

PUBLICATION UPDATE

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California Forms of Pleading and Practice Annotated

Publication 181 Release 171

March 2008

HIGHLIGHTS

Privacy Protections for Social Security and Financial Account Numbers

- New Cal. Rules of Ct., Rule 1.20(b) provides for privacy protections by requiring parties to redact social security and financial account numbers in documents filed with the court, and provides a confidential reference list form.

Uniform Foreign-Country Money Judgments Recognition Act

- An analysis is included of the new Uniform Foreign-Country Money Judgments Recognition Act, which applies to actions filed on or after January 1, 2008, in which the issue of recognition of a foreign country judgment is raised.

Latest Legislation, Rules of Court, and Judicial Council Forms

- This release updates chapters throughout the publication for legislation, rules of court, and Judicial Council Forms effective January 1, 2008.

Important New Developments Are Added in Other Areas of Law, Including:

- Acknowledgments
- Alternative Dispute Resolution
- Appeals
- Assemblies, Meetings, and Demonstrations
- Attorneys
- Automobiles
- Civil Procedure
- Civil Rights
- Class Actions
- Contracts
- Costs and Attorney's Fees
- Discovery
- Employment
- Guardians and Conservatorships
- Homesteads
- Judgments
- Mandate and Prohibition
- Public Administration

- Real Estate
- Sanctions
- Schools
- Settlement and Release
- Torts and Insurance
- Unfair Competition
- Workers' Compensation

Release 171 of California Forms of Pleading and Practice updates the publication in many areas noted in more detail below.¹

ACKNOWLEDGMENTS

Notary Must Obtain Evidence of Identity of Person Making Acknowledgment. The former statutory authorization for a notary public to take an acknowledgment based on his or her personal knowledge of the individual making the acknowledgment has been repealed. Effective January 1, 2008, unless an acknowledgment is made before a military officer, it may be taken only on the basis of satisfactory evidence of the identity of the individual making the acknowledgment [Civ. Code §§ 1183.5, 1185(a), 1189(a)(1)]. See *Ch. 9, Acknowledgments*; *Ch. 390, Notaries Public*.

ALTERNATIVE DISPUTE RESOLUTION

Mediation—Person Cannot Conduct

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Settlement Conference and Mediation

Simultaneously. The Judicial Council has adopted a new subdivision (d) to Cal. Rules of Ct. Rule 3.1380, effective January 1, 2008, that prohibits a court from appointing a person to conduct a settlement conference under Rule 3.1380 at the same time as that person is serving as a mediator in the same action [Cal. Rules of Ct., Rule 3.1380(d)(1)]. Nor may the court appoint a person to conduct a mediation under Rule 3.1380 [Cal. Rules of Ct., Rule 3.1380(d)(2)]. The new provision was added to address problems involving the blurring of distinctions between different ADR processes [see, e.g., *Jeld-Wen v. Superior Court (Marlborough)* (2007) 146 Cal. App. 4th 536; Advisory Committee Comment to Cal. Rules of Ct., Rule 3.1380(d)]. See discussion in *Ch. 31, Mediation*, § 31.13[6].

Private Arbitration—Nonsignatory Officer Alleged to Be Alter Ego Can Compel Arbitration. In a case of first impression, the court of appeal has held that nonsignatory officers alleged to be alter egos of a corporate defendant can compel signatories to arbitrate under an agreement signed by the corporation [*Rowe v. Exline* (2007) 153 Cal. App. 4th 1276]. See *Ch. 32, Contractual Arbitration: Agreements and Compelling Arbitration*, § 32.21[5][c], [g].

Private Arbitration—Deception During Settlement Negotiations Causes Forfeiture of Right to Compel Arbitration.

In a case involving interstate commerce, and thus, governed by federal law, the court of appeal held that although settlement efforts are not interpreted as waiving the right to arbitrate if the settlement is not finalized, a party that attempts to obtain settlement by misleading the court and proposed class members about the benefits of the proposed settlement forfeits its right

to arbitrate [*Aviation Data, Inc. v. American Express Travel Related Services Company, Inc.* (2007) 152 Cal. App. 4th 1522]. See **Ch. 32, Contractual Arbitration: Agreements and Compelling Arbitration**, § 32.25[1][d][i].

APPEALS

Reasonableness of Costs Reviewed Under Abuse of Discretion Standard. In *Peterson v. John Crane, Inc.* (2007) 154 Cal. App. 4th 498, the court of appeal held that an award of expert witness fees under Code Civ. Proc. § 998 must be for no more than a reasonable sum covering the defendant's costs of the services of expert witnesses, actually incurred, and reasonably necessary in trial or preparation for trial. A determination that the cost award is reasonable is reviewed for an abuse of discretion. See **Ch. 41, Appeal: Review Standards and Appellate Rules of Law**, § 41.12[3][e].

