].

Federal Preemption. This chapter is updated with *County of Butte v. Department of Water Resources* (Cal. 2022) 13 Cal. 5th 612, which holds that the provisions of the Federal Power Act [16 U.S.C Section 791a] under which the Federal Energy Regulatory Commission [FERC] regulated hydroelectric dams that generated power and that required periodic federal licensing reviews of those dams for power generation did not categorically preempt California Environmental Quality Act [Pub. Res. Code Section 21000] [CEQA] requirements for preparation of environmental impact reports [EIR] as part of state licensing of those same dams that generated hydroelectric power. The state licensing provisions were enforced by the California Department of Water Resources. The Court also held that the petition for a writ of mandate filed by the County of Butte that challenged the adequacy of the EIR prepared by the Department and sought to have the EIR set aside was not preempted by the federal power act. See Ch.470, *Overview*

of *Public Administrative Law*, § 470.16[1].

Due Process of Law. This chapter is updated with *Hobbs v. City of Pacific Grove* (6th Dist. 2022) 85 Cal. App. 5th 311, which rejected a procedural due process challenge to a city ordinance (City of Pacific Grove) that limited the number of homes that could be offered as short term rentals and that subjected those licensed rentals to a random selection for non-renewal of the rental license. The challenge was brought by owners in the city that held licenses for short term property rentals. The procedural due process challenge failed because the property owners did not have a vested property interest in renewal of their short term rental licenses. Without a protected property interest, the owners did not have any procedural due process rights to renewal of their licenses. See Ch. 470A, *Due Process Restrictions on Public Agencies*, § 470A.21[1].

Due Process of Law. This chapter is updated with *West Coast University v. Board of Registered Nursing* (3rd Dist., 2022) 82 Cal. App. 5th 624, which holds that a nursing school which substantially increased its enrollment without approval of the Board of Registered Nursing violated a Board regulation that prohibited nursing schools from making unauthorized substantive changes to its nursing program and that regulation as applied to the nursing school was not vague and did not violate due process of law. There was no due process of law violation. The school

did not have a property interest that would have been deprived because the Board had not taken any action related to the school's continuing accreditation. See Ch. 470A, *Due Process Restrictions on Public Agencies*, § 470A.21[1].

Due Process of Law. This chapter is updated with *In Re Bailey* (3rd Dist., 2022) 76 Cal. App. 5th 837, which holds that a prison inmate seeking release on parole was not entitled to an in person hearing for parole from a state prison sentence and parole regulations which limited the inmate to a paper review process rather than an in person hearing did not violate procedural due process of law. See Ch. 470A, *Due Process Restrictions on Public Agencies*, § 470A.41[2].

Due Process of Law. This chapter is updated with *Rodgers v. State Personnel Board* (4th Dist. Div. 2, 2022) 83 Cal. App. 5th 1 which holds that the State Personnel Board denied the due process notice rights of a correctional sergeant employed by the California Department of Corrections and Rehabilitation (CDCR) in a decision that upheld disciplinary action by CDCR against the sergeant. The discipline imposed was a ten per cent reduction in the sergeant's salary for two years. The due process notice violation was based upon a major difference between the fact findings adopted by the State Personnel Board in its decision after the administrative hearing in the sergeant's case compared to the fact allegations against the sergeant in the notice of adverse

action served on the sergeant by his employer, CDCR. See Ch. 470A, *Due Process Restrictions on Public Agencies*, § 470A.43[2].

Due Process of Law. This chapter is updated with *In Re Foster* (First Dist. Div. 2, 2022) 85 Cal. App. 5th 499 which holds that the Board of Parole Hearings violated due process of law requirements as well as Board rules when the board denied an inmate's request to call witnesses at the inmates parole rescission hearing The Board was required to conduct a new rescission hearing at which the inmate would be allowed to call witnesses. The inmate's appeal was not mooted when the Board conducted two further parole suitability hearings. See Ch. 470A, *Due Process Restrictions on Public Agencies*, § 470A.46[2].

Public Meetings. This chapter is updated with *G.I. Industries v. City of Thousand Oaks* (2d Dist. Div. 6, 2022) 84 Cal. App. 5th 814 which holds that the City of Thousand Oaks violated the Ralph M Brown Act [Gov. Code Section 54954.2] by adopting an exemption from review of a city decision under the California Environmental Quality Act (CEQA) without listing this item on the meeting agenda for at least 72 hours. The court of appeal also held that a competitor's letter stating the violation of the Brown Act that was sent to the City satisfied the requirements for a "cure and correct" letter under that act [Gov. Code Section 54960.1 (b)]. See Ch. 470B, *Public Agency Meetings*, § 470B.12[2][b][ii].

Public Records. This chapter is updated with *Community Action Agency of Butte County v. Superior Court of Butte County* (3rd Dist., 2022) 79 Cal. App. 5th 221, which holds that a local nonprofit community action group that received federal funds and that worked to address poverty in the county was not an “other local public agency” under former Gov’t Code Section 6252 and thus was not required to produce business records under the California Public Records Act. This group was not a governmental entity. Similarly, the group was not required to produce those records under the federal Freedom of Information Act (FOIA) [5 U.S.C. Section 552]. This was because the group was not a federal administrative agency. See Ch. 470C, *Public Records Act*, § 470C.10[4].

Public Records. This chapter is updated with *Kinney v. Superior Court* (5th Dist., 2022) 77 Cal. App. 5th 168, which holds that that a county was not required under former Gov’t Code Section 6254(f)(1) to disclose the names of all persons arrested in a specific month (March 2020) by the county sheriff’s department for driving under the influence. The request for disclosure of that information was made 11 or 12 months after the arrests had taken place. Former Gov’t Code Section 6254(f)(1) was interpreted to apply to arrests that were contemporaneous in time and this request was well after the date of the arrests. See Ch. 470C, *Public Records Act*, § 470C.13[9].

Public Records. This chapter is

updated with *Rittiman v. Public Utilities Commission* (First District Division One, 2022) 80 Cal. App. 5th 1018, which holds that the California Public Records Act (CPRA) exemption for correspondence with the Governor’s office under former Gov’t Code Section 6254(l) is not limited to communications with private parties but also included communications by the President of the California Public Utilities Commission (CPUC) with the governor’s staff. Those communications were exempt from disclosure under former Gov’t Code Section 6254(l). See Ch. 470C, *Public Records Act*, § 470C.13[15].

