

PUBLICATION UPDATE

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California Forms of Pleading and Practice Annotated

Publication 181

Release 252

May 2024

HIGHLIGHTS

- **2024 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 2024, as well as the latest 2024 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:

- Attorneys
- Contracts and Commercial Law

- Elections
- Family Law
- Intellectual Property
- Probate
- Products Liability
- Public Administrative Law
- Taxes
- Torts
- Trial
- Workers' Compensation

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Release 252 of California Forms of Pleading and Practice Annotated updates the publication in many areas noted in more detail below.

ATTORNEYS

Disqualification Not Automatically Required Under Cal. Rules Prof. Conduct, Rule 3.7. In *Geringer v. Blue Rider Finance* (2023) 94 Cal. App. 5th 813, 821–826, 312 Cal. Rptr. 3d 618, the court of appeal held that a trial court’s discretion to disqualify a likely advocate-witness under Cal. Rules Prof. Conduct, Rule 3.7, notwithstanding client consent, is permissible only upon a convincing demonstration of detriment to the opponent or injury to the integrity of the judicial process. a trial court has discretion to disqualify an attorney. See Ch. 72, *Attorney Practice and Ethics*, § 72.35.

CONTRACTS AND COMMERCIAL LAW

Bankruptcy—Action Against Trustee. In *Martin v. Gladstone* (2023) 96 Cal. App. 5th 681, the court of appeal’s conclusion that the bankruptcy trustee was conducting an ongoing rental business on the debtor’s property rendered the 28 U.S.C. § 959(a) exception to the *Barton* doctrine applicable; leave to file an action against the trustee was not re-

quired. See Ch. 94, *Bankruptcy*, § 94.10[1].

Contracts—Unconscionability.

In *Bielski v. Coinbase, Inc.* (9th Cir. 2023) 87 F. 4th 1003, the court of appeals held that a delegation clause in an arbitration agreement for a cryptocurrency’s online business, which delegated any dispute arising out of the user agreement to an arbitrator, had low levels of both procedural and substantive unconscionability that failed to tip the scales to render it unconscionable and unenforceable. See Ch. 140, *Contracts*, §§ 140.25[1], 140.146[4], [6].

ELECTIONS

Campaign Committee. *Travis v. Brand* (2021) 62 Cal. App. 5th 240, 258, 276 Cal. Rptr. 3d 535, ruled on when a general purpose committee must reclassify itself as a primary purpose committee. See Ch. 242, *Election Campaigns*, 242.30[4].

Campaign Donors. *No on E v. Chiu* (9th Cir. 2023) 85 F.4th 493, concluded that a local ordinance requiring additional disclosure of donors did not violate the First Amendment. See Ch. 242, *Election Campaigns*, 242.55[13A].

Campaign Donors. Gov. Code § 84513 requires disclosure of donors in social media postings. See Ch. 242, *Election Campaigns*, 242.56.

Late Filing. Gov. Code § 91013(a)(3), (4) excuse late filing from causing liability for late fees under specified circumstances. See Ch. 242, *Election Campaigns*, 242.73[2].

PRA Actions—Attorney’s Fees. *Travis v. Brand* (2023) 14 Cal. 5th 411, 427, 304 Cal. Rptr. 3d 69, 523 P.3d 380, decided that prevailing defendants in actions under the Political Reform Act may only be awarded attorney’s fees if the court finds the action was objectively without foundation when brought, or the plaintiff continued to litigate after it clearly became so. See Ch. 242, *Election Campaigns*, 242.76[8].

Defamatory Campaign Statements. *Collins v. Waters* (2023) 92 Cal. App. 5th 70, applies the rule that candidates are public figures who must prove actual malice by clear and convincing evidence and may rely on circumstantial evidence to do so. See Ch. 242, *Election Campaigns*, 242.100.

Voting by Noncitizens. *Lacy v. City and County of San Francisco* (2023) 94 Cal. App. 5th 238, 312 Cal. Rptr. 3d 391, determined that the plain language of the California Constitution does not restrict the discretionary power of the Legislature and, by extension, charter cities to expand the electorate to noncitizens. See Ch. 243, *Elections*, 243.04[6][a].

Voting in Presidential Primary. *Boydston v. Weber* (2023) 90 Cal. App. 5th 606, 307 Cal. Rptr. 3d 27, ruled that California’s “semi-closed presidential primary” does not violate specified federal or state constitutional rights. See Ch. 243, *Elections*, 243.04[7][c].

In-Person Voting, Mail-In Ballot. Newly enacted Elec. Code § 3016.5 allows voters to vote in

person with their vote-by-mail ballot at the polling place designated for the voter’s home precinct or at a vote center under some circumstances. See Ch. 243, *Elections*, 243.13[5].

Voter Affidavits. *Comm. to Support Recall of Gascón v. Logan* (2023) 94 Cal. App. 5th 352, 378, 312 Cal. Rptr. 3d 160, clarifies that the statute given certain persons access to voter affidavits does not apply to recall elections. See Ch. 243, *Elections*, 243.17[2][b].

Voting Rights Act. The landmark decision of *Pico Neighborhood Assn. v. City of Santa Monica* (2023) 15 Cal. 5th 292, 312 Cal. Rptr. 3d 319, 534 P.3d 54, explicates many aspects of dilution claims under the California Voting Rights Act. See Ch. 243, *Elections*, 243.19.

Candidate Tax Returns. The details of complying with Elec. Code § 8903, concerning candidate disclosure of tax returns, have been amended. See Ch. 243, *Elections*, 243.33[3][e].

Voting Rights Act. *Allen v. Milligan* (2023) 599 U.S. 1, 143 S. Ct. 1487, 216 L. Ed. 2d 60, held that Alabama’s adopted congressional districting map violated the federal Voting Rights Act of 1965 by denying African-Americans a second majority-Black district. See Ch. 243, *Elections*, 243.107[10].

Term Limits. *San Bernardino Cty. Bd. of Supervisors v. Monell* (2023) 91 Cal. App. 5th 1248, 309 Cal. Rptr. 3d 163, rules that an amendment of county charter limiting county super-

visors to a single four-year term did not violate voters' or candidates' First and Fourteenth Amendment rights. See Ch. 243, *Elections*, 243.107[11].

Scanning of Mail Ballots. *Rab v. Weber* (2023) 91 Cal. App. 5th 1337, 308 Cal. Rptr. 3d 888, decided that county workers' scanning of vote by mail ballots into the computer hardware and software system used by the county to capture and count votes in the county beginning 10 days before the March 2020 primary election did not violate Elec. Code § 15101(b). See Ch. 243, *Elections*, 243.107[15].

Administrative Initiative. *City of Oxnard v. Starr* (2023) 88 Cal. App. 5th 313, 303 Cal. Rptr. 3d 819, follows the rule that an initiative that is administrative is invalid. See Ch. 302, *Initiative, Referendum, and Recall*, 302.12[5].

Validity of Initiative. *County of Sonoma v. Public Employment Relations Bd.* (2022) 80 Cal. App. 5th 167, 295 Cal. Rptr. 3d 605, remanded a challenge to an initiative to the Public Employment Relations Board for determination of validity of county resolution placing initiative on ballot. See Ch. 302, *Initiative, Referendum, and Recall*, 302.12[5].

Proposition 219. *Alliance San Diego v. City of San Diego* (2023) 94 Cal. App. 5th 419, 312 Cal. Rptr. 3d 230, interpreted the limitations that Proposition 219 placed on local initiatives and referenda. See Ch. 302, *Initiative, Referendum, and Recall*, 302.12[8].

California Environmental Quality Act. *Save Our Access v. City of San Diego* (2023) 92 Cal. App. 5th 819, 310 Cal. Rptr. 3d 39, applies the rule that before a city council places a discretionary initiative on the ballot, it has to comply with the California Environmental Quality Act. See Ch. 302, *Initiative, Referendum, and Recall*, 302.24[7].

Amendment of Initiative. *AIDS Healthcare Found. v. City of L.A.* (2022) 86 Cal. App. 5th 322, 339, 302 Cal. Rptr. 3d 342, clarified that the Legislature could not impermissibly have undone or taken away from a voter initiative that did not yet exist when it enacted its statute. See Ch. 302, *Initiative, Referendum, and Recall*, 302.29[1].

Voter Referendum Guide. Elec. Code § 9086(a)(1)(B) now requires the voter information guide for a statewide referendum to include a statutorily specified list of top funders of the petition to overturn the law that is the subject of the petition. See Ch. 302, *Initiative, Referendum, and Recall*, 302.42[5].

Statute Subject of Referendum. Elec. Code § 9033(d), now provides that upon the Secretary of State's transmission of notification to the proponents and elections officials that the number of signatures filed with all elections officials is 100 percent or more of the number of qualified voters needed to declare the petition sufficient, the statute that is the subject of the referendum measure generally ceases to have effect. See Ch.

302, *Initiative, Referendum, and Recall*, 302.42[6].