ASSEMBLIES, MEETINGS, AND DEMONSTRATIONS

Artists Have First Amendment Protection in the Sale of Their Own Artwork. In *White v. City of Sparks* (9th Cir. 2007) 500 F.3d 953, the Ninth Circuit held that the First Amendment protects an artist's sale of the artist's original artwork, and a city applied the wrong First Amendment standard in its First Amendment exception to its vendor-permitting policy, which only allowed an exception for the sale of merchandise carrying or constituting a political, religious, philosophical, or ideological message. See **Ch. 59, Assemblies, Meetings, and Demonstrations**.

Vote Swapping and Vote Exchange Websites Have First Amendment Protection. In *Porter v. Bowen* (9th Cir. 2007) 496 F.3d 1009, the Ninth Circuit held that the threatened criminal prosecution of the owners of websites offering voters mechanisms for vote swapping and vote exchange

violated their First Amendment rights. The owners had a First Amendment interest in the vote-swapping mechanisms and communication and the vote swaps that the mechanisms enabled, and the state's legitimate interests of preventing corruption, preventing fraud, and preventing subversion of the Electoral College did not support the threatened criminal prosecution. See **Ch. 59, Assemblies, Meetings, and Demonstrations**.

No Protected Expressive Activity Around Individual Store in Shopping Center. In *Van v. Target Corp.* (2007) 155 Cal. App. 4th 1375, the Court of Appeal held that the California Constitution did not protect expressive conduct in an area immediately surrounding the entrance of an individual retail store that, although located in a shopping center, did not itself possess the characteristics of a public forum. See **Ch. 59, Assemblies, Meetings, and Demonstrations**.

ATTORNEYS

Attorneys—No Conflict of Interest When No Confidential Information Disclosed. In *Med-Trans Corp. v. City of California City* (2007) 156 Cal. App. 4th 655, the court held that no attorney-client relationship existed when there was no evidence that the client ever considered the attorney to be its lawyer or potential lawyer or that any confidential matters were disclosed. See **Ch. 72, Attorney Practice and Ethics**, § 72.113[5][b].

Tolling of Limitations Period for Continued Representation in Attorney Malpractice Action Ends if Client No Longer Represented by Attorney Still With Firm. In *Beal Bank, SSB v. Arter & Had-den, LLP* (2007) 42 Cal. 4th 503, the California Supreme Court held that if an attorney leaves a law firm and takes the representation of a particular client with

him or her, the statute of limitations does not continue to toll under the continued representation exception on a malpractice action that the client may have against the attorney's former law firm or any of the other attorneys in that firm. See **Ch. 76, Attorney Professional Liability, § 76.170[2][c]**.

AUTOMOBILES

Insurer's Denial of Underinsured Motorist Benefits Based Upon Insufficient Investigation of Insured's Alleged Injuries Raises Triable Issue of Fact With Regard to Bad Faith Claim. In *Wilson v. 21st Century Ins. Co.* (2007) 42 Cal. 4th 713, a first-party insurance bad faith case, the California Supreme Court reversed summary judgment in favor of an insurer that failed to pay underinsured motorist benefits to its insured, because it failed to investigate properly the insured's claim of injuries resulting from an automobile accident, and it asserted without supporting evidence that the insured's condition consisted of "soft tissue" injuries related to a preexisting condition. See **Ch. 88A, Automobiles: Uninsured Motorist Claims, § 88A.25[1]**; **Ch. 308, Insurance, § 308.24[1]**.

CIVIL PROCEDURE

Privacy Protections—Social Security and Financial Account Numbers. New Cal. Rules of Ct., Rule 1.20(b) provides for privacy protections by requiring parties or their attorneys to redact social security and financial account numbers in documents filed with the court. The responsibility for excluding or redacting these numbers from all documents filed with the court rests solely with the parties and their attorneys; and the court clerk will not review each pleading or other paper for compliance with this provision. A party filing a document containing these numbers may file a

reference list, along with the redacted document that will be placed in the public file. The reference list is confidential, and a new mandatory Judicial Council Form MC-120, Confidential Reference List of Identifiers, is included. See **Ch. 26, Answers, § 26.17[1][d]**, Ch. 123, Complaints and Cross-Complaints, §§ 123.19[5], **123.69**.

Fax Service—Service Lists. Amended Cal. Rules of Ct., Rule 2.306(b)(1) now provides that in a case in which the parties have agreed to service by fax, the plaintiff or petitioner named first in the complaint or petition must maintain a current list of the parties that includes their fax numbers for service of notice on each party and furnish a copy of the list on request to any party or the court. Additionally, in a case in which the parties have agreed to service by fax, each party must furnish the first-named plaintiff or petitioner with the party's current fax number for service of notice when it first appears in the action; and the party serves an order, notice, or pleading on a party that has not yet appeared in the action, that party must serve a copy of the service list at the same time that the order, notice, or pleading is served. See **Ch. 264, Fax Filing, § 264.41[3]**.