Public Records. This chapter is updated with *Essick v. County of Sonoma* (First Dist. Div. 4, 2022) 81 Cal. App. 5th 941, which holds that that a harassment complaint filed by a member of the public (a member of the Sonoma County Board of supervisors) against the elected county sheriff along with an independent investigator’s report and related documents was not exempt from disclosure by the County under former Gov’t Code Section 6254(k) and also under the Public Safety Officers Procedural Bills of Rights (POBRA) [Penal Code sections 832.5, and 832.8]. As part of the court’s analysis, the court held that the county was not the elected sheriff’s employing agency, nor did the county assume the role of the sheriff’s employer. The court also held that the agreement of the county to comply with POBRA in the investigation did not estop the county from disclosing this information pursuant to the Califor-

nia Public Records Act (CPRA). See Ch. 470C, *Public Records Act*, § 470C.14[9].

License Revocation. This chapter is updated with *Miller v. Department of Real Estate* (Second Dist., Div. Seven, 2022) 84 Cal. App. 5th 141, which Appeal affirmed the denial of a petition for a writ of administrative mandate under Code Civ. Proc. Section 1094.5 brought by a mobile home operator and real estate broker of record who sought to overturn an order of the Department of Real Estate revoking their real estate licenses based upon charges that the licensee employed unlicensed individuals as managers to sell mobile homes in violation of the requirements of the real estate laws and also allowed tenants to occupy mobile homes that were not properly permitted for human occupancy. See Ch. 471B, *Licensing by Public Agencies*, § 471B.53[1].

License Revocation. This chapter is updated with *Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board* (3rd Dist., 2022) 82 Cal. App. 5th 337 which affirmed the decision of the Alcoholic Beverage Control Appeals Board that reversed the decision of the Department of Alcoholic Beverage Control that had suspended a winery's winegrower's license for violating the tied house restrictions of the Alcoholic Beverage Control Act. The court held that the tied house restrictions (under Bus. & Prof. Code Sections 25500(a)(2), and 25502(a)(2)) were not violated when

the wine distributor temporarily placed an inoperative pizza oven in a grocery store as part of the winery's display because that oven was not a "thing of value" under the tied house restrictions. See Ch. 471B, *Licensing by Public Agencies*, § 471B.53[1].

Agency Rulemaking. This chapter is updated with *640 TENTH, LP v. Newsom* (4th Dist. Div. 1, 2022) 78 Cal. App. 5th 840, which holds that that the Governor's emergency "stay at home" orders restricting indoor business operations during the COVID-19 pandemic were not subject to California APA requirements because the Governor suspended application of the California APA provisions under his authority to declare an emergency under the Emergency Act when he issued the emergency order. See Ch. 472A, *Agency Rulemaking Procedures*, § 472A.15.

Review of Agency Rulemaking. This chapter is updated with *Bates v. Poway Unified School District* (4th Dist. Div. 3, 2022) 83 Cal. App. 5th 907 which reversed the denial of a writ of mandate by the trial court and held that a school district was required to use state funds allocated for school construction to retire local bonds imposed on homeowners that was used to build a new elementary school at a cost of 82 million dollars. The court held that opinions offered by a program analyst working for the Office of Public School Construction (OPSC) as to the meaning of regulations that imposed this reimbursement requirement were entitled to full weight although the language of

the regulation was clear and unambiguous. Other sources of information, including informal correspondence between the school district and OPSC, in emails and otherwise, were not relevant to the interpretation of the regulation. See Ch. 472B, *Review of Agency Rulemaking* § 472B.15[3].

Relief from Defaults. This chapter is updated with *GC Brothers Entertainment LLC v. Alcoholic Beverage Control Appeals Board* (2d Dist., Div. One, 2022) 84 Cal. App. 5th 1019 which granted a writ of mandate that vacated an order of the Department of Alcoholic Beverage Control which was affirmed by the Alcoholic Beverage Control Appeals Board that found a licensee to be in default based upon a failure to respond to accusations, that denied relief from that default, and evoked the licensee's liquor license. The court held that there was good cause to provide the licensee relief from a default based upon the alleged failure of the licensee to receive a copy of the accusation. The court held that the standard for good cause relief under the constitutional provisions governing alcohol regulation (Cal. Const. Section 22, Art. 20) and under Gov't Code Section 11520(c) gives the administrative law judge discretion to provide the licensee relief from default when the licensee claims to not have received a copy of the accusation. See Ch. 473F, *Agency Adjudication Hearings* § 473F.17.

Collateral Estoppel. This chapter is updated with *Kaur v. Foster Poultry Farms, Inc.* (5th Dist., 2022) 83

Cal. App. 5th 320, which holds that a decision of the Worker's Compensation Appeals Board that denied a claim by an employee under Labor Code Section 132a (prohibiting discrimination against employees who have filed worker's compensation claims) did not have collateral estoppel effect on that same employee's claim for discrimination based on disability, race/national origin, and retaliation against her employer that were brought under the California Fair Employment and Housing Act (FEHA) [Gov Code Section 12940]. Collateral estoppel did not apply because the issues were not the same in the two types of proceedings. See Ch. 473F, *Agency Adjudication Hearings* § 473F.41.

Writ of Mandate. This chapter is updated with *Sheetz v. County of El Dorado* (3rd Dist., 2022) 84 Cal. App. 5th 394 which affirmed the denial of a writ of mandate by the trial court. A landowner challenged a traffic impact mitigation fee of \$ 23,420 that was imposed by a county as a condition of issuing the landowner a building permit for construction of a single family home on the landowner's property. The landowner sought mandamus relief as well as declaratory relief. The court held that a writ of traditional mandate was the appropriate remedy not declaratory relief. Traditional mandate was the appropriate remedy because adoption of landowner fees under the California Mitigation Fee Act was a quasi-legislative act. This was because landowner fees were not based upon individual circumstances. See

Ch. 474, *Availability of Judicial Review of Agency Decisions* § 474.11[2].

Writ of Mandate. This chapter is updated with *CV Amalgamated v. City of Chula Vista* (4th Dist., Div. 1, 2022) 82 Cal. App. 5th 265 which reversed the denial of a petition for a writ of ordinary mandate under Code Civ. Proc. Section 1085 brought by a business against a city that had denied the business a license to operate a retail cannabis store in the city. The Court of Appeal held that the city had a ministerial duty to follow mandatory procedures for issuing the license and that the city acted in an arbitrary and capricious manner in rescoring the business's application. Finally, the court held that the business did not have an adequate remedy for the city's failure to follow its procedures. See Ch. 474, *Availability of Judicial Review of Agency Decisions* § 474.11[2].