PRA Attorney’s Fees. *Travis v. Brand* (2023) 91 Cal. App. 5th 996, 999, 1006, 308 Cal. Rptr. 3d 747, found that for purposes of defendants’ motion for costs and fees under the Political Reform Act, plaintiff’s lawsuit had foundation. See Ch. 469, *Public Entities and Officers: Conflicts of Interest*, 469.23.

FAMILY LAW

Community Property—Tracing.

A court of appeals held that the trial court correctly concluded that the ex-spouse could not satisfy his tracing burden simply by showing the total community debts he paid in the five years between separation and trial exceeded the total community assets he held postseparation [In re Marriage of Simonis (2023) 95 Cal. App. 5th 1129, 1145, 314 Cal. Rptr. 3d 91]. See Ch 122, *Community Property*, § 122.35.

Domestic Violence Protection

Act. One court of appeals reversed an order denying a domestic violence protective order, the basis of which was that the alleged acts of abuse did not fit the definition of abuse under the Domestic Violence Prevention Act (“DVPA”). The court said that the trial court needed to reconsider whether the alleged acts fell under that statutory definition of the DVPA—while acts of violence and threats of violence “constitute the bulk of trial court DVRO cases in practice . . . [l]imiting abuse to those categories, however, ignores the plain language of the DVPA and

the Legislature’s purpose that language reflects”. Therefore, it held, the court should have considered the ex-spouse’s attempts to control, regulate and monitor movements, communications, and finances [Hatley v. Southard (2023) 94 Cal. App. 5th 579, 590–594, 312 Cal. Rptr. 3d 370]. See Ch 293, *Harassment and Domestic Violence*, § 122.52.

INTELLECTUAL PROPERTY

Copyright Infringement—Substantial Similarity. In a novel context for the Ninth Circuit, the Ninth Circuit held that a plaintiff plausibly alleged that a video game infringed on his copyrighted choreographic moves. It held that the plaintiff plausibly alleged that the creative choices he made in selecting and arranging elements of the choreography—the movement of the limbs, movement of the hands and fingers, head and shoulder movement, and tempo—are substantially similar to the choices the videogame maker made [Hanagami v. Epic Games, Inc. (9th Cir. 2023) 85 F.4th 931, 944]. See Ch 349, *Literary Property*, § 349.

PROBATE

New Uniform Fiduciary Income and Principal Act. The former Uniform Principal and Income Act has been replaced by the Uniform Fiduciary Income and Principal Act [Prob. Code § 16320 et seq.], effective January 1, 2024. Although the principal effect of the new Act will be in the area of trust administration rather than litigation, relevant references in this publication have been

conformed and updated to reflect the new statute.

Abuse of Minors—Revisions to Childhood Sexual Abuse Statute. Code Civ. Proc. § 340.1, governing claims for damages for childhood sexual abuse, was amended in 2023 to provide an unlimited statute of limitations on recovery of damages for childhood sexual assault actions when the assault occurred on or after January 1, 2024. Former limitations on actions commenced after the plaintiff's 22nd and 40th birthday were prospectively eliminated. However, the pre-2024 law continues to apply to actions for childhood sexual assaults occurring prior to 2024. In addition, the certificate of merit requirement for plaintiffs 40 years of age or older at the time the action was filed has been retained for claims under both current and pre-2024 law. For discussion of these and other related changes, and the current status of the law regarding 2024 and pre-2024 claims, see Ch. 5, *Abuse of Minors, Elders, and Dependent Adults*, §§ 5.13 and 5.14. Conforming changes have been made in the forms in Ch. 5.

Elder Abuse—Protective Orders Allowing Contact with Isolated Elder or Dependent Adult—New Forms. Discussion of protective orders restraining a party from isolating an elder or dependent adult, and allowing contact with an isolated person, has been expanded in this release. Such orders, which have been available since January 1, 2023, may be an important tool in combatting

undue influence, fraud, and other forms of elder abuse, since isolation of an elderly person frequently plays a role in such actions. In addition, the Judicial Council was directed to promulgate or revise forms for restraining orders allowing contact with an isolated person. Judicial Council forms for such protective orders are now available and have been added to Ch. 5, *Abuse of Minors, Elders, and Dependent Adults*, with additional commentary explaining their use. See §§ 5.71, 5.76A, and 5.77A through 5.77F.

Elder Abuse—Invalidity of Arbitration Agreement. In *Haydon v. Elegance at Dublin* (2023), 97 Cal. App. 5th 1280, 1290, the court invalidated an arbitration agreement when, among other reasons, an elderly patient was subjected to pressure tactics by being offered a discount contingent on signing quickly, and the agreement barred the parties from disclosing the existence, content, or results of any arbitration. See Ch. 5, *Abuse of Minors, Elders, and Dependent Adults*, § 5.41[4].

Elder Abuse—Federal Preemption. In *Quishenberry v. United Healthcare, Inc* (2023) 14 Cal. 5th 1057, 1074, 310 Cal. Rptr. 3d 403, 532 P.3d 239, the California Supreme Court held that the Medicare Part C preemption provision (42 U.S.C. § 1395w-26(b)(3)) preempted state law claims against a Medicare provider for elder abuse and common law negligence arising out of a Medicare patient's alleged maltreatment. See Ch. 5, *Abuse of Minors, Elders,*

and Dependent Adults, § 5.47.

Guardianships—Extension of Guardianship to Facilitate Obtaining Special Immigrant Juvenile Status. Effective January 1, 2025, appointment of a guardian for an unmarried person between ages 18 and 21 to assist the ward in obtaining special immigrant juvenile status may be made at any point in the proceeding, regardless of the division of the superior court or the type of proceeding, and may be made nunc pro tunc (retroactively). See Ch. 280, *Guardianship and Conservatorship: Appointment of Guardians*, §§ 280.25[1], 280.120; see also Ch. 290H, *Guardianship and Conservatorship: Termination of Guardianships and Conservatorships*, §§ 290H.11[7], 290H.12[d], 2013[1][b].

Guardians and Conservators—Professional Fiduciaries Act. The Professional Fiduciaries Act has been amended to clarify that exemptions from the Act for IRS enrolled agents applies only when the agent is acting within the scope of practice, and that agents are required to be licensed under the Act when serving as a fiduciary in matters beyond the scope of the agent’s license. See Ch. 280, *Guardianship and Conservatorship: Appointment of Guardians*, § 280.72; Ch. 281, *Guardianship and Conservatorship: Appointment of Conservators*, § 281.66[1]; Ch. 560C, *Trusts: Administration, Management, and Internal Affairs*, § 560C.15.

Conservatorships—Care Plan for Conservatee of the Person. Be-

ginning January 1, 2025, within 120 calendar days of appointment by the court, and no later than 10 days before a hearing to determine the continuation or termination of an existing conservatorship, a conservator of the person must file with the clerk of the court a care plan for the care, custody, and control of the conservatee [Prob. Code § 2351.2]. The plan must be reviewed by the court and delivered to specified individuals in addition to the court [*see* Prob. Code § 2351.2(a)(2)]. The court may impose a penalty of up to \$500 for failure to file [*see* Prob. Code § 2351.2(d)(1)]. See Ch. 281, *Guardianship and Conservatorship: Appointment of Conservators*, § 281.56. Conforming changes have been made in other chapters.

Conservatorships—Updated Judicial Council Form. The Judicial Council has promulgated a new version of Form GC-312, Confidential Supplemental Information Form. See Ch. 281, *Guardianship and Conservatorship: Appointment of Conservators*, § 281.101.

Revocable Transfer on Death Deeds. The statutes governing revocable transfer on death deeds (“revocable TOD deeds”) were amended again in 2023; the principal change was to remove a prohibition against the use of revocable TOD deeds to transfer interests in stock cooperatives. In addition, the changes clarify that a revocable TOD deed may be used to transfer real property even if ownership of the property is not typically evidenced or transferred by use

of a deed. See the Special Alert to Ch. 441, *2015 and 2021 Legislation Authorizing Revocable Transfers on Death Deeds*, §§ 1.03, 1.07. Modifications also were made to the rules governing multiple instruments disposing of the same property. See § 1.10 of the special alert.

Personal Representatives—Unauthorized Practice of Law. In *Estate of Sanchez* (2023) 95 Cal. App. 5th 331, 341–343, 313 Cal. Rptr. 3d 109, the court held that a personal representative had engaged in the unauthorized practice of law by representing the estate in pro per in a partition action under Prob. Code §§ 850 and 10553, when the action was for the benefit of estate beneficiaries. See Ch. 442, *Probate: Initiating Probate Administration*, § 442.44[1]; Ch. 560, *Trusts: Jurisdiction, Venue, Notice, and General Court Procedures*, §§ 560.51[3], 560.52; Ch. 560B, *Trusts: Property Disputes*, § 560B.141; Ch. 560I, *Trusts: Transactions Involving Third Parties*, § 560I.16[3].