Guardian Ad Litem—Appointment. This chapter is updated with revised Judicial Council Forms CIV-010, Application and Order for Appointment of Guardian Ad Litem, and revised Judicial Council Form DE-350, GC-100, Petition for Appointment of Guardian Ad Litem—Probate. See **Ch. 291, Guardian Ad Litem, §§ 291.50, 291.51**.

Judges—Disqualification for Cause. This chapter is updated with *Rossco Holdings, Inc. v Bank of America* (2007) 149 Cal. App. 4th 1353, which holds disqualification occurs when the facts creating disqualification arise, not when the dis-

qualification is established, and a disqualified judge's orders are void, regardless of whether they happen to have been legally correct. Additionally, grounds for disqualification under Code Civ. Proc. § 170.1(a)(8)(A) (prospective employment as dispute resolution professional) apply when they both arise and are learned of, not when the judge understands their legal significance. See *Ch. 317, Judges*, § 317.44A.

Judges—Peremptory Disqualification.

This chapter is updated with *Bravo v. Superior Court* (2007) 149 Cal. App. 4th 1489, which holds if a Code Civ. Proc. § 170.6 motion is timely filed in proper form, the court must accept it without further inquiry, the disqualification is effective immediately, and as a remedial statute the statute is liberally construed in favor of the allowing the peremptory challenge and a challenge should be denied only if the statute absolutely forbids it. Additionally, although two cases may involve the same parties (e.g., same employee and the same employer), if the second action arises out of later events distinct from those in the previous action, the second action does not constitute a continuation of the previous action and a party's peremptory challenge may be timely. See *Ch. 317, Judges*, §§ 317.71, 317.77[6][d].

Judges—Judicial Minimum Educational Requirements. This chapter is updated with new Cal. Rules of Ct., Rule 10.452 et seq., which sets forth minimum education requirements, expectations, and recommendations for justices, judges, subordinate judicial officers, and court personnel. See *Ch. 317, Judges*, § 317.84[3].

Forum Non Conveniens—Timing of Motion. This chapter is updated with *Britton v. Dallas Airmotive, Inc.* (2007) 153 Cal. App. 4th 127, which holds the defen-

dant may make a forum non conveniens motion under Code Civ. Proc. § 410.30 at any time, not only on or before the last day to plead; however, unreasonable delay in bringing a forum non conveniens motion may be grounds to deny the motion, and any delay would be relevant to whether the motion should be granted. Also, the failure to make a motion under Code Civ. Proc. § 410.10 at the time of filing a demurrer or motion to strike constitutes a waiver of the issue of, among others, inconvenient forum. See *Ch. 323, Jurisdiction: Personal Jurisdiction, Inconvenient Forum, and Appearances*, § 323.34[4].

Subject Matter Jurisdiction—Tribal Sovereignty. This chapter is updated with *San Manuel Indian Bingo and Casino v. N.L.R.B.* (D.C. Cir. 2007) 475 F.3d 1306, which holds that principles of tribal sovereign immunity did not preclude the enforcement of the National Labor Relations Act's provisions relating to employment activities at a tribal casino. See *Ch. 324, Jurisdiction: Subject Matter Jurisdiction*, § 324.24[2].

Subject Matter Jurisdiction—Appellate Jurisdiction. This chapter is updated with amended Code Civ. Proc. § 904.3, which provides an appeal cannot be taken from a judgment of the appellate division of a superior court granting or denying a petition for issuance of a writ of mandamus or prohibition directed to the superior court, or a judge thereof, in a limited civil case or a misdemeanor or infraction case; and an appellate court may, in its discretion, upon petition for extraordinary writ, review the judgment. See *Ch. 324, Jurisdiction: Subject Matter Jurisdiction*, § 324.46[1].

Limitation of Actions—Delayed Discovery. This chapter is updated with *E-Fab, Inc. v. Accountants, Inc. Services*

(2007) 153 Cal. App. 4th 1308, which holds if a plaintiff's reasonable and diligent investigation discloses only one kind of wrongdoing when the injury was actually caused by tortious conduct of a wholly different sort, the discovery rule postpones accrual of the statute of limitations on the newly discovered claim. In such cases, the key issue is whether a reasonable investigation at that time would have revealed a factual basis for that particular cause of action. See *Ch. 345, Limitation of Actions*, § 345.19[3][d].

Limitation of Actions—Time From Judgment. This chapter is updated with *Archdale v. American Internat. Specialty Lines Co.* (2007) 154 Cal. App. 4th 449, which holds an insured's cause of action for breach of the implied covenant may accrue on the entry of the trial court's judgment, but the limitations period should not commence to run until that judgment becomes final. Until such judgment is final, the insured has either not been harmed or the amount of that harm cannot be determined. See *Ch. 345, Limitation of Actions*, § 345.21[1][f].