Writ of Mandate. This chapter is updated with *Athletics Investment Group LLC v. Department of Toxic Substances Control* (First Dist. Div. 3, 2022) 83 Cal. App. 5th 953, which holds that the Department of Toxic Substance Control did not have a mandatory duty to rescind subsection (f) letters that had been issued to scrap metal shredding facilities under the governing law administered by the Department. Because there was no mandatory duty to rescind those letters, the court of appeal reversed the trial court decision to issue a writ of mandate that required the department to rescind those letters. See Ch.

474, *Availability of Judicial Review of Agency Decisions* § 474.11[3][b].

Primary Jurisdiction. This chapter is updated with *The Travelers Indemnity Co. v. Lara* (2d Dist., Div. 7, 2022) 84 Cal. App. 5th 1119, which holds that a trial court decision to defer to the decisions of the Insurance Commissioner as to issues related to issues that were being litigated in a lawsuit between the insurer and the insured was a valid exercise of the primary jurisdiction doctrine. While the lawsuit between the insurer and the insured was pending, the insured had filed an administrative action with the Commissioner challenging side agreements related to the policies. The Commissioner ruled in favor of the insured. The court of appeal affirmed the denial of a petition for a writ of administrative mandate under Code Civ. Proc. Section 1094.5 brought by the insurer to challenge the decision of the Insurance Commissioner. See Ch. 474, *Availability of Judicial Review of Agency Decisions* § 474.13[4][g].

Mootness. This chapter is updated with *Athletics Investment Group LLC v. Department of Toxic Substances Control* (First Dist. Div. 3, 2022) 83 Cal. App. 5th 953, which holds that an appeal by a scrap metal facility operator of a trial court decision granting a writ of mandate that was sought by the owner of a business near the scrap metal shredding facility was not moot when the Department of Toxic Substance Control rescinded a subdivision (f) letter, as required by the trial court decision,

because the Department adopted an emergency regulation, which the business owner argued violated the trial court decision (the writ of mandate issued by the trial court). See Ch. 474A, *Timing of Judicial Review of Agency Decisions* § 474A.22.

Mootness. This chapter is updated with *Bull Field, LLC v. Merced Irrigation District* (2d Dist. Div. 2, 2022) 85 Cal. App. 5th 442, which holds that the court would review on appeal a moot petition for a writ of mandate brought by out of district farmers to compel an irrigation district to sell them surplus surface water. The petition was moot because the water year had ended. The court held that the issue raised in the appeal had sufficient public interest to decide and it was possible that the dispute between these parties could recur in future years. See Ch. 474A, *Timing of Judicial Review of Agency Decisions* § 474A.22.

Mootness. This chapter is updated with *Committee for Sound Water and Land Development v. City of Seaside* (6th Dist., 2022) 79 Cal. App. 5th 389, which holds that that a due process lack of notice claim brought by a nonprofit organization against a city and a developer that approved an environmental impact report and a development project on a former military base was mooted on appeal because the governmental entity (Fort Ord Reuse Authority) charged with reviewing a project for consistency had been dissolved so that it no longer had a statutory obligation to ensure consistency. This mooted the

due process notice claim. See Ch. 474A, *Timing of Judicial Review of Agency Decisions* § 474A.22.

Court of Appeal Exercises Independent Judgment to Review PUC Decision Bearing on Constitutional Rights. In *Southern California Gas Co. v. Public Utilities Com.* (2023) 87 Cal. App. 5th 324, 339–340, 303 Cal. Rptr. 3d 500, the court of appeal exercised independent judgment to reverse the PUC’s decision that its division’s data requests did not infringe on ratepayers’ First Amendment Rights. See Ch. 480, *Public Utilities*, § 480.146[2][a].

SCHOOLS

School Expulsion Reversed. In *Natomas Unified Sch. Dist. v. Sacramento County Bd. of Education* (2022) 86 Cal. App. 5th 1013, the court reversed judgment for the school district in a case appealing a student’s expulsion, holding that the school board erred by expelling a middle-school student who brought BB guns to school, when the board excluded the student’s evidence at the administrative hearing that showed that other students did not fear him. See Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.40[1].

First Amendment Protection of Student’s Off-Campus Speech. The Ninth Circuit in *Chen v. Albany Unified Sch. Dist.* (2022) 56 F.4th 708, held that a high-school student’s social media postings made off-campus and contained within a “private” Instagram account, which contained bullying or harassing speech target-

ing other students, subjected the account owner to expulsion, because the content eventually and predictably reached the targeted students, and the First Amendment did not protect that speech under those circumstances. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.34[9].

State Preemption of School District’s Vaccination Policy. The court in *Let Them Choose v. San Diego Unified Sch. Dist.* (2022) 85 Cal. App. 5th 693, held that a school district’s policy of requiring student vaccination against the COVID-19 virus is preempted by provisions of the Health & Safety Code. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.11[1][b].

Exhaustion of IDEA Administrative Procedures. In *Perez v. Sturgis Pub. Sch.*, (2023) 143 S. Ct. 859, the U.S. Supreme Court held that a suit admittedly premised on the past denial of a FAPE cannot proceed without exhausting IDEA’s administrative processes if the remedy a plaintiff seeks is not one that IDEA provides. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.33[5][h].

“Least Restrictive Environment” Factor for Public Schools under FAPE. In *D.R. v. Redondo Beach Unified Sch. Dist.* (2022) 56 F.4th 636, the Ninth Circuit held that an IEP’s academic goals need not aim for grade-level advancement when that level of achievement is not obtainable, although they must be appropriately ambitious in light of the

child’s unique circumstance. *See* Ch. 513, *Schools: Student Rights and Responsibilities*, § 513.33[1].

TORTS

Landowner Not Protected Under Privette Doctrine from Liability for Injury to Contractor Hired by Tenant. In *Ramirez v. PK I Plaza 580 SC LP* (2022) 85 Cal. App. 5th 252, the court of appeal held that the *Privette* doctrine does not generally protect a landowner from liability for an injury to an independent contractor hired by the landowner’s tenant rather than by the landowner, as there is no hirer-contractor relationship between the landowner and the independent contractor. *See* Ch. 248, *Employer’s Liability for Employee’s Torts*, § 248.22[2][b][iii], and Ch. 421, *Premises Liability*, § 421.32[2].

Statutory Protection from Liability for Rendering Emergency Aid Conferred on Gas Station Attendant Who Broke Up Fistfight. In *Valdez v. Costco Wholesale Corp.* (2022) 85 Cal. App. 5th 466, the court of appeal, in concluding that a fistfight at a gas station was an “emergency” for purposes of conferring the “good samaritan” immunity provided by Health & Safety Code § 1799.102 on an attendant who broke up the fight, held that the applicable definition of “emergency” is found in Health & Safety Code § 1797.70. *See* Ch. 380, *Negligence*, § 380.32[2][d].