Heirs—Stepchild. In *Estate of Martino* (2023) 96 Cal. App. 5th 596, 601, 314 Cal. Rptr. 3d 630, the court held that Prob. Code § 6454, governing intestate succession by a person or the person’s issue through a foster parent or stepparent, does not foreclose other statutory methods for a stepchild to establish right to intestate succession; thus, a stepchild may establish the right to intestate succession under Fam. Code § 7611(d) (presumed parent receives the child into the home and openly holds out

child as natural child). See Ch. 442, *Probate: Initiating Probate Administration*, § 442.140[1][5][k]; Ch. 458D, *Probate: Accounts, Final Distribution, and Compensation*, § 458D.78[4][a], [c].

Caregiver Statutes—“Remuneration” Includes Free Room and Board. In *Robinson v. Gutierrez* (2023) 98 Cal. App. 5th 278, 289, 294, the court held that “remuneration,” as used in Prob. Code § 21362(a), includes free room and board in return for care services; thus, a person who receives free room and board in return for care services comes within the definition of a “care custodian” and is subject to the statutory presumption that a transfer to a care custodian is the product of fraud or undue influence. See Ch. 444, *Probate: Will Contests*, § 444.13[3][b][i]; Ch. 560A, *Trusts: Creation, Validity, and Trust Contests*, §§ 560A.63[4][a][ii], 560A.203[3][b].

Probate—Due Process and Notice Requirements. In *Bailey v. Bailey* (2023) 96 Cal. App. 5th 269, 274, 314 Cal. Rptr. 3d 265, the court held that a beneficiary’s failure to receive *prehearing* notice of the original petition is a denial of due process to the beneficiary, and subsequent receipt of a copy of the adjudicated petition was inadequate because it did not give the beneficiary an opportunity to be heard on the merits. Hence, the 120-day limit in Prob. Code § 8226(c) is inapplicable to those who do not receive notice under Prob. Code § 8110. The petitioner

should have amended the petition and served it in accordance with Prob. Code § 8110. See Ch. 444, *Probate: Will Contests*, § 444.14[6].

Probate—Blocked Accounts. Ch. 446, *Probate: Bonds—Increase and Decrease During Administration*, has been revised to include additional discussion of the deposit of funds in “blocked accounts,” including the decision in *The Law Firm of Fox & Fox v. Chase Bank, N.A.* (2023) 95 Cal. App. 5th 183, 206, 313 Cal. Rptr. 3d 244, in which the court held that a bank’s failure to comply with a probate order requiring court authorization for withdrawal of funds from a blocked account, with the result that the law firm retained by the administrator was unable to recover compensation for its fees and costs as provided for in the court order, raised triable issues as to breach of duty and causation in a subsequent negligence action by the law firm against the bank. See § 446.17[2][a]. Form language has been modified to reflect current terminology, and discussion regarding the use of the forms vis-à-vis Judicial Council and local court forms has been revised. See §§ 446.80, 446.81. See also Ch. 456, *Probate: Management of Estate Assets*, § 456.14.

Probate—Failure to File Responsive Statement. In *Estate of Flores* (2024) 98 Cal. App. 5th 619, 633, a proceeding to determine the identity of a decedent’s heirs and their respective shares in the estate, the court held that one party’s failure to file a statement of interest under Prob.

Code § 11702(a) did not waive that party’s right to raise his claim of being the assignee of the other party in a subsequent proceeding, since the claim of assignment could not be decided until it was determined that the purported assignor was in fact an heir of the decedent, and the purported assignor’s share of the decedent’s estate was established. Failure to file a declaration had no effect on that party’s claim that he was the assignee of the other party. See Ch. 458, *Probate: Determination of Heirship*, § 458.15.

Trusts—Uniform Directed Trust Act. In 2023, the Legislature enacted the Uniform Directed Trust Act [Prob. Code § 16600], effective January 1, 2024. The Act brings California in line with the vast majority of other states, which have enacted legislation specifically authorizing so-called “directed trusts,” which are trusts that grant someone other than a trustee a power to direct some aspect of trust administration—for example, an individual may be given the power to direct distributions to beneficiaries or control the management of specific trust assets [*see* Prob. Code § 16608 (trust director powers)]. The person holding the power is referred to as a “trust director” [Prob. Code § 16602(g)]. The directed trustee [*see* Prob. Code § 16602(c) (definition)] is largely relieved from liability for actions taken by the trust director within the trust director’s scope of responsibility [*see* Prob. Code § 16614], and liability, if any, may attach to the trust director rather than the trustee [*see* Prob. Code § 16612].

A brief summary of the Act's provisions has been added to Ch. 560, *Trusts: Jurisdiction, Venue, Notice, and General Court Procedures*, § 560.11A, and Ch. 560E, *Trusts: Actions for Breach of Fiduciary Duties*, § 560E.22[3]. It is anticipated that more detailed coverage of directed trusts will be added as case law develops in this area.

Parties—Interested Persons May Respond or Object to Petition. In *Colvis v. Binswanger* (2023) 96 Cal. App. 5th 393, 398, 314 Cal. Rptr. 3d 598, the court considered whether a corporation that was 70 percent owned by trust beneficiaries qualified as an “interested person” entitled to respond or object to a petition in a trust proceeding. The court held that the meaning of “interested person” as it relates to particular persons may vary and will be determined according to the particular purposes of and matter involved. It was appropriate for the probate court to make this discretionary determination in the first instance. Expanded discussion of the meaning of “interested persons” has been added to Ch. 560, *Trusts: Jurisdiction, Venue, Notice, and General Court Procedures*, §§ 560.51[11], 560.72[5]; see also Ch. 560B, *Trusts: Property Disputes*, § 560B.143; Ch. 458C, *Probate: Preliminary Distribution and Partial Allowance of Compensation*, § 458C.11; Ch. 458D, *Probate: Accounts, Final Distribution, and Compensation*, § 458D.12.

Trust Contests—Scope of Definition and Time for Commencement

of Action. In *Hamilton v. Green* (2023) 98 CA 5th 417, 424, the court held that the phrase “action to contest the trust” for purpose of the limitations period in Prob. Code § 16061.8 encompasses more than just trust contests under the Probate Code. The court held that it will look to the substance of the action and its practical effect. Basically, any actions that *challenge the validity of a trust*, regardless of how they are styled, are actions that “contest the trust” under Prob. Code § 16061.8, and are subject to the 120 day limit. See Ch. 560, *Trusts: Jurisdiction, Venue, Notice, and General Court Procedures*, § 560.61[2]; Ch. 560A, *Trusts: Creation, Validity, and Trust Contests*, §§ 560A.30[2], 560A.63[4][c].

Guardian ad Litem—Updated Judicial Council Forms. Updated versions of Judicial Council Form DE350/GC-100, Petition for Appointment of Guardian ad Litem—Probate, and DE-351/GC-101, Order Appointing Guardian ad Litem—Probate, have been added to Ch. 560, *Trusts: Jurisdiction, Venue, Notice, and General Court Procedures*, in §§ 560.210 and 560.211, respectively.

Trust Property—Creditor Claims. The discussion of creditor claims in Ch. 560B, *Trusts: Property Disputes*, §§ 560B.90–560B.94, has been rewritten to provide a clearer explanation of the creditor claim process in trust litigation, including the necessity of filing creditor claims in probate if probate administration has been opened; when the trust creditor

claims procedure must be used; and when an action may or must be filed under Prob. Code § 850. The revised discussion incorporates *Spears v. Spears* (2023) 97 Cal. App. 5th 1294, 1302, which analyzed the remedies available when the probate estate is insufficient to pay the claim, no probate was opened, and the trustee has not followed the optional notice procedure under Prob. Code § 19000 et seq. Additional changes have been made to the creditor claims discussion in Ch. 560H, *Trusts: Filing Creditor Claims*, including the addition of a new § 560H.10 providing an overview of the creditor claims process and the initial determination of whether a claim must be filed in probate.

Trustees—Effect of Differing Distribution Preferences Among Beneficiaries of Multiple Trusts. In *Städel Art Museum v. Mulvihill* (2023) 96 Cal. App. 5th 283, 297, 314 Cal. Rptr. 3d 294, an individual serving as trustee of two different trusts encountered different preferences among the respective beneficiaries as to distribution of property co-owned by both trusts; the case was remanded to determine whether the dispute in question rendered one trust adverse in nature to the other within the meaning of Prob. Code § 16005. See Ch. 560F, *Trusts: Removal or Replacement of Trustee*, § 560F.51[1]. In addition, the court held that the word “requested,” in its ordinary sense, is not reasonably construed as a command and would be given a permissive construction. Ch. 560C, *Trusts: Administration, Man-*

agement, and Internal Affairs, § 560C.200[6].

Charitable Trusts—Standing. In *Turner v. Victoria* (2023) 15 Cal. 5th 99, 134, 311 Cal. Rptr. 3d 44, 532 P.3d 1101, the court held that a director of a nonprofit public benefit corporation who brings a lawsuit under Corp. Code §§ 5142(a), 5233, and 5223, does not lose standing to continue litigating the suit if the director subsequently loses the position of director. The statute does not impose a continuous service requirement. See Ch. 563, *Trusts: Public and Charitable Trusts*, §§ 563.44, 563.45[1], 563.201.