Limitation of Actions—Time From Judgment. This chapter is updated with *Sahadi v. Scheaffer* (2007) 155 Cal. App. 4th 704, which holds the two-year statute of limitations prescribed by Code Civ. Proc. § 339(1) applies to actions for accounting malpractice, and where the gravamen of the case is accounting negligence, the two-year statute is applicable, notwithstanding the existence of other claims against the professionals, such as misrepresentation, for which a different statute of limitations might otherwise apply. See *Ch. 345, Limitation of Actions*, § 345.53[10][a].

Limitation of Actions—Action Against Attorney. This chapter is updated with *Beal Bank, SSB v. Arter & Hadden, LLP*

(2007) 42 Cal. 4th 503, which holds an action against an individual attorney is tolled so long as that attorney continues representation. See *Ch. 345, Limitation of Actions*, § 345.168.

Minors—Disaffirmation of Judgment.

This chapter is updated with *Berg v. Traylor* (2007) 148 Cal. App. 4th 809, which holds unless a minor is duly represented as provided by law at the time a judgment is entered against him, his right to disaffirm such judgment continues until barred by laches after the minor has attained the age of majority, such a judgment is voidable and may be disaffirmed, the right of disaffirmance by a minor of a judgment rendered voidable by the fact that he was not represented by a guardian in the action is absolute, and such right continues throughout his minority. See *Ch. 367, Minors: Judgments*, § 367.10.

Conferences, Motions, and Hearings—Telephone Appearances. This chapter is updated with new Code Civ. Proc. § 367.5, enacted to promote uniformity in the procedures and practices relating to telephone appearances. In all general civil cases, as defined in California Rules of Ct., Rule 1.6(4), a party that has provided notice may appear by telephone at the following conferences, hearings, and proceedings: (1) a case management conferences, provided the party has made a good faith effort to meet and confer before the conference as required by law and has timely served and filed a case management statement; (2) a trial setting conference; (3) a hearing on law and motion, except motions in limine; (4) a hearing on a discovery motion; (5) a conference to review the status of an arbitration or mediation; (6) a hearing to review the dismissal of an action; and (7) any other hearing, conference, or proceeding if the court determines that a telephone appearance is appropriate. The

statute provides for procedures, notice, retractions, exceptions, and required personal appearance. See *Ch. 372, Motions and Orders*, § 372.21[16]; *Ch. 425, Pretrial Proceedings*, § 425.35.

Documents—Electronic Judicial Signatures. This chapter is updated with amended Cal. Rules of Ct., Rule 2.257(e), which provides if a document requires a signature by a court or a judicial officer, the document may be electronically signed in any manner permitted by law. See *Ch. 372, Motions and Orders*, § 372.21[24]; *Ch. 518, Service of Summons and Papers*, § 518.45[4][e].

Anti-LAPP Motion—Protected Activity. This chapter is updated with *City of Riverside v. Stansbury* (2007) 155 Cal. App. 4th 1582, which holds a city's declaratory relief action requesting court's input on constitutionality of proposed initiative was not subject to a special motion to strike; although the action followed the initiative proponents' constitutionally protected activity, the action did not arise out of that activity. See *Ch. 376, Motions to Strike: Anti-SLAPP*, § 376.20[2].

Anti-SLAPP Motion—Abuse of Process. This chapter is updated with *Booker v. Rountree* (2007) 155 Cal. App. 4th 1366, which holds a defendant and cross-complainant's cause of action for abuse of process fell squarely within protection of anti-SLAPP statute; indeed, the court stated it was difficult to imagine an abuse of process claim that would not fall within the protection of the statute. See *Ch. 376, Motions to Strike: Anti-SLAPP*, § 376.43[1][a].

Anti-SLAPP Motion—Nonjudicial Foreclosure. This chapter is updated with *Garretson v. Post* (2007) 156 Cal. App. 4th 1508, which holds a defendant's act of noticing and initiating a nonjudicial fore-

closure sale after plaintiff defaulted on loan was not subject to anti-SLAPP protection; nonjudicial foreclosure is a private, contractual proceeding, not a proceeding that is closely linked to any governmental, administrative, or judicial proceedings or regulation. See *Ch. 376, Motions to Strike: Anti-SLAPP*, § 376.43[2].

Electronic Filing and Service. This chapter is updated with revised Cal. Rules of Ct., Rule 2.253, providing for electronic filing and service in special cases. See *Ch. 518, Service of Summons and Papers*, § 518.43.

Extending Time. This chapter is updated with the revised Judicial Council Form CM-020, Ex Parte Application for Extension of Time to Serve Pleadings and Orders. See *Ch. 524, Shortening and Extending Time*, § 524.53A.