Public Entity Immunity for Injuries Caused by Prisoners Applies to FEHA Claim. In *Bitner v. Department of Corrections & Rehabilitation*

(2023) 87 Cal. App. 5th 1048, the court of appeal held that an action brought against a public entity for liability under the Fair Employment and Housing Act for the misconduct of a prisoner is subject to the immunity for injuries caused by prisoners provided under Gov. Code § 844.6. See Ch. 464, *Public Entities and Officers: California Government Claims Act*, § 464.103[1].

Private Plaintiff Could Not Challenge Determination on Amazon.com Liability to Pay Sales Tax. In *Grosz v. California Dept. of Tax & Fee Administration* (2023) 87 Cal. App. 5th 428, the court of appeal held that a California resident did not have standing to challenge the determination of the California Department of Tax and Fee Administration that Amazon.com was not required to pay sales tax under the Sales and Use Tax Law and relevant regulations in transactions in which Amazon received and stored goods provided by affiliate sellers, promoted and processed sales of those goods to consumers, and then packaged and shipped the goods for the benefit of the affiliate sellers. See Ch. 466, *Public Entities and Officers: Taxpayers' Actions*, § 466.22[2][a].

WORKERS' COMPENSATION

Employee Status; Independent Contractor vs. Employee. The First Appellate District Court of Appeal, in *Castellanos v. State of California*, 2023 Cal. App. LEXIS 183 (Mar. 13, 2023), reversed the trial court in pertinent part, holding—in a divided

decision—that Prop 22 did not intrude on the Legislature's workers' compensation authority or violate the single-subject rule. The Court did, however, agree with the trial court that the initiative's definition of what constitutes an amendment violated separation of powers principles. Because the unconstitutional provisions could be severed from the rest of the initiative, the divided court affirmed the trial court's judgment insofar as it declared specific provisions related to the amendment process invalid and to the extent the trial court retained jurisdiction to consider an award of attorney's fees. Otherwise, however, the Court reversed. An appeal is likely, but in the meantime, ride-sharing and delivery app companies are able to classify their drivers as independent contractors, rather than employees. See Ch. 577, *Workers' Compensation*, § 577.22[4][a].

Independent Contractors; Factors to be Considered in Determining Status. In *Whitlach v. Premier Valley, Inc.* (2022) 86 Cal. App. 5th 673, the Court of Appeal found that Bus. & Prof. Code § 10032(b), which incorporates the test found in Unemp. Ins. Code §§ 650 and 13004.1, provides the standard for determining employee or independent contractor status applicable to real estate salespersons for purposes of the Labor Code's wage and hour provisions, and dictates that the real estate agent is an independent contractor if (1) the agent is licensed, (2) the agent is paid through commissions, and (3) the agent has signed an independent contractor agreement. This three-factor

employment-status test continues to apply after the enactment of Lab. Code § 2778(c)(1) by AB5, which removes real estate licensees from *Dynamex*'s "ABC" test of employment classification codified in Lab. Code § 2775(b)(1). Here, the plaintiff was held to be an independent contractor as a matter of law since he was a licensed real estate agent paid by commission, and he entered into written contract specifying he was independent contractor. See Ch. 577, *Workers' Compensation*, § 577.22[3][c].

Undocumented Workers; Discovery Proceedings. In *Manuel v. Superior Court (BrightView Landscape Services, Inc.)* (2022) 82 Cal. App. 5th 719, 728, 298 Cal. Rptr. 3d 629, the Court of Appeal, ruling on plaintiff's petition for writ of mandate in a wrongful termination action against his former employer, issued a peremptory writ of mandate directing the trial court to vacate its order compelling plaintiff to respond to

written discovery propounded by the former employer regarding plaintiff's immigration status. The Court cited the Supreme Court's analysis in *Salas v. Sierra Chemical Co.* (2014) 59 Cal. 4th 407, 327 P.3d 797, and concluded that where an employee alleges that an employer is liable for violation of state labor laws, the employer may not propound discovery inquiring into the employee's immigration status without showing by clear and convincing evidence that such inquiry is necessary to comply with federal immigration law, particularly where, as here, plaintiff did not seek reinstatement or lost wages as remedies and defendant had already terminated the employment. The trial court abused its discretion by granting the former employer's motion to compel further responses to written discovery regarding plaintiff's immigration status. See Ch. 577, *Workers' Compensation*, § 577.356[2A].

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- ☐ 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 247. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 247, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- ☐ 2. Separate this Release Number 248 into the following groups of material:
 - Package 1 contains White Revision pages for Volumes 1, 4–6, 8, 11–13, 15–17, 20–21, 24.
 - Package 2 contains White Revision pages for Volumes 25–34, 36, 40–41A.
 - Package 3 contains White Revision pages for Volumes 42–47, 49, 51–53.
- ☐ Arrange these groups of material next to each other so that you can take material from each group as required and proceed with the filing of this release.
- ☐ 3. Circulate the “Publication Update” among those individuals interested in the contents of this release.

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Pages Numbered

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For faster and easier filing, all references are to right-hand pages only.

VOLUME 1

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	1-1 thru 1-27	1-1
<input type="checkbox"/>	1-39 thru 1-983	1-39 thru 1-45
<input type="checkbox"/>	1-1279	1-1279 thru 1-1301

VOLUME 4

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	33-3 thru 33-13	33-3 thru 33-13
<input type="checkbox"/>	33-51 thru 33-63	33-51 thru 33-64.1
<input type="checkbox"/>	33-86.1 thru 33-91	33-87 thru 33-92.1
<input type="checkbox"/>	33-109	33-109 thru 33-110.1
<input type="checkbox"/>	33-129 thru 33-131	33-129 thru 33-131
<input type="checkbox"/>	33-157 thru 33-163	33-157 thru 33-164.1
<input type="checkbox"/>	34-3 thru 34-9	34-3 thru 34-10.1
<input type="checkbox"/>	34-19 thru 34-24.1	34-19 thru 34-24.1
<input type="checkbox"/>	34-33 thru 34-48.1	34-33 thru 34-48.3
<input type="checkbox"/>	34-50.9 thru 34-53	34-51 thru 34-54.13
<input type="checkbox"/>	34-56.4(7) thru 34-56.4(9)	34-56.4(7) thru 34-56.4(9)
<input type="checkbox"/>	34-61 thru 34-69	34-61 thru 34-70.3
<input type="checkbox"/>	34-75 thru 34-95	34-75 thru 34-109
<input type="checkbox"/>	35-1 thru 35-29	35-1 thru 35-30.5
<input type="checkbox"/>	35-53 thru 35-55	35-53 thru 35-56.1