PRODUCTS LIABILITY

Conflict Preemption Bars California Advocacy Group’s Warning-Based Claims Against Generic OTC Drugs. A non-profit organization sued manufacturers and retailers of OTC antacids, alleging that they failed to warn consumers that their products contained a known carcinogen under Proposition 65. The trial court sustained the generic manufacturers’ demurrers on preemption grounds without leave to amend and entered judgment in their favor. However, it sustained the brand-name defendants’ demurrers with leave to amend. The court of appeal upheld the dismissal of the action against the generic manufacturers. *Center for Env’l Health v. Perrigo Co.* (2023) 89 Cal. App. 5th 1, 305 Cal. Rptr. 3d 587. See Ch. 460, *Products Liability*, § 460.52[2][c][iv]; § 460.104[39].

Appellate Court Upholds Exclu-

sion of General Causation Expert’s Testimony and Dismissal of Coordinated Diabetes Drug Cases. 13 patients claimed that saxagliptin in Onglyza and Kombiglyze XR caused their heart failure. The trial court excluded their general causation expert’s testimony on reliability grounds and granted the defense summary judgment motion. The court of appeal affirmed. The panel found no error in the exclusion of the cardiologist’s opinions, which was based on a single study whose own authors made it clear that the study, by itself, did not establish the requisite causal link. *Onglyza Product Cases* (2023) 90 Cal. App. 5th 776, 307 Cal. Rptr. 3d 480. See Ch. 460, *Products Liability*, § 460.11[9][c][iv][B]; § 460.104[10]; § 460.104[21][b]; § 460.104[40].

Worker Who Fell from Scissor Lift Presented Substantial Evidence of Causation, Says Court of Appeal. A worker fell out of a scissor lift after neglecting to latch a chain that was supposed to guard the lift’s entrance. The trial court granted the manufacturer’s motion for a directed verdict on his products liability claims. The appellate court reversed after finding substantial evidence of causation. *Camacho v. JLG Indus. Inc.* (2023) 93 Cal. App. 5th 809, 311 Cal. Rptr. 3d 372. See Ch. 460, *Products Liability*, § 460.11[1][a], [c]; § 460.11[1][b], [c]; § 460.11[9][c][i], [iii]; § 460.11[9][c][iv][A]; § 460.11[10][a][i]; § 460.104[10]; § 460.104[16][b]; § 460.104[16][c].

Amended Fed. R. Evid. 702 Applies, Effective December 1, 2023.

As of December 1, 2023, proponents of expert testimony will have to be sure that any opinion complies with the amendments to Fed. R. Evid. 702. Fed. R. Evid. 702(b) now requires the proponent of expert testimony to establish the Rule’s requirements for admission—i.e., reliability, relevance, and factual basis—by a preponderance of the evidence. Amended Fed. R. Evid. 702(d) also requires that the expert’s opinion reflect a reliable application of the principles and methods to the facts of the case. Prior to the 2023 amendment, Fed. R. Evid. 702(d) required that the expert reliably applied the principles and methods to the facts of the case. See Ch. 460, *Products Liability*, § 460.104[21][a.2][b].

PUBLIC ADMINISTRATIVE LAW

Federal Preemption—Elder Abuse, Negligence, and Wrongful Death. The California Supreme Court held that provisions of Medicare Part C [42 U.S.C § 1395w-26(b)(3)] preempted state law claims for elder abuse, negligence, and wrongful death brought by the son of a man who was a Medicare Advantage enrollee and who died after being discharged from a skilled nursing facility. The son brought the state court lawsuit against the father’s Medicare Advantage Plan and the healthcare services administrator. The son’s claims against those two defendants were expressly preempted [*Quishenberry v. United Healthcare, Inc.* (2023) 14 Cal. 5th 1057, 1061,

1073–1074, 310 Cal. Rptr. 3d 403, 532 P. 3d 239]. See Ch. 470, *Overview of Public Administrative Law*, § 470.16[1][a].

Federal Preemption—Electrical Utility. The California Supreme Court held that an electrical utility customer of PG&E Corporation (PG&E) who filed a putative class action lawsuit for damages against PG&E could not bring that lawsuit against PG&E in the California Superior Court because that type of lawsuit was preempted by provisions of the Public Utility Code [Pub. Util. Code Section 1759]. The lawsuit was filed in the bankruptcy court as part of claims against PG&E under Chapter Eleven of the federal bankruptcy code. The state law question was certified to the California Supreme court which held that the lawsuit was preempted by provisions of the Public Utility Code [Gantner v. PG&E Corporation (2023) 15 Cal. 5th 396, 398–399, 315 Cal. Rptr. 3d 281, 538 P. 3d 676, 678]. The lawsuit was brought as a bankruptcy claim against PG&E and sought recovery of damages for alleged losses following a series of emergency public safety power shutoffs (PSPS) that were designed to mitigate wildfire threats. The customer plaintiff claimed that the PSPS were necessitated by PG&E’s alleged negligent maintenance of its power grid and its equipment [Gantner v. PG&E Corporation (2023) 15 Cal. 5th 396, 398–399, 315 Cal. Rptr. 3d 281, 538 P. 3d 676, 678]. See Ch. 470, *Overview of Public Administrative Law*, § 470.16[1][a].

Federal Preemption—Telephone Service Provider. The First District Division One California Court of Appeal held that the jurisdiction of the Superior Court over a lawsuit by a telephone services provider for low income California residents against a program administrator hired by the California Public Utilities commission and a subcontractor which brought numerous claims and sought civil remedies against those entities for an alleged botched rollout of a new software program allegedly causing large losses to the provider was not barred by provisions of the Public Utility Code [Pub. Util. Code Section 1759(a)]. [TruConnect Communications, Inc. v. Maximus Inc. (First Dist., Div. One, 2023) 91 Cal. App. 5th 497, 502, 506, 308 Cal. Rptr. 3d 365]. See Ch. 470, *Overview of Public Administrative Law*, § 470.16[1][a].

Bail Bond Licensees. The California Supreme Court held that a criminal conviction of a bail bond licensee for violation of a Department of Insurance administrative regulation [Cal. Code Regs. Tit. 10, § 2076] that prohibited bail bond licensees from entering into an agreement with third parties to notify the licensee of criminal complaints, arrest or pending arrest, or other related information did not violate the First Amendment [U.S. Const. Amend. 1] rights of the licensee. The court held that the regulation was not facially invalid under the commercial speech doctrine recognized in the US Supreme Court decision in the Central Hudson [Central Hudson Gas & Elec. Corp. v.

Public Service Commission of New York (1980) 447 U.S. 557, 100 S. Ct. 2343] case [People v. Martinez (2023) 15 Cal. 5th 326, 333, 312 Cal. Rptr. 3d 340, 534 P. 3d 72]. See Ch. 470, *Overview of Public Administrative Law*, § 470.16[2][b].

Public Records Act—Discovery. The 6th District California Court of Appeal held that in a judicial enforcement action under the Public Records Act the enforcing party may not reframe its public records request as a discovery request. The court also held that a special interrogatory related to whether the county had investigated allegations of misconduct was overbroad. The court held that the superior court had to replace its discovery order with a more limited discovery related to any investigation. Finally, the court held that a special interrogatory related to reasons why county did not undertake an investigation was not relevant and not enforceable under the Public Records Act [County of San Benito v. Superior Court (6th Dist., 2023) 96 Cal. App. 5th 243, 249–250, 314 Cal. Rptr. 3d 269]. See Ch. 470C, *Public Records Act*, § 470C.12[3].

Public Records Act—Peace Officer Records. The First District Division 2 California Court of Appeal applied the records exempt under other laws exemption [former Gov. Code § 6254(k) (now Gov. Code Section 7927.705)] and held that the statutory provisions governing confidentiality of peace officer personnel records [Penal Code §§ 832.7,] did not support redactions of parts of an

Oakland police department internal affairs investigative report related to a scandal in which several Oakland police offices had sexual relations with an underage girl. Improper redactions included: 1) report’s general policy and training recommendations; 2) screenshots of the girl’s social media profile; 3) comments from the girl’s mother about the girl; and 4) police officers names or other identifying information from interview summaries in the report. All of this information had to be disclosed. The court of appeal also held that the report was not a compilation of records that could be withheld from disclosure, and that assuming the report was a compilation, no part of the report was a record from a separate and prior investigation [Bondgraham v. Superior Court (First Dist., Div. 2, 2023) 95 Cal. App. 5th 1006, 1009, 1015–1016, 313 Cal. Rptr. 3d 348]. See Ch. 470C, *Public Records Act*, § 470C.13[14].