Summary Judgment—Statement of Undisputed Material Fact. This chapter is updated with revised Cal. Rule of Ct., Rule 3.1350(d), which still requires a two-column format for a statement of undisputed material fact, but now requires the moving party to state in numerical sequence the undisputed material facts in the first column followed by the evidence that establishes those undisputed facts in that same column. See *Ch. 537, Summary Judgment*, § 537.74.

Vexatious Litigants—Statutory Requirements. This chapter is updated with *Morton v. Wagner* (2007) 156 Cal. App. 4th 963, which holds where the plaintiff does not have five adverse litigations and the motions are not unmeritorious or frivolous, a finding of the plaintiff as a vexatious litigant under Code Civ. Proc. § 391(b)(3) will not be upheld on appeal; however, repeated motions on the same issue may form the basis for a vexatious litigant

finding. See *Ch. 573, Vexatious Litigants*, § 573.13[3][a].

Vexatious Litigants—Request to File New Litigation by Vexatious Litigant. This chapter is updated with the new Judicial Council Form MC-701, Request and Order to File New Litigation by Vexatious Litigant. See *Ch. 573, Vexatious Litigants*, § 573.43.

CIVIL RIGHTS

Exhaustion of Remedies Required for ADA and Rehabilitation Act Action. In *O'Guinn v. Lovelock Corr. Ctr.* (9th Cir. 2007) 502 F.3d 1056, the Ninth Circuit held that the Prison Litigation Reform Act requires prisoners to exhaust available administrative remedies before bringing claims under the Americans With Disabilities Act and the Rehabilitation Act. A prisoner did not exhaust remedies by repeated requests to move to a bottom bunk due to poor balance resulting from a previous brain injury, because the lower bunk claims were not equivalent to claims of denial of mental health treatment in violation of the ADA and Rehabilitation Act. A complaint filed with the DOJ alleging denial of mental health treatment did not exhaust the prison's internal grievance process. See *Ch. 114, Civil Rights: Prisoners' Rights*.

No Standing if Regulations Not Intended to Prevent Type of Injury Suffered. In *Urhausen v. Longs Drug Stores California, Inc.* (2007) 155 Cal. App. 4th 254, although disabled, plaintiff had no standing under Civ. Code § 54.1 based on defendant's violation of disabled access regulations governing the slope of parking spaces. The regulations were not intended to prevent the type of accident plaintiff suffered by falling; the failure of the access aisle to comply with the applicable regulations did not deny her equal access to the

store, because there was no reason to believe plaintiff would have been unable to reach the store entrance had she taken the prescribed route. See *Ch. 116, Civil Rights: Discrimination in Business Establishments*.

Reasonable to Exclude Blind Passenger From Area Excluding Animals Based on Another Passenger's Allergy. In *Lockett v. Catalina Channel Express, Inc.* (9th Cir. 2007) 496 F.3d 1061, a single decision by the ticket seller of a ferry operator to ask a blind passenger to ride in the general passenger area with her guide dog, rather than in the more expensive lounge area, was a reasonable judgment under 28 C.F.R. § 36.208. The ferry operator had adopted the policy excluding animals from the lounge based on another passenger's alleged allergy. See *Ch. 116, Civil Rights: Discrimination in Business Establishments*.

Conclusion of Design and Construction Phase Triggers Statute of Limitations Under FHA. In *Garcia v. Brockway* (9th Cir. 2007) 503 F.3d 1092, private civil actions based on design-and-construction claims under the Fair Housing Act, the two-year statute of limitations began to run at the conclusion of the design-and-construction phase, which occurred on the date the last certificate of occupancy was issued, which occurred long before plaintiffs filed suit. See *Ch. 117, Civil Rights: Housing Discrimination*.

No Qualified Immunity Under Civ. Code § 52.1. In *Venegas v. County of Los Angeles* (2007) 153 Cal. App. 4th 1230, the Court of Appeal held that the doctrine of qualified immunity, which applies to federal civil rights actions under 42 U.S.C. § 1983, does not apply to California civil rights actions under Civ. Code § 52.1. See *Ch. 117A, Civil Rights: Interference With*

Civil Rights by Threats, Intimidation, Coercion, or Violence.

CLASS ACTIONS

Class Representative May Recover Attorney's Fees Under Private Attorney General Statute Even if Primarily Motivated by Own Financial Interests. A California Court of Appeal has held that a class representative may recover fees under the "private attorney general statute" [Code Civ. Proc. § 1021.5], even if he or she was primarily motivated by his or her own financial interests. Such personal motivation does not preclude a fee award so long as the class action affected the public interest and resulted in a significant benefit to a large class of persons. See *Estrada v. FedEx Ground Package System, Inc.* (2007) 154 Cal. App. 4th 1, now covered in *Ch. 120, Class Actions, § 120.24[3]*.