VOLUME 5

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	40-23 thru 40-24.1	40-23 thru 40-24.1
<input type="checkbox"/>	40-41 thru 40-42.1	40-41 thru 40-42.1
<input type="checkbox"/>	41-27 thru 41-28.1	41-27 thru 41-28.1
<input type="checkbox"/>	41-67 thru 41-72.1	41-67 thru 41-72.1
<input type="checkbox"/>	41-86.1 thru 41-86.3.	41-86.1 thru 41-86.3
<input type="checkbox"/>	41-103 thru 41-109	41-103 thru 41-109
<input type="checkbox"/>	42-21 thru 42-25	42-21 thru 42-26.1

Check As Done	<u>Remove Old Pages Numbered</u>	<u>Insert New Pages Numbered</u>
<input type="checkbox"/>	42-61 thru 42-70.2(5)	42-61 thru 42-70.2(5)
<input type="checkbox"/>	44-25 thru 44-26.1	44-25 thru 44-26.1
<input type="checkbox"/>	44-73.	44-73 thru 44-74.1
<input type="checkbox"/>	44-93 thru 44-94.1	44-93 thru 44-94.1
<input type="checkbox"/>	48-9 thru 48-10.1	48-9 thru 48-10.1
<input type="checkbox"/>	50-47 thru 50-48.1	50-47 thru 50-48.1
<input type="checkbox"/>	51-57.	51-57 thru 51-58.1
<input type="checkbox"/>	52-7 thru 52-9	52-7 thru 52-10.1

VOLUME 6

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	62-203 thru 62-209	62-203 thru 62-209

VOLUME 8

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	84-27 thru 84-28.1	84-27 thru 84-28.1

VOLUME 11

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	113-1 thru 113-7	113-1 thru 113-7
<input type="checkbox"/>	113-24.1 thru 113-40.1.	113-25 thru 113-40.9
<input type="checkbox"/>	113-62.1 thru 113-62.6(1)	113-62.1 thru 113-62.6(1)
<input type="checkbox"/>	113-85 thru 113-87	113-85 thru 113-87
<input type="checkbox"/>	113-110.12(8)(a) thru 113-110.12(8)(b)(i)	113-110.12(8)(a) thru 113-110.12(8)(b)(i)
<input type="checkbox"/>	113-110.31 thru 113-110.32(1)	113-110.31 thru 113-110.32(1)
<input type="checkbox"/>	116-5 thru 116-7	116-5 thru 116-7
<input type="checkbox"/>	116-57 thru 116-66.1	116-57 thru 116-66.2(1)

VOLUME 12

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	124-41	124-41 thru 124-42.1
<input type="checkbox"/>	124-77	124-77 thru 124-78.1

Check
As
Done

*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

VOLUME 13

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	135-20.1 thru 135-22.1	135-21 thru 135-22.1
<input type="checkbox"/>	135-39	135-39 thru 135-40.1
<input type="checkbox"/>	135-65	135-65

VOLUME 15

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	174-29 thru 174-41	174-29 thru 174-42.1
<input type="checkbox"/>	174-149 thru 174-162.1	174-149 thru 174-162.1
<input type="checkbox"/>	174-171 thru 174-172.1	174-171 thru 174-172.1
<input type="checkbox"/>	174-201 thru 174-207	174-201 thru 174-208.1
<input type="checkbox"/>	174-315 thru 174-320.1	174-315 thru 174-320.1
<input type="checkbox"/>	174-367 thru 174-372.3	174-367 thru 174-372.3
<input type="checkbox"/>	177-56.1 thru 177-58.5	177-57 thru 177-58.5
<input type="checkbox"/>	182-37	182-37 thru 182-38.1
<input type="checkbox"/>	182-44.1 thru 182-44.3	182-44.1 thru 182-44.3

VOLUME 16

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	191-32.1 thru 191-32.3	191-32.1 thru 191-32.3
<input type="checkbox"/>	191-59 thru 191-60.4(1)	191-59 thru 191-60.4(1)
<input type="checkbox"/>	191-99 thru 191-103.	191-99 thru 191-104.1
<input type="checkbox"/>	191-116.1 thru 191-116.3	191-116.1 thru 191-116.3
<input type="checkbox"/>	192-9 thru 192-10.1	192-9 thru 192-10.1
<input type="checkbox"/>	192-24.1	192-24.1
<input type="checkbox"/>	192-35 thru 192-37	192-35 thru 192-37
<input type="checkbox"/>	193-79 thru 193-86.1	193-79 thru 193-86.1
<input type="checkbox"/>	200-9.	200-9 thru 200-10.1

**Check
As
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*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

VOLUME 17

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	205-46.1 thru 205-54.1	205-47 thru 205-54.1
<input type="checkbox"/>	206-51 thru 206-54.1	206-51 thru 206-54.1
<input type="checkbox"/>	206-69 thru 206-76.1	206-69 thru 206-76.1
<input type="checkbox"/>	206-121	206-121
<input type="checkbox"/>	212-23 thru 212-25	212-23 thru 212-25
<input type="checkbox"/>	212-49 thru 212-52.1	212-49 thru 212-52.1
<input type="checkbox"/>	212-65	212-65 thru 212-66.1
<input type="checkbox"/>	212-101	212-101 thru 212-102.1
<input type="checkbox"/>	212-115 thru 212-120.1	212-115 thru 212-120.1
<input type="checkbox"/>	212-127 thru 212-129	212-127 thru 212-129

VOLUME 20

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	242-5 thru 242-8.1	242-5 thru 242-8.1
<input type="checkbox"/>	242-39 thru 242-51	242-39 thru 242-52.1
<input type="checkbox"/>	242-63 thru 242-72.9	242-63 thru 242-72.11
<input type="checkbox"/>	242-85 thru 242-86.1	242-85 thru 242-86.2(1)
<input type="checkbox"/>	242-121 thru 242-125	242-121 thru 242-125
<input type="checkbox"/>	243-1 thru 243-2.1	243-1 thru 243-2.1
<input type="checkbox"/>	243-15 thru 243-33	243-15 thru 243-33
<input type="checkbox"/>	243-49 thru 243-58.1	243-49 thru 243-58.1
<input type="checkbox"/>	243-68.1 thru 243-72.1	243-69 thru 243-72.5
<input type="checkbox"/>	243-109 thru 243-114.1	243-109 thru 243-114.1

VOLUME 21

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	248-51 thru 248-62.1	248-51 thru 248-62.2(1)
<input type="checkbox"/>	254-73 thru 254-80.1	254-73 thru 254-80.1
<input type="checkbox"/>	254-99 thru 254-101.	254-99 thru 254-101
<input type="checkbox"/>	254-130.1 thru 254-133	254-131 thru 254-133
<input type="checkbox"/>	254-281 thru 254-283	254-281 thru 254-284.1