Public Records Act—Anti-SLAPP. The Fourth District Division 3 California Court of Appeal reversed an order of the superior court that had denied an organization’s special motion to strike under California’s anti-SLAPP statute [Code civ. Proc. Section 425.16] a lawsuit brought by a public university professor against a public university and against an organization (the Center for Scientific Integrity). The lawsuit was a reverse Public Records Act lawsuit brought by the professor to prevent disclosure of communications between the professor and the university. The organization had re-

ported on some of these communications related to academic retractions for an article that the professor had written. The court of appeal held that the anti-SLAPP motion should have been granted because: 1) the organization had a direct interest in the mandamus proceeding; 2) the records request qualified as protected activity of newsgathering under the anti-SLAPP statute; 3) the records request related to an “issue of public interest” under the terms of the anti-SLAPP statute; and 4) the writ of mandate petition “arose from” protected activity under the anti-SLAPP statute [Iloh v. Regents of University of California (Fourth Dist., Div.3, 2023) 94 Cal. App. 5th 947, 951–952, 955–957, 312 Cal. Rptr. 3d 674]. See Ch. 470C, *Public Records Act*, § 470C.13[61].

Public Records Act—Costs and Attorney Fees. The Fourth District Division One California court of Appeal affirmed the denial by the superior court of a public records act requestor’s motion for costs (\$4,114.67) and attorneys’ fees (\$250,000) under the public records act (former Gov. Code § 6259(d) (now Gov. Code section 7923.115(a), (b)). The motion was related to disclosure of documents by the city. The court of appeal held that substantial evidence supported the superior court’s findings that: 1) the public records act lawsuit brought by the requestor was not the substantial cause of the city’s release of ten pages of emails; and 2) the public records act lawsuit brought by the requestor was not the substantial

cause of the theater’s release of records in response to a subpoena by the requestor [Valenti v. City of San Diego (4th Dist., Div. One, 2023) 94 Cal. App. 5th 218, 221–222, 311 Cal. Rptr. 3d 335]. See Ch. 470C, *Public Records Act*, § 470C.17[4].

Public Records Act—Voter Records. The Second District Division 4 California Court of Appeal held that the order of the superior court requiring disclosure of voter records [Gov. Code Section 7924.110] related to an unsuccessful recall election improperly compelled the Registrar of Voters to: 1) authorize use of electronic voter lists outside of the registrar’s examination room; and 2) disclose redacted affidavits of voter registration. The court of appeal also exercised its discretion to grant extraordinary writ relief [Gov. Code Section 7923.500] to review the order of the superior court [Committee to Support Recall of Gascón v. Logan (2d Dist., Div. 4, 2023) 94 Cal. App. 5th 352, 358–359, 312 Cal. Rptr. 3d 160]. See Ch. 470C, *Public Records Act*, § 470C.13[3].

Agency Inspections—Vehicle Towing. The First District Division 5 California Court of Appeal reversed the order of the superior court and held that a municipal transportation agency’s policy of towing safely and lawfully parked cars without a warrant based solely on the accrual of unpaid parking tickets violated the Fourth Amendment [U.S. Const. Amend. 4] protections against unreasonable searches and seizures. The court of appeal also held that neither

the community caretaking exception to the fourth amendment nor a forfeiture rational justified a warrantless towing of vehicles [Coalition on Homelessness v. City and County of San Francisco (First Dist., Div. 5, 2023) 93 Cal. App. 5th 928, 935, 311 Cal. Rptr. 3d 431]. See Ch. 471A, *Public Agency Inspections*, § 471A.12[3].

Licensing—Non-Physicians. The Second District Division 3 California Court of Appeal held that a non-physician could not own or play any role in a medical corporation because that constituted the unlicensed practice of medicine. This prohibition included referrals for radiology services which could only be performed by licensed physicians [People ex. Rel. Allstate Insurance Company v. Discovery Radiology Physicians, P.C. (2d Dist., Div. 3, 2023) 94 Cal. App. 5th 521, 533–534, 538, 311 Cal. Rptr 3d 901]. See Ch. 471B, *Licensing By Public Agencies*, § 471B.12[6]. [Chapter 472A, Section 472A.13[2][a].

Rulemaking Procedures—Comment Period. The First District Division One California Court of Appeal held that an amendment to a proposed regulation governing regional parent advisory councils required a new 45 day comment period [Gov. Code Sections 11346.4, 11346.8] because the final rule (which included the amendment) did not give adequate notice that alternate members would not be allowed. The original text of the regulation and the proposed notice of regula-

tions did not provide the public adequate notice of the rule. The court utilized a test (the logical outgrowth test) first adopted in a precedent [Chocolate Mfrs. Ass’n of U.S. v. Block (4th Cir. 1985) 755 F. 2d 1098, 1106–1107] that was used in a challenge to a rule adopted under the Federal Administrative Procedures Act [5 U. S. C. Section 553] [Wendz v. California Department of Education (First Dist., Div. One, 2023) 93 Cal. App. 5th 607, 647–648, 311 Cal. Rptr. 3d 213]. See Ch. 472A, *Agency Rulemaking Procedures*, § 472A.13[2][a]. [Chapter 473F, Section 473F.36[2]].

Adjudication Hearings—BAC Test. The First District Division 4 California Court of Appeal upheld the foundational reliability of a BAC test result in a lawsuit in which a motorist challenged the suspension of her driver’s license by the California DMV for driving with a blood-alcohol concentration (BAC) of 0.08 percent or more. The BAC tests foundational reliability was based upon evidence supplied by the motorist and this evidence satisfied the three elements of foundational reliability including proper equipment, proper collection procedures, and a competent and qualified collector. The court of appeal then affirmed the denial by the superior court of the motorist’s petition for a writ of mandate challenging her license suspension [Phillips v. Gordon (First Dist., Div. 3, 2023) 97 Cal. App. 5th 702, 723–725, 315 Cal. Rptr. 3d 709]. See Ch. 473F, *Agency Adjudication Hearings*, § 473F.36[2].

TAXES

Taxation—Administrative Remedies. In *Stettner v. Mercedes-Benz Financial Services USA, LLC* (2023) 98 Cal. App. 5th 45, the court of appeal affirmed the trial court’s sustaining of vehicle lessors’ demurrers in a challenge to the taxability of vehicle turn-in fees because lessees failed to exhaust their administrative remedies before resorting to court action. See Ch. 540, *Taxes and Assessments*, § 540.230[1].

TORTS

Statutory Exception to Firefighter’s Rule Clarified. In *Rattary v. Favro* (2023) 97 Cal. App. 5th 578, the court of appeal held that when applying the exception to the “firefighter’s rule” in Civ. Code § 1714.9 for a defendant’s conduct occurring after the defendant knew or should have known of the presence of the police officer, firefighter, or emergency medical personnel, the plaintiff is not required to show that defendant’s negligent conduct increased the risks beyond those inherent in plaintiff’s job, but only that defendant’s willful or negligent conduct increased the risks to plaintiff beyond those that would have been faced in the absence of defendant’s conduct. See Ch. 267, *Fires*, § 267.15[4].

Immunity for Ambulance Services for Detainment of Persons. Under new Health & Safety Code § 1799.115, under certain specified circumstances, a private provider of ambulance services and its employees, when operating in accordance with the standards, regulations, poli-

cies, and protocols of local emergency medical services agencies, is not to be held criminally or civilly liable for the continued detainment of a person when that detainment is requested by a peace officer, facility staff, or other professionals authorized to detain persons. See Ch. 246, *Emergency Vehicles*, § 246.17.

TRIAL

Pre-Dispute Waiver of Jury Trial Not Permitted. In *EpicientRx, Inc. v. Superior Court* (2023) 95 Cal. App. 5th 890, 904–905, 313 Cal. Rptr. 3d 782, the court of appeal held that the trial court properly denied a motion to enforce a forum selection clause when to do so would have deprived a shareholder of a jury trial. See Ch. 322, *Juries and Jury Selection*, § 322.18[1].

Trial Court’s Gatekeeping Role Regarding Expert Testimony. In *Garner v. BNSF Railway Co.* (2024) 2024 Cal. App. LEXIS 3, *22, the court of appeal held that Courts must be cautious in excluding expert testimony; the gatekeeper’s focus must be solely on principles and methodology, not on the conclusions that they generate. See Ch. 551, *Trial*, § 551.70[2][a][i].

WORKERS’ COMPENSATION

Presumption; Post-Traumatic Stress; Specified Peace and Firefighters. Lab. Code § 3212.15 was amended to extend until January 1, 2029, the presumption of industrial causation of post-traumatic stress disorder that develops or occurs during the period in which the specified officer is in service of the department

or entity, provided the specified person has performed services for at least six months unless the post-traumatic stress disorder is caused by a sudden or extraordinary employment condition. See Ch. 577, *Workers' Compensation*, § 577.353[53].

Death Benefit; Surviving Spouse and Children; Firefighters. Lab. Code § 4707 was amended by addition of subsection (c) to expand the exemption that allows the surviving spouse and children of specified public safety officers killed in the line of duty to receive both the workers' compensation death benefit and the CALPERS special death benefit to firefighters employed by CalFIRE, retroactive to January 1, 2019. See Ch. 577, *Workers' Compensation*, § 577.13[1][b].