CONTRACTS

Contracts—Procedural Unconscionability in Consumer Contract. A California appellate court has held that, except in unusual circumstances—such as when the consumer is highly sophisticated and the challenged provision does not undermine important public policies—the use of a contract of adhesion establishes a minimal degree of procedural unconscionability notwithstanding the availability of market alternatives [*Gatton v. T-Mobile USA, Inc.* (2007) 152 Cal. App. 4th 571]. See *Ch. 140, Contracts, § 140.25[2][b]*.

COSTS AND ATTORNEY'S FEES

Award of Attorney's Fees—Proper to Depart From Local Rule Guidelines on Award of Attorney's Fees—Attorney's Fees in Contract Cases. In *Cruz v. Ayromloo* (2007) 155 Cal. App. 4th 1270, a landlord-tenant litigation involving a written lease with attorney's fees provision, the court held that the trial court did not abuse its discretion in awarding the tenants higher

attorney's fees than allowed for in guidelines for contested contract cases under Los Angeles Superior Court Rule 3.2, because the rule allowed the trial court to exercise its discretion to depart from the rule to award higher fees. Further, broad language of the attorney's fee clause in the lease agreements covered all fees in any civil action stemming from the lease, not just security deposit recovery litigation, and allocation of fees incurred in representing multiple tenants, some of whom had a written lease with the attorney's fees provision and some of whom did not, was not necessary. See *Ch. 174, Costs and Attorney's Fees*.

Award of Attorney's Fees—No Fees for Prevailing Championing Contract Without Attorney's Fees Provision. In *Brittalia Ventures v. Stuke Nursery Co.* (2007) 153 Cal. App. 4th 17, the court held in consolidated breach of contract actions that the prevailing party could not obtain attorney's fees under Civ. Code § 1717 because the contract it championed did not contain an attorney fee provision, notwithstanding that the losing party defended the matter by championing a different contract that did contain an attorney's fee provision. See *Ch. 174, Costs and Attorney's Fees*.

Award of Attorney's Fees—Third Party Beneficiary Entitled to Attorney's Fees. In *Loduca v. Polyzos* (2007) 153 Cal. App. 4th 334, the court held that a third party beneficiary who prevails in litigation under the contract may recover attorney's fees under Civ. Code § 1717 if the contract contains an attorney's fees provision. Thus, a property owner who successfully sued a subcontractor as an express third party beneficiary to a contract between the subcontractor and the general contractor was entitled to an award of attorney's fees. See *Ch. 174, Costs and Attorney's Fees*.

Award of Attorney's Fees—Municipal Resolution Was Basis for Award of Attorney's Fees. In *Torres v. City of San Diego* (2007) 154 Cal. App. 4th 214, the court held that a municipal resolution could serve as the basis for an award of attorney's fees. See *Ch. 174, Costs and Attorney's Fees*.

DISCOVERY

Corporate Attorney-Client Privilege. In *Zurich Am. Ins. Co. v. Superior Court* (2007) 155 Cal. App. 4th 1485, the court held that the corporate attorney-client privilege could extend to confidential communications among the client's employees regarding legal advice and strategy, even though the corporation's attorneys are not directly involved and the communications did not include excerpts of direct communications from the attorneys, provided that the employees involved were third persons to whom disclosure was reasonably necessary to further the purpose of the legal consultation. See *Ch. 191, Discovery: Privileges and Other Discovery Limitations*, § 191.40[3].

Terminating Sanctions. In *Stephen Slesinger, Inc. v. The Walt Disney Co.* (2007) 155 Cal. App. 4th 736, the court held that a trial court may, when faced with pervasive, deliberate, and egregious misconduct—abuse that makes lesser sanctions inadequate to ensure a fair trial—use its inherent judicial power to dismiss the action. See *Ch. 192, Discovery: Sanctions for Discovery Misuse*, § 192.13[3][a][iii].

Filing Motion to Compel Production of Business Records. In *Unzipped Apparel, LLC v. Bader* (2007) 156 Cal. App. 4th, the court held that the 60-day period for filing a motion to compel under Code Civ. Proc. § 2025.480(b) applies to subpoenas for business records, as well as to subpoenas for oral or written depositions. See *Ch. 193,*

Discovery: Depositions, § 193.156[1][i].

New Judicial Council Form for Commission to Take Deposition Outside California. An illustration of the new Judicial Council Form DISC-030, Commission to Take Deposition Outside California, approved by the Judicial Council for optional use, is reproduced in *Ch. 193, Discovery: Depositions*, § 193.272.