Check
As
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*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

VOLUME 24

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	280-11 thru 280-23	280-11 thru 280-24.1
<input type="checkbox"/>	280-44.1 thru 280-46.1	280-45 thru 280-46.1
<input type="checkbox"/>	280-113	280-113
<input type="checkbox"/>	281-3 thru 281-15.	281-3 thru 281-15
<input type="checkbox"/>	281-25 thru 281-62.1	281-25 thru 281-62.2(9)
<input type="checkbox"/>	281-62.13 thru 281-73.	281-63 thru 281-74.5
<input type="checkbox"/>	281-82.1 thru 281-95	281-83 thru 281-95
<input type="checkbox"/>	281-125 thru 281-129	281-125 thru 281-129
<input type="checkbox"/>	282-13 thru 282-16.1	282-13 thru 282-16.1
<input type="checkbox"/>	282-35 thru 282-45	282-35 thru 282-45
<input type="checkbox"/>	285-1 thru 285-39.	285-1 thru 285-40.1
<input type="checkbox"/>	285-63 thru 285-69	285-63 thru 285-69
<input type="checkbox"/>	286-15 thru 286-16.3	286-15 thru 286-16.1
<input type="checkbox"/>	288-9 thru 288-13.	288-9 thru 288-13
<input type="checkbox"/>	289-27	289-27
<input type="checkbox"/>	290-11	290-11
<input type="checkbox"/>	290A-5 thru 290A-21	290A-5 thru 290A-21
<input type="checkbox"/>	290A-33 thru 290A-42.1.	290A-33 thru 290A-42.1
<input type="checkbox"/>	290A-57 thru 290A-61	290A-57 thru 290A-61
<input type="checkbox"/>	290A-73 thru 290A-76.3.	290A-73 thru 290A-76.3
<input type="checkbox"/>	290C-1 thru 290C-7.	290C-1 thru 290C-8.1
<input type="checkbox"/>	290D-7.	290D-7 thru 290D-8.1
<input type="checkbox"/>	290D-17 thru 290D-21	290D-17 thru 290D-21
<input type="checkbox"/>	290D-33	290D-33
<input type="checkbox"/>	290E-1 thru 290E-13	290E-1 thru 290E-14.1
<input type="checkbox"/>	290G-1 thru 290G-3.	290G-1 thru 290G-3
<input type="checkbox"/>	290G-13 thru 290G-15	290G-13 thru 290G-15
<input type="checkbox"/>	290H-3 thru 290H-17	290H-3 thru 290H-18.1
<input type="checkbox"/>	290H-29 thru 290H-31	290H-29 thru 290H-33
<input type="checkbox"/>	290I-19.	290I-19 thru 290I-20.1

VOLUME 25

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	292-27 thru 292-30.1	292-27 thru 292-30.1
<input type="checkbox"/>	295-89 thru 295-91	295-89 thru 295-91

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	302-7 thru 302-9	302-7 thru 302-9
<input type="checkbox"/>	302-31 thru 302-43	302-31 thru 302-44.1
<input type="checkbox"/>	302-56.1 thru 302-69	302-57 thru 302-70.1
<input type="checkbox"/>	302-78.7 thru 302-110.1	302-79 thru 302-110.9

VOLUME 26

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	303-77 thru 303-78.1	303-77 thru 303-78.1
<input type="checkbox"/>	303-113 thru 303-114.1	303-113 thru 303-114.1
<input type="checkbox"/>	308-5 thru 308-9	308-5 thru 308-10.1
<input type="checkbox"/>	308-57 thru 308-63	308-57 thru 308-64.1
<input type="checkbox"/>	308-78.11 thru 308-81	308-79 thru 308-82.19
<input type="checkbox"/>	308-105	308-105 thru 308-106.1
<input type="checkbox"/>	308-139	308-139 thru 308-140.1
<input type="checkbox"/>	308-153 thru 308-182.1	308-153 thru 308-182.3
<input type="checkbox"/>	308-235 thru 308-236.1	308-235 thru 308-236.1
<input type="checkbox"/>	308-250.1 thru 308-252.1	308-251 thru 308-252.1
<input type="checkbox"/>	308-499 thru 308-501	308-499 thru 308-501

VOLUME 27

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	318-61 thru 318-69	318-61 thru 318-70.1
<input type="checkbox"/>	318-113 thru 318-114.1	318-113 thru 318-114.1
<input type="checkbox"/>	318-131 thru 318-140.1	318-131 thru 318-140.1
<input type="checkbox"/>	318-153	318-153 thru 318-154.1
<input type="checkbox"/>	318-163	318-163

VOLUME 28

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	323-115	323-115 thru 323-116.1

Check
As
Done

*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

VOLUME 29

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	332-33 thru 332-38.1	332-33 thru 332-38.3
<input type="checkbox"/>	332-66.1 thru 332-68.1	332-67 thru 332-68.2(1)
<input type="checkbox"/>	332-74.1	332-74.1
<input type="checkbox"/>	333-129	333-129 thru 333-130.1
<input type="checkbox"/>	333-195 thru 333-198.1	333-195 thru 333-198.1
<input type="checkbox"/>	334-49 thru 334-51	334-49 thru 334-51
<input type="checkbox"/>	335-53 thru 335-54.5	335-53 thru 335-54.5

VOLUME 30

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	340-77 thru 340-78.1	340-77 thru 340-78.1
<input type="checkbox"/>	340-114.1 thru 340-115	340-115 thru 340-116.1
<input type="checkbox"/>	345APP-29 thru 345APP-30.1	345APP-29 thru 345APP-30.1
<input type="checkbox"/>	345APP-40.1 thru 345APP-41	345APP-41 thru 345APP-42.5
<input type="checkbox"/>	345APP-51 thru 345APP-53	345APP-51 thru 345APP-54.1
<input type="checkbox"/>	345A-53	345A-53 thru 345A-54.1
<input type="checkbox"/>	345A-79 thru 345A-81	345A-79 thru 345A-81

VOLUME 31

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	357-36.1 thru 357-36.3	357-36.1 thru 357-36.3
<input type="checkbox"/>	357-43 thru 357-44.1	357-43 thru 357-44.1
<input type="checkbox"/>	358-22.1 thru 358-23	358-23 thru 358-24.1
<input type="checkbox"/>	358-65	358-65 thru 358-66.1
<input type="checkbox"/>	358-107 thru 358-108.1	358-107 thru 358-108.1