COVID-19; Employee Spouse's Negligence Claim Against Employer; Derivative Injury Rule. The California Supreme Court held that if an employee contracts COVID-19 at the workplace and brings it home to a spouse, the derivative injury rule of California's workers' compensation law does not bar a spouse's negligence claim against the employer; however, the employer does not owe a duty of care under California law to prevent the spread of COVID-19 to employees' household members [*Kuciemba v. Victory Woodworks, Inc.* (2023) 14 Cal. 5th 993, 88 Cal. Comp. Cases 667]. See Ch. 577, *Workers' Compensation*, § 577.318[5].

Apportionment; Lab. Code § 4663; No Vocational Apportion-

ment. The Appeals Board en banc held that Lab. Code § 4663 requires a reporting physician to make an apportionment determination and provides the standard for apportionment, but makes no statutory provision for "vocational apportionment," and such apportionment offered by a non-physician is not an authorized form of apportionment. Nonetheless, vocational evidence may be used to address issues relevant to the determination of permanent disability and such evidence must address apportionment and must not substitute impermissible vocational apportionment in place of valid medical apportionment [*Nunes v. State of California Dept. of Motor Vehicles* (2023) 88 Cal. Comp. Cases 741 (Appeals Board en banc opinion), *aff'd* by *Nunes v. State of California Dept. of Motor Vehicles* (2023) 88 Cal. Comp. Cases 894 (Appeals Board en banc opinion)]. See Ch. 577, *Workers' Compensation*, §§ 577.45[4][a], 577.356[5].

Virtual Medical-Legal Evaluations. The Administrative Director adopted Cal. Code of Regs., tit. 8, § 46.3 to provide for remote health medical-legal evaluation by an AME, QME, or other medical-legal professional, subject to specified terms and conditions and through the use of electronic means of creating a virtual meeting between the physician and the employee where both parties can visually see and hear each other and may not be in the same physical space or site. See Ch. 577, *Workers' Compensation*, § 577.354[35].

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|--------------------------|----------------------------------|--------------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 242-3 thru 242-5 | 242-3 thru 242-6.1 |
| <input type="checkbox"/> | 242-17 | 242-17 thru 242-18.1 |
| <input type="checkbox"/> | 242-27 | 242-27 thru 242-28.1 |
| <input type="checkbox"/> | 242-61 thru 242-63 | 242-61 thru 242-64.1 |
| <input type="checkbox"/> | 242-72.1 thru 242-86.5 | 242-73 thru 242-86.6(13) |
| <input type="checkbox"/> | 242-101 thru 242-105 | 242-101 thru 242-105 |
| <input type="checkbox"/> | 242-121 thru 242-125 | 242-121 thru 242-125 |
| <input type="checkbox"/> | 243-1 thru 243-4.1 | 243-1 thru 243-4.1 |
| <input type="checkbox"/> | 243-13 thru 243-42.1 | 243-13 thru 243-42.5 |
| <input type="checkbox"/> | 243-47 thru 243-75 | 243-47 thru 243-76.5 |
| <input type="checkbox"/> | 243-109 | 243-109 |
| <input type="checkbox"/> | 245-9 thru 245-10.1 | 245-9 thru 245-10.1 |
| <input type="checkbox"/> | 246-1 thru 246-2.1 | 246-1 thru 246-2.1 |
| <input type="checkbox"/> | 246-20.1 thru 246-20.3 | 246-20.1 thru 246-20.3 |
| <input type="checkbox"/> | 246-29 thru 246-31 | 246-29 thru 246-31 |
| <input type="checkbox"/> | 247-315 thru 247-316.1 | 247-315 |

VOLUME 21

Revision

| | | |
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| <input type="checkbox"/> | 249-15 | 249-15 thru 249-16.1 |
| <input type="checkbox"/> | 249-55 thru 249-60.5 | 249-55 thru 249-60.5 |
| <input type="checkbox"/> | 249-71 thru 249-72.1 | 249-71 thru 249-72.1 |
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| <input type="checkbox"/> | 250-35 thru 250-36.1 | 250-35 thru 250-36.1 |
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| <input type="checkbox"/> | 250-85 | 250-85 thru 250-86.1 |
| <input type="checkbox"/> | 250-88.9 | 250-88.9 thru 250-88.10(1) |
| <input type="checkbox"/> | 250-88.25 thru 250-88.32(1) | 250-88.25 thru 250-88.32(1) |
| <input type="checkbox"/> | 253-33 | 253-33 |

**Check
As
Done**

*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

VOLUME 22

Revision

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| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 256-27 thru 256-29 | 256-27 thru 256-29 |
| <input type="checkbox"/> | 257-45 thru 257-57 | 257-45 thru 257-55 |
| <input type="checkbox"/> | 257-75 thru 257-77 | 257-75 thru 257-77 |
| <input type="checkbox"/> | 259-24.1 thru 259-25 | 259-25 thru 259-26.1 |
| <input type="checkbox"/> | 259-71 thru 259-73 | 259-71 thru 259-73 |
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| <input type="checkbox"/> | 259-185 | 259-185 |
| <input type="checkbox"/> | 259-250.1 thru 259-250.3 | 259-250.1 thru 259-250.3 |
| <input type="checkbox"/> | 267-14.1 thru 267-15 | 267-15 thru 267-16.1 |
| <input type="checkbox"/> | 268-7. | 268-7 thru 268-8.1 |
| <input type="checkbox"/> | 268-26.1 thru 268-26.3 | 268-26.1 thru 268-26.3 |

VOLUME 23

Revision

| | | |
|--------------------------|---------------------|------------|
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| <input type="checkbox"/> | 277-55 | 277-55 |

VOLUME 24

Revision

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| <input type="checkbox"/> | 280-17 thru 280-24.1 | 280-17 thru 280-24.1 |
| <input type="checkbox"/> | 280-34.1 thru 280-39 | 280-35 thru 280-40.5 |
| <input type="checkbox"/> | 280-57 thru 280-59 | 280-57 thru 280-59 |
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| <input type="checkbox"/> | 281-23 | 281-23 thru 281-24.1 |
| <input type="checkbox"/> | 281-39 thru 281-62.2(2)(a). | 281-39 thru 281-62.2(2)(a) |
| <input type="checkbox"/> | 281-69 thru 281-74.5 | 281-69 thru 281-74.5 |
| <input type="checkbox"/> | 285-13 thru 285-15 | 285-13 thru 285-16.1 |
| <input type="checkbox"/> | 287-7 thru 287-27. | 287-7 thru 287-27 |
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| <input type="checkbox"/> | 290D-17 thru 290D-25 | 290D-17 thru 290D-26.1 |
| <input type="checkbox"/> | 290H-11 thru 290H-18.1. | 290H-11 thru 290H-18.1 |

Check
As
Done

*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

VOLUME 25

Revision

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| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 292-1 thru 292-17. | 292-1 thru 292-18.1 |
| <input type="checkbox"/> | 292-32.1 thru 292-33 | 292-33 thru 292-34.1 |
| <input type="checkbox"/> | 292-57 thru 292-83 | 292-57 thru 292-81 |
| <input type="checkbox"/> | 292-117 thru 292-119 | 292-117 thru 292-119 |
| <input type="checkbox"/> | 293-1. | 293-1 thru 293-2.1 |
| <input type="checkbox"/> | 293-11 thru 293-13 | 293-11 thru 293-14.3 |
| <input type="checkbox"/> | 293-22.1 thru 293-25 | 293-23 thru 293-26.1 |
| <input type="checkbox"/> | 293-32.1 thru 293-63 | 293-33 thru 293-64.5 |
| <input type="checkbox"/> | 293-87 thru 293-91 | 293-87 thru 293-91 |
| <input type="checkbox"/> | 293-111 thru 293-114.3 | 293-111 thru 293-114.3 |
| <input type="checkbox"/> | 293-135 thru 293-137 | 293-135 thru 293-137 |
| <input type="checkbox"/> | 293-155 thru 293-161 | 293-155 thru 293-161 |
| <input type="checkbox"/> | 293-181 thru 293-221 | 293-181 thru 293-221 |
| <input type="checkbox"/> | 293-231 thru 293-238.19. | 293-231 thru 293-238.19 |
| <input type="checkbox"/> | 293-241 thru 293-253 | 293-241 thru 293-343 |
| <input type="checkbox"/> | 302-1. | 302-1 thru 302-2.1 |
| <input type="checkbox"/> | 302-11 thru 302-15 | 302-11 thru 302-15 |
| <input type="checkbox"/> | 302-25 thru 302-41 | 302-25 thru 302-42.1 |
| <input type="checkbox"/> | 302-57 thru 302-59 | 302-57 thru 302-60.1 |
| <input type="checkbox"/> | 302-69 thru 302-78.5 | 302-69 thru 302-78.7 |
| <input type="checkbox"/> | 302-93 thru 302-97 | 302-93 thru 302-98.1 |
| <input type="checkbox"/> | 302-109 thru 302-111 | 302-109 thru 302-112.9 |