Revised Judicial Council Forms. *Ch. 194, Discovery: Interrogatories*, § 194.83[1], includes revised Judicial Council Form DISC-001, Form Interrogatories—General. *Ch. 196, Discovery: Requests for Admissions*, § 196.61[1], includes revised Judicial Council Form DISC-020, Requests for Admissions. *Ch. 535, Discovery: Subpoena*, § 535.69[1], includes revised Judicial Council Form SUBP-025 Notice to Consumer or Employee and Objection.

EMPLOYMENT

Firefighters Procedural Bill of Rights Act. To provide firefighters with procedural protections similar to those afforded public safety officers, the Legislature has enacted the Firefighters Procedural Bill of Rights Act. See Gov. Code § 3250 et seq., now covered in *Ch. 118, Civil Service*, §§ 118.90–118.94.

Employer May Reimburse Employees for Business Expenses by Paying Enhanced Compensation. The California Supreme Court has held that an employer may satisfy its statutory obligation to reimburse employees for business expenses by paying employees enhanced compensation in the form of increases in base salary or commissions, provided that (1) the amount paid is sufficient to provide full reimbursement for actual expenses necessarily incurred, and (2) the employer provides a method or formula to identify what part of the combined compensation is intended to provide

expense reimbursement. See *Gattuso v. Harte-Hanks Shoppers, Inc.* (2007) 42 Cal. 4th 554, now covered in **Ch. 250, Employment Law: Wage and Hour Disputes, § 250.21**.

GUARDIANSHIPS AND CONSERVATORSHIPS

Conservatorships and Guardianships—New and Revised Judicial Council Forms; Revised Accounting Requirements. Prob. Code § 2620(a) requires that as of January 1, 2008, all accounts must be submitted on Judicial Council forms [Prob. Code § 2620(a); see Prob. Code §§ 1060–1064]. The California Judicial Council, implementing Prob. Code § 2620(a), has promulgated a series of mandatory and optional forms for accounts. If specified criteria are met, an option now exists to file a simplified account instead of a standard account [*see* Cal. Rules of Court, Rule 7.575]. All accounts must use the new standard Judicial Council Summary of Account form [Cal. Judicial Council Form GC-400(SUM)/GC-405(SUM); *see Ch. 290E, Guardianship and Conservatorship: Accounts, § 290E.71A*], and simplified accounts also must use the Judicial Council schedules for receipts and disbursements [Cal. Judicial Council Forms GC-405(A) and GC-405(C), *see Ch. 290E, Guardianship and Conservatorship: Accounts, § 290E.71B*]. For standard accounts, the Judicial Council has promulgated an extensive series of optional forms for the schedules that must be used to report types of charges and credits [*see Ch. 290E, Guardianship and Conservatorship: Accounts, § 290E.71C*]. For more detailed discussion of the use of the summary and schedules, see discussion in **Ch. 290E, Guardianship and Conservatorship: Accounts, §§ 290E.31, 20.32**. New Judicial Council form GC-42, Notice of Filing of Inventory and Appraisal and How

to Object to the Inventory or the Appraised Value of Property, has been added to **Ch. 286, Guardianship and Conservatorship: Inventory and Appraisal, § 286.45A**. Other revised Judicial Council forms have also been incorporated into **Ch. 280** through **Ch. 285** in the guardianship and conservatorship materials in this publication.

HOMESTEADS

Homestead Exemption When Separated or Former Spouse Resides in Homestead. Effective January 1, 2008, the Legislature has amended Code Civ. Proc. § 704.720 to provide that if a judgment debtor is not currently residing in the homestead, but his or her separated or former spouse continues to reside in or exercise control over possession of the homestead, the judgment debtor continues to be entitled to an exemption until entry of judgment or other legally enforceable agreement dividing the community property between the judgment debtor and the separated or former spouse, or until a later time period as specified by court order. However, the judgment debtor is not entitled to more than one exempt homestead. *See Ch. 294, Homesteads.*

JUDGMENTS

Uniform Foreign Money Judgments Recognition Act Replaced. Effective January 1, 2008, and applicable to all actions filed on or after January 1, 2008, in which the issue of recognition of a foreign country judgment is raised, the Uniform Foreign Money Judgments Recognition Act has been replaced by the Uniform Foreign-Country Money Judgments Recognition Act [Code Civ. Proc. § 1713 et seq.]. The Uniform Foreign Money-Judgments Recognition Act continues to apply to actions filed before January 1, 2008, in which the issue of recognition of a foreign-country judgment is raised. *See Ch. 318,*

Judgments, § 318.184.

MANDATE AND PROHIBITION

Writ of Mandate Appropriate in Dispute Regarding Discovery Privilege. In *Ombudsman Services of Northern California v. Superior Court* (2007) 154 Cal. App. 4th 1233, the court of appeal held that although writ review of discovery rulings are generally disfavored, interlocutory review by writ is the only adequate remedy when a court compels the disclosure of documents or information that may be subject to a privilege, because once privileged matter has been disclosed there is no way to undo the harm that consists in the very disclosure. See *Ch. 358, Mandate and Prohibition*, § 358.51[4][b].