VOLUME 32

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	361A-11	361A-11
<input type="checkbox"/>	361A-29 thru 361A-94.9.	361A-29 thru 361A-94.17

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	361A-105 thru 361A-135	361A-105 thru 361A-136.5
<input type="checkbox"/>	361A-143 thru 361A-165	361A-143 thru 361A-166.3

VOLUME 33

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	371-21	371-21 thru 371-22.1
<input type="checkbox"/>	371-76.1 thru 371-77	371-77 thru 371-78.1
<input type="checkbox"/>	376-29 thru 376-36.1	376-29 thru 376-36.3
<input type="checkbox"/>	376-57 thru 376-60.1	376-57 thru 376-60.1
<input type="checkbox"/>	376-68.7 thru 376-68.8(1)	376-68.7 thru 376-68.8(1)
<input type="checkbox"/>	376-68.27 thru 376-70.5	376-69 thru 376-70.6(7)
<input type="checkbox"/>	380-45 thru 380-58.3	380-45 thru 380-58.3
<input type="checkbox"/>	380-75 thru 380-76.1	380-75 thru 380-76.1

VOLUME 34

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	386-23 thru 386-24.1	386-23 thru 386-24.1

VOLUME 36

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	415-59	415-59 thru 415-60.1
<input type="checkbox"/>	421-50.9	421-50.9

VOLUME 40

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	464-87	464-87 thru 464-88.1
<input type="checkbox"/>	464-155 thru 464-161	464-155 thru 464-162.1
<input type="checkbox"/>	464-172.1 thru 464-172.5	464-172.1 thru 464-172.5
<input type="checkbox"/>	464-211 thru 464-212.1	464-211 thru 464-212.1
<input type="checkbox"/>	464-239	464-239
<input type="checkbox"/>	466-10.1 thru 466-11	466-11 thru 466-12.1
<input type="checkbox"/>	468-9.	468-9 thru 468-10.1
<input type="checkbox"/>	469-11 thru 469-34.1	469-11 thru 469-34.1

Check As Done	<i>Remove Old Pages Numbered</i>	<i>Insert New Pages Numbered</i>
<input type="checkbox"/>	469-59 thru 469-61	469-59 thru 469-61

VOLUME 41

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	470-9.	470-9 thru 470-10.1
<input type="checkbox"/>	470-71	470-71 thru 470-72.1
<input type="checkbox"/>	470A-19	470A-19 thru 470A-20.1
<input type="checkbox"/>	470A-36.1 thru 470A-38.1	470A-37 thru 470A-38.1
<input type="checkbox"/>	470A-49	470A-49 thru 470A-50.1
<input type="checkbox"/>	470A-57	470A-57 thru 470A-58.1
<input type="checkbox"/>	470B-7 thru 470B-11	470B-7 thru 470B-12.1
<input type="checkbox"/>	470B-19	470B-19
<input type="checkbox"/>	470B-25 thru 470B-27.	470B-25 thru 470B-28.1
<input type="checkbox"/>	470B-70.1 thru 470B-70.3	470B-70.1 thru 470B-70.3
<input type="checkbox"/>	470CSA-1	Material not replaced
<input type="checkbox"/>	470C-1 thru 470C-163.	470C-1 thru 470C-225
<input type="checkbox"/>	471-7.	471-7
<input type="checkbox"/>	471A-5 thru 471A-7.	471A-5 thru 471A-7
<input type="checkbox"/>	471B-15 thru 471B-17.	471B-15 thru 471B-17
<input type="checkbox"/>	471B-64.1 thru 471B-65.	471B-65 thru 471B-66.1
<input type="checkbox"/>	472-3 thru 472-5	472-3 thru 472-5
<input type="checkbox"/>	472-36.2(1) thru 472-36.4(1).	472-36.3 thru 472-36.4(3)
<input type="checkbox"/>	472A-5 thru 472A-7.	472A-5 thru 472A-7
<input type="checkbox"/>	472A-33 thru 472A-34.1.	472A-33 thru 472A-34.1
<input type="checkbox"/>	472B-5	472B-5
<input type="checkbox"/>	472B-21	472B-21 thru 472B-22.1

VOLUME 41A

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	473-3 thru 473-7	473-3 thru 473-7
<input type="checkbox"/>	473A-7 thru 473A-9.	473A-7 thru 473A-9
<input type="checkbox"/>	473B-4.1 thru 473B-7	473B-5 thru 473B-8.1
<input type="checkbox"/>	473C-7 thru 473C-9.	473C-7 thru 473C-9
<input type="checkbox"/>	473D-4.1 thru 473D-6.1	473D-5 thru 473D-6.1
<input type="checkbox"/>	473E-5 thru 473E-7	473E-5 thru 473E-7
<input type="checkbox"/>	473F-41 thru 473F-45	473F-41 thru 473F-46.1
<input type="checkbox"/>	473F-76.3	473F-76.3 thru 473F-76.5
<input type="checkbox"/>	473G-7.	473G-7

Check As Done	<u>Remove Old Pages Numbered</u>	<u>Insert New Pages Numbered</u>
<input type="checkbox"/>	473G-43 thru 473G-44.1	473G-43 thru 473G-44.1
<input type="checkbox"/>	473H-7	473H-7
<input type="checkbox"/>	474-5 thru 474-16.1	474-5 thru 474-16.1
<input type="checkbox"/>	474-25	474-25 thru 474-26.1
<input type="checkbox"/>	474-44.6(5)	474-44.6(5) thru 474-44.6(6)(a)
<input type="checkbox"/>	474-44.17 thru 474-44.19	474-44.17 thru 474-44.19
<input type="checkbox"/>	474A-37 thru 474A-38.1	474A-37 thru 474A-38.1
<input type="checkbox"/>	474A-40.11 thru 474A-40.25	474A-40.11 thru 474A-40.26(3)
<input type="checkbox"/>	474B-3 thru 474B-6.1	474B-3 thru 474B-5
<input type="checkbox"/>	474C-12.1	474C-12.1

VOLUME 42

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	480-66.5 thru 480-66.10(1).	480-66.5 thru 480-66.10(1)

VOLUME 43

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	491-21 thru 491-36.1	491-21 thru 491-36.1
<input type="checkbox"/>	491-43	491-43 thru 491-44.1
<input type="checkbox"/>	491-53	491-53
<input type="checkbox"/>	491-73 thru 491-81	491-73 thru 491-82.1
<input type="checkbox"/>	491-86.11 thru 491-86.15	491-86.11 thru 491-86.15

VOLUME 44

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	510-23 thru 510-26.3	510-23 thru 510-26.3
<input type="checkbox"/>	510-45 thru 510-47	510-45 thru 510-47