VOLUME 27

Revision

| | | |
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| <input type="checkbox"/> | 315-33 thru 315-39 | 315-33 thru 315-37 |
| <input type="checkbox"/> | 322-25 | 322-25 thru 322-26.1 |
| <input type="checkbox"/> | 322-49 | 322-49 |
| <input type="checkbox"/> | 322-75 | 322-75 thru 322-76.1 |

VOLUME 28

Revision

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|--------------------------|------------------------------|--------------------|
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| <input type="checkbox"/> | 326-31 thru 326-33 | 326-31 thru 326-33 |

**Check
As
Done**

*Remove Old
Pages Numbered*

*Insert New
Pages Numbered*

VOLUME 31

Revision

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| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 350-27 thru 350-28.1 | 350-27 |
| <input type="checkbox"/> | 355-17 thru 355-20.1 | 355-17 thru 355-19 |

VOLUME 32

Revision

| | | |
|--------------------------|------------------------------|--------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 361-63 thru 361-65 | 361-63 thru 361-65 |
| <input type="checkbox"/> | 361-91 | 361-91 |
| <input type="checkbox"/> | 361-137 | 361-137 |
| <input type="checkbox"/> | 361-163 | 361-163 |
| <input type="checkbox"/> | 361-173 | 361-173 |
| <input type="checkbox"/> | 363-47 thru 363-51 | 363-47 thru 363-51 |
| <input type="checkbox"/> | 365-9 thru 365-13 | 365-9 thru 365-13 |
| <input type="checkbox"/> | 365-23 | 365-23 |
| <input type="checkbox"/> | 370-29 thru 370-35 | 370-29 thru 370-35 |

VOLUME 33

Revision

| | | |
|--------------------------|--------------------------------|----------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 373-11 thru 373-12.1 | 373-11 thru 373-12.1 |
| <input type="checkbox"/> | 373-25 thru 373-26.1 | 373-25 thru 373-26.1 |

VOLUME 34

Revision

| | | |
|--------------------------|----------------------------------|------------------------|
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| <input type="checkbox"/> | 391-65 | 391-65 |
| <input type="checkbox"/> | 394-33 | 394-33 thru 394-34.1 |
| <input type="checkbox"/> | 394-38.7 thru 394-38.9 | 394-38.7 thru 394-38.9 |

VOLUME 35

Revision

| | | |
|--------------------------|---------------------|------------|
| <input type="checkbox"/> | Title page. | Title page |
|--------------------------|---------------------|------------|

| Check As Done | <i><u>Remove Old Pages Numbered</u></i> | <i><u>Insert New Pages Numbered</u></i> |
|------------------------------|---|---|
| <input type="checkbox"/> | 400-17 thru 400-27 | 400-17 thru 400-27 |
| <input type="checkbox"/> | 402-9 thru 402-13 | 402-9 thru 402-14.1 |
| <input type="checkbox"/> | 402-33 thru 402-45 | 402-33 thru 402-46.1 |
| <input type="checkbox"/> | 412-9. | 412-9 thru 412-10.1 |
| <input type="checkbox"/> | 412-24.1 thru 412-25 | 412-25 |
| <input type="checkbox"/> | 412-59 thru 412-60.1 | 412-59 thru 412-60.1 |
| <input type="checkbox"/> | 412-153 thru 412-155 | 412-153 thru 412-155 |

VOLUME 36

Revision

| | | |
|--------------------------|----------------------------------|------------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 418-13 thru 418-37 | 418-13 thru 418-38.1 |
| <input type="checkbox"/> | 418-46.1 thru 418-46.3 | 418-46.1 thru 418-46.3 |
| <input type="checkbox"/> | 418-94.1 thru 418-94.5 | 418-94.1 thru 418-94.5 |
| <input type="checkbox"/> | 418-121 | 418-121 |
| <input type="checkbox"/> | 418-131 | 418-131 |

VOLUME 38

Revision

| | | |
|--------------------------|----------------------------------|-----------------------|
| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | 441SA-1 thru 441SA-9 | 441SA-1 thru 441SA-9 |
| <input type="checkbox"/> | 441-111 thru 441-113 | 441-111 thru 441-113 |
| <input type="checkbox"/> | 442-1 thru 442-3 | 442-1 thru 442-4.1 |
| <input type="checkbox"/> | 442-27 thru 442-29 | 442-27 thru 442-29 |
| <input type="checkbox"/> | 442-39 | 442-39 thru 442-40.1 |
| <input type="checkbox"/> | 442-82.1 | 442-82.1 |
| <input type="checkbox"/> | 442-123 thru 442-127 | 442-123 thru 442-127 |
| <input type="checkbox"/> | 444-27 | 444-27 thru 444-28.1 |
| <input type="checkbox"/> | 444-45 thru 444-53 | 444-45 thru 444-54.1 |
| <input type="checkbox"/> | 444-64.1 thru 444-68.1 | 444-65 thru 444-68.17 |
| <input type="checkbox"/> | 444-93 thru 444-94.1 | 444-93 thru 444-94.1 |
| <input type="checkbox"/> | 445-9 thru 445-19. | 445-9 thru 445-19 |
| <input type="checkbox"/> | 446-1 thru 446-33. | 446-1 thru 446-31 |

VOLUME 39

Revision

| | | |
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| <input type="checkbox"/> | 454-11 thru 454-13 | 454-11 thru 454-13 |

| Check As Done | <u>Remove Old Pages Numbered</u> | <u>Insert New Pages Numbered</u> |
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| <input type="checkbox"/> | 456-12.1 thru 456-13 | 456-13 thru 456-14.1 |
| <input type="checkbox"/> | 458-9 thru 458-22.1 | 458-9 thru 458-22.1 |
| <input type="checkbox"/> | 458-39 thru 458-43 | 458-39 thru 458-43 |
| <input type="checkbox"/> | 458A-11 thru 458A-13. | 458A-11 thru 458A-13 |
| <input type="checkbox"/> | 458C-9 thru 458C-13 | 458C-9 thru 458C-14.1 |
| <input type="checkbox"/> | 458D-23 thru 458D-31 | 458D-23 thru 458D-31 |
| <input type="checkbox"/> | 458D-47 thru 458D-50.1. | 458D-47 thru 458D-60.1 |
| <input type="checkbox"/> | 458D-59 | 458D-59 thru 458D-60.1 |
| <input type="checkbox"/> | 458D-80.1 thru 458D-81. | 458D-81 thru 458D-82.1 |
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| <input type="checkbox"/> | 458D-133. | 458D-133 thru 458D-134.1 |
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VOLUME 40

Revision

| | | |
|--------------------------|--------------------------------------|-----------------------------|
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| <input type="checkbox"/> | 460-9 thru 460-14.2(1). | 460-9 thru 460-14.2(1) |
| <input type="checkbox"/> | 460-22.1 thru 460-27 | 460-23 thru 460-28.1 |
| <input type="checkbox"/> | 460-53 thru 460-71 | 460-53 thru 460-72.1 |
| <input type="checkbox"/> | 460-82.1 thru 460-95 | 460-83 thru 460-96.3 |
| <input type="checkbox"/> | 460-109 thru 460-114.3 | 460-109 thru 460-114.5 |
| <input type="checkbox"/> | 460-122.3. | 460-122.3 thru 460-122.4(1) |
| <input type="checkbox"/> | 460-133 thru 460-135 | 460-133 thru 460-136.1 |
| <input type="checkbox"/> | 460-142.5 thru 460-142.7 | 460-142.5 thru 460-142.7 |
| <input type="checkbox"/> | 460-155 | 460-155 thru 460-156.1 |
| <input type="checkbox"/> | 460-167 thru 460-188.5 | 460-167 thru 460-188.6(49) |
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| <input type="checkbox"/> | 460-193 thru 460-198.1 | 460-193 thru 460-198.2(1) |
| <input type="checkbox"/> | 460-255 thru 460-263 | 460-255 thru 460-261 |
| <input type="checkbox"/> | 469-31 thru 469-34.1 | 469-31 thru 469-34.1 |
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VOLUME 41

Revision

| | | |
|--------------------------|----------------------------------|------------------------|
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| <input type="checkbox"/> | 470-71 thru 470-75 | 470-71 thru 470-76.1 |
| <input type="checkbox"/> | 470A-8.1 thru 470A-11 | 470A-9 thru 470A-12.1 |
| <input type="checkbox"/> | 470B-17 thru 470B-30.1 | 470B-17 thru 470B-30.7 |
| <input type="checkbox"/> | 470B-41 thru 470B-45. | 470B-41 thru 470B-45 |
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| Check As Done | <u>Remove Old Pages Numbered</u> | <u>Insert New Pages Numbered</u> |
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| <input type="checkbox"/> | 470C-55 thru 470C-57. | 470C-55 thru 470C-58.1 |
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| <input type="checkbox"/> | 470C-119 thru 470C-133. | 470C-119 thru 470C-134.3 |
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| <input type="checkbox"/> | 471-29 | 471-29 thru 471-30.1 |
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| <input type="checkbox"/> | 471B-25 | 471B-25 |
| <input type="checkbox"/> | 471B-35 | 471B-35 |
| <input type="checkbox"/> | 472A-27 | 472A-27 thru 472A-28.1 |
| <input type="checkbox"/> | 472A-49 | 472A-49 |
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VOLUME 41A