VOLUME 45

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	513-1 thru 513-13.	513-1 thru 513-14.1
<input type="checkbox"/>	513-29 thru 513-48.3	513-29 thru 513-48.13
<input type="checkbox"/>	513-62.3	513-62.3 thru 513-62.7

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<input type="checkbox"/>	513-82.1 thru 513-83	513-83 thru 513-84.5
<input type="checkbox"/>	513-93	513-93
<input type="checkbox"/>	513-110.1 thru 513-112.1	513-111 thru 513-112.1

VOLUME 46

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	520-62.3 thru 520-62.5	520-62.3 thru 520-62.5
<input type="checkbox"/>	531-4.1 thru 531-7	531-5 thru 531-8.1
<input type="checkbox"/>	531-17 thru 531-19	531-17 thru 531-20.1
<input type="checkbox"/>	531-29	531-29 thru 531-30.1
<input type="checkbox"/>	531-40.2(1) thru 531-40.2(9)	531-40.2(1) thru 531-40.2(15)
<input type="checkbox"/>	531-51	531-51 thru 531-52.1
<input type="checkbox"/>	531-69 thru 531-76.19	531-69 thru 531-76.23
<input type="checkbox"/>	535-34.1 thru 535-35	535-35 thru 535-36.1
<input type="checkbox"/>	535-43 thru 535-44.1	535-43 thru 535-44.1
<input type="checkbox"/>	535-54.1 thru 535-54.3	535-54.1 thru 535-54.3

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Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	536-48.1 thru 536-50.1	536-49 thru 536-50.1
<input type="checkbox"/>	537-35 thru 537-43	537-35 thru 537-44.1
<input type="checkbox"/>	537-75	537-75 thru 537-76.1
<input type="checkbox"/>	537-99	537-99 thru 537-100.1
<input type="checkbox"/>	537-140.1 thru 537-142.1	537-141 thru 537-142.1
<input type="checkbox"/>	537-197	537-197 thru 537-198.1

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Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	565-76.1	565-76.1
<input type="checkbox"/>	565-168.1.	565-168.1

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Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	577-13 thru 577-21	577-13 thru 577-22.1
<input type="checkbox"/>	577-47 thru 577-49	577-47 thru 577-50.1
<input type="checkbox"/>	577-115 thru 577-117	577-115 thru 577-118.1
<input type="checkbox"/>	577-120.9 thru 577-120.17.	577-120.9 thru 577-120.19
<input type="checkbox"/>	577-127 thru 577-128.3	577-127 thru 577-128.3
<input type="checkbox"/>	577-134.33 thru 577-134.38(1).	577-134.33 thru 577-134.38(1)
<input type="checkbox"/>	577-134.44(7) thru 577-134.44(15).	577-134.44(7) thru 577-134.44(16)(a)
<input type="checkbox"/>	577-134.77 thru 577-134.78(7).	577-134.77 thru 577-134.78(7)
<input type="checkbox"/>	577-134.97 thru 577-152.1.	577-135 thru 577-152.2(5)
<input type="checkbox"/>	577-171 thru 577-177	577-171 thru 577-178.1
<input type="checkbox"/>	577-187 thru 577-188.1	577-187 thru 577-188.1
<input type="checkbox"/>	577-209 thru 577-222.1	577-209 thru 577-222.1
<input type="checkbox"/>	577-226.17 thru 577-226.18(1).	577-226.17 thru 577-226.18(2)(a)
<input type="checkbox"/>	577-226.18(19).	577-226.18(19) thru 577-226.18(20)(a)
<input type="checkbox"/>	577-232.7.	577-232.7 thru 577-232.8(1)
<input type="checkbox"/>	577-232.10(25) thru 577-232.10(27).	577-232.10(25) thru 577-232.10(27)
<input type="checkbox"/>	577-241	577-241 thru 577-242.1
<input type="checkbox"/>	577-277 thru 577-278.1	577-277 thru 577-278.1
<input type="checkbox"/>	577-294.1 thru 577-295	577-295 thru 577-296.3
<input type="checkbox"/>	577-339 thru 577-340.1	577-339 thru 577-340.1
<input type="checkbox"/>	577-363 thru 577-373	577-363 thru 577-374.1
<input type="checkbox"/>	577-382.11	577-382.11 thru 577-382.12(1)
<input type="checkbox"/>	577-453 thru 577-461	577-453 thru 577-459
<input type="checkbox"/>	577-496.5 thru 577-496.8(3).	577-496.5 thru 577-496.8(3)
<input type="checkbox"/>	577-532.13 thru 577-532.16(1).	577-532.13 thru 577-532.16(1)

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VOLUME 52

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	I-201 thru I-209.	I-201 thru I-210.1
<input type="checkbox"/>	I-265 thru I-271.	I-265 thru I-272.1
<input type="checkbox"/>	I-293 thru I-305.	I-293 thru I-306.3
<input type="checkbox"/>	I-341 thru I-373.	I-341 thru I-374.5
<input type="checkbox"/>	I-399 thru I-427.	I-399 thru I-428.1
<input type="checkbox"/>	I-461 thru I-481.	I-461 thru I-482.3
<input type="checkbox"/>	I-533 thru I-553.	I-533 thru I-554.1
<input type="checkbox"/>	I-561 thru I-577.	I-561 thru I-578.1
<input type="checkbox"/>	I-617 thru I-635.	I-617 thru I-636.3
<input type="checkbox"/>	I-663.	I-663 thru I-664.1
<input type="checkbox"/>	I-703 thru I-711.	I-703 thru I-712.1
<input type="checkbox"/>	I-781 thru I-783.	I-781 thru I-784.1
<input type="checkbox"/>	I-841 thru I-863.	I-841 thru I-864.1

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<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	I-913 thru I-934.1	I-913 thru I-934.1
<input type="checkbox"/>	I-981 thru I-986.1	I-981 thru I-986.1
<input type="checkbox"/>	I-1003 thru I-1007.	I-1003 thru I-1008.1
<input type="checkbox"/>	I-1079 thru I-1088.1.	I-1079 thru I-1088.1
<input type="checkbox"/>	I-1159 thru I-1167.	I-1159 thru I-1168.1
<input type="checkbox"/>	I-1183 thru I-1193.	I-1183 thru I-1194.1
<input type="checkbox"/>	I-1229 thru I-1252.1.	I-1229 thru I-1252.1
<input type="checkbox"/>	I-1353 thru I-1365.	I-1353 thru I-1366.1
<input type="checkbox"/>	I-1611 thru I-1618.1.	I-1611 thru I-1618.1
<input type="checkbox"/>	I-1629 thru I-1652.1.	I-1629 thru I-1652.1

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