Revision

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| <input type="checkbox"/> | 473-41 | 473-41 thru 473-42.1 |
| <input type="checkbox"/> | 473A-17 thru 473A-22.1. | 473A-17 thru 473A-22.1 |
| <input type="checkbox"/> | 473E-26.1 thru 473E-27 | 473E-27 thru 473E-28.1 |
| <input type="checkbox"/> | 473F-9 thru 473F-17 | 473F-9 thru 473F-17 |
| <input type="checkbox"/> | 473F-56.1 | 473F-56.1 |
| <input type="checkbox"/> | 473F-99 thru 473F-100.1 | 473F-99 thru 473F-100.1 |
| <input type="checkbox"/> | 473G-61 thru 473G-65 | 473G-61 thru 473G-66.1 |
| <input type="checkbox"/> | 473H-7. | 473H-7 |
| <input type="checkbox"/> | 473H-27 thru 473H-29 | 473H-27 thru 473H-29 |
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| <input type="checkbox"/> | 474A-40.25 thru 474A-40.33. | 474A-40.25 thru 474A-40.37 |

VOLUME 42

Revision

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| Check As Done | <i><u>Remove Old Pages Numbered</u></i> | <i><u>Insert New Pages Numbered</u></i> |
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VOLUME 45

Revision

| | | |
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VOLUME 47

Revision

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| <input type="checkbox"/> | 544-13 thru 544-17 | 544-13 thru 544-17 |

VOLUME 48

Revision

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| <input type="checkbox"/> | 549-113 thru 549-116.1 | 549-113 thru 549-116.1 |
| <input type="checkbox"/> | 551-55 | 551-55 thru 551-56.1 |
| <input type="checkbox"/> | 551-139 thru 551-141 | 551-139 thru 551-142.1 |
| <input type="checkbox"/> | 551-151 thru 551-152.1 | 551-151 thru 551-152.2(1) |

VOLUME 49

Revision

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| <input type="checkbox"/> | 560-57 thru 560-67 | 560-57 thru 560-67 |
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| <input type="checkbox"/> | 560A-21 thru 560A-22.1 | 560A-21 thru 560A-22.1 |
| <input type="checkbox"/> | 560A-61 thru 560A-64.1 | 560A-61 thru 560A-64.1 |

| Check As Done | <i><u>Remove Old Pages Numbered</u></i> | <i><u>Insert New Pages Numbered</u></i> |
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| <input type="checkbox"/> | 560A-115 thru 560A-118.1 | 560A-115 thru 560A-118.1 |
| <input type="checkbox"/> | 560B-3 | 560B-3 thru 560B-4.1 |
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| <input type="checkbox"/> | 560C-7 thru 560C-13 | 560C-7 thru 560C-14.1 |
| <input type="checkbox"/> | 560C-27 thru 560C-33. | 560C-27 thru 560C-34.1 |
| <input type="checkbox"/> | 560C-53 thru 560C-54.3 | 560C-53 thru 560C-54.3 |
| <input type="checkbox"/> | 560C-61 thru 560C-63. | 560C-61 thru 560C-64.1 |
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| <input type="checkbox"/> | 560H-1 thru 560H-18.1 | 560H-1 thru 560H-18.1 |
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| <input type="checkbox"/> | 562-23 thru 562-25 | 562-23 thru 562-25 |
| <input type="checkbox"/> | 563-28.1 thru 563-43 | 563-29 thru 563-44.1 |

VOLUME 51

Revision

| | | |
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| <input type="checkbox"/> | 575-65 thru 575-67 | 575-65 thru 575-67 |
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| <input type="checkbox"/> | 577-66.1 thru 577-68.1 | 577-67 thru 577-68.3 |
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| <input type="checkbox"/> | 577-107 thru 577-123 | 577-107 thru 577-124.21 |
| <input type="checkbox"/> | 577-134.1. | 577-134.1 |
| <input type="checkbox"/> | 577-134.16(1) thru 577-134.16(9) | 577-134.16(1) thru 577-134.16(9) |
| <input type="checkbox"/> | 577-134.25 | 577-134.25 thru 577-134.26(1) |
| <input type="checkbox"/> | 577-134.42(3) thru 577-134.42(7) | 577-134.42(3) thru 577-134.42(7) |
| <input type="checkbox"/> | 577-134.44(13) thru 577-134.44(16)(a) | 577-134.44(13) thru 577-134.44(16)(a) |
| <input type="checkbox"/> | 577-134.61 thru 577-134.63 | 577-134.61 thru 577-134.63 |
| <input type="checkbox"/> | 577-134.85 thru 577-134.90(1). | 577-134.85 thru 577-134.90(3) |
| <input type="checkbox"/> | 577-147 | 577-147 thru 577-148.1 |

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| <input type="checkbox"/> | 577-197 thru 577-198.1 | 577-197 thru 577-198.1 |
| <input type="checkbox"/> | 577-226.13 | 577-226.13 thru 577-226.14(1) |
| <input type="checkbox"/> | 577-226.18(6)(a) thru 577-226.18(7) | 577-226.18(7) thru 577-226.18(8)(a) |
| <input type="checkbox"/> | 577-226.18(33) | 577-226.18(33) thru 577-226.18(34)(a) |
| <input type="checkbox"/> | 577-232.5 thru 577-232.10(5) | 577-232.5 thru 577-232.10(6)(a) |
| <input type="checkbox"/> | 577-241 thru 577-242.1 | 577-241 thru 577-242.1 |
| <input type="checkbox"/> | 577-275 thru 577-315 | 577-275 thru 577-316.5 |
| <input type="checkbox"/> | 577-325 thru 577-327 | 577-325 thru 577-328.1 |
| <input type="checkbox"/> | 577-354.1. | 577-354.1 |
| <input type="checkbox"/> | 577-367 thru 577-382.20(1) | 577-367 thru 577-382.20(1) |
| <input type="checkbox"/> | 577-386.1 thru 577-417 | 577-387 thru 577-418.5 |
| <input type="checkbox"/> | 577-539 thru 577-551 | 577-539 thru 577-552.1 |
| <input type="checkbox"/> | 579-3 thru 579-7 | 579-3 thru 579-8.1 |
| <input type="checkbox"/> | 579-37 thru 579-38.1 | 579-37 thru 579-38.1 |
| <input type="checkbox"/> | 579-53 thru 579-58.3 | 579-53 thru 579-58.3 |
| <input type="checkbox"/> | 579-109 thru 579-123 | 579-109 thru 579-121 |
| <input type="checkbox"/> | 579-187 thru 579-194.1 | 579-187 thru 579-194.1 |

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| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | I-21 thru I-33 | I-21 thru I-34.1 |
| <input type="checkbox"/> | I-121 thru I-159 | I-121 thru I-160.1 |
| <input type="checkbox"/> | I-257 thru I-283 | I-257 thru I-284.1 |
| <input type="checkbox"/> | I-353 thru I-391 | I-353 thru I-392.1 |
| <input type="checkbox"/> | I-643 thru I-670.1 | I-643 thru I-670.1 |
| <input type="checkbox"/> | I-695 thru I-707 | I-695 thru I-708.1 |
| <input type="checkbox"/> | I-757 | I-757 thru I-758.1 |
| <input type="checkbox"/> | I-775 thru I-783 | I-775 thru I-784.1 |
| <input type="checkbox"/> | I-831 thru I-839 | I-831 thru I-840.1 |
| <input type="checkbox"/> | I-873 | I-873 thru I-874.1 |

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| <input type="checkbox"/> | Title page. | Title page |
| <input type="checkbox"/> | I-1067 thru I-1071. | I-1067 thru I-1072.1 |
| <input type="checkbox"/> | I-1185 thru I-1196.1 | I-1185 thru I-1196.1 |
| <input type="checkbox"/> | I-1227 thru I-1247. | I-1227 thru I-1248.1 |
| <input type="checkbox"/> | I-1281 thru I-1283. | I-1281 thru I-1284.1 |
| <input type="checkbox"/> | I-1303 thru I-1315. | I-1303 thru I-1316.1 |

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| <input type="checkbox"/> | I-1347 | I-1347 |
| <input type="checkbox"/> | I-1561 thru I-1563. | I-1561 thru I-1564.1 |
| <input type="checkbox"/> | I-1579 | I-1579 thru I-1580.1 |
| <input type="checkbox"/> | I-1591 thru I-1617. | I-1591 thru I-1618.1 |
| <input type="checkbox"/> | I-1657 thru I-1665. | I-1657 thru I-1666.1 |
| <input type="checkbox"/> | I-1675 thru I-1737. | I-1675 thru I-1737 |

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