PUBLIC ADMINISTRATION

Certificate of Interested Entities of Persons. If a party files a motion, application, or opposition to a motion or application in the Court of Appeal before filing its principal brief, the party must serve and file its Certificate of Interested Entities or Persons at the time it files the first such motion, application, or opposition and must include a copy of this certificate in the party's principal brief. If no motion, application, or opposition to a motion or application is filed before the parties file their principal briefs, each party must include its certificate in its principal brief [Cal. Rules of Ct., Rule 8.208(d)(1)]. If the identity of any party has not been publicly disclosed in the proceedings, the party may serve and file an application for permission to file its certificate under seal separately from its principal brief, motion, application, or opposition [Cal. Rules of Ct., Rule 8.208(d)(1)]. See *Ch. 18, Alcoholic Beverage Licenses*, § 18.70[7a]; *Ch. 480, Public Utilities*, § 480.144[3a].

Federal Preemption. This chapter is updated with *Viva! International Voice for*

Animals v. Adidas Promotional Retail Operations, Inc. (2007) 41 Cal. 4th 929, where the court holds the provisions of the Endangered Species Act (ESA) [16 U. S. C. § 1530 et seq.] do not preempt claims brought against shoe manufacturers under the California Unfair Competition Law [Bus. & Prof. Code § 17200 et. seq.] for selling athletic shoes made from kangaroo hides in violation of the provisions of Penal Code § 308, prohibiting the importation into or sale within California of products made from kangaroo. See *Ch. 470, Overview of Public Administrative Law*, § 470.16[1][a].

Due Process—Property Interests. This chapter is updated with *Savient Pharmaceuticals, Inc. v. Department of Health Services* (2007) 146 Cal. App. 4th 1457, which holds the drug formulary maintained by the Department of Health Services for the AIDS Drug Assistance Program's (ADAP) under the statutory authority of Health & Safety Code § 120955(a)(2) is a rule of general application that is within the APA definition of a regulation. Thus, the decision to partially delist the drug Oxandrin from the drug formulary must comply with APA rulemaking procedure requirements. See *Ch. 470A, Due Process Restrictions on Public Agencies*, § 470A.21[5].

Due Process—Notice. This chapter is updated with *Valenzuela v. California State Personnel Board* (2007) 153 Cal. App. 4th 1179, which holds a correction officer dismissed from his job by the Department of Corrections and Rehabilitation for failing a drug test did not receive adequate notice that a foreign prescription, a Mexican diet medication, legally obtained in Mexico, that he took could result in a positive drug test for amphetamines. Without that adequate notice, dismissal as a penalty for failing a drug test was an abuse of discretion, and the court of appeal affirmed the

judgment of the superior court vacating the decision of the State Personnel Board, upholding the termination. See *Ch. 470A, Due Process Restrictions on Public Agencies*, § 470A.43[2].

Public Records—Peace Officers. This chapter is updated with *Commission on Peace Officer Standards and Training v. Superior Court* (2007) 42 Cal. 4th 278,, which holds information relating to California peace officers that is maintained in an electronic database by the California Commission on Peace Officer Standards and Training was a “public record” within the meaning of the California Public Records Act [Gov. Code § 6252(e), (g)]. The Court also held that these records were not exempt from disclosure under Penal Code §§ 832.7, 832.8, peace officer personnel records, and that no other statutory exemption in the California Public Records Act applied to exempt disclosure of these records. The California Supreme Court rejected the argument that the records kept by the Commission were categorically exempt under Gov. Code § 6254(c) because the privacy and safety interest of the peace officers as a group did not outweigh the public interest in disclosure of the information. However, The California Supreme Court also held that the Commission could seek to justify exclusion from the disclosed records of information about specific officers because disclosure of that information would jeopardize the safety or efficacy of the peace officers. The exclusion would be based on a showing under the personnel and medical records exemption [Gov. Code § 6254(c)], and under the public interest exemption [Gov. Code § 6255]. The California Supreme Court remanded the case back to the superior court to allow the Commission to make such a showing. See *Ch. 470C, Public Records Act*, §§ 470C.11[1], 470C.13[6], 470C.14[9].

Public Records—Interagency Disclosure. This chapter is updated with *Los Angeles Unified School District v. Superior Court* (2007) 151 Cal. App. 4th 759, which holds the City of Long Beach, and its city attorney, were authorized to seek disclosure of public records held by another public agency, the Los Angeles Unified School District (LAUSD), relating to a school construction project undertaken by LAUSD. The Court of Appeal held that the city was a person within the meaning of the California Public Records Act [Gov. Code §§ 6252(c), 6253]. The Court of Appeal also held that the city attorney was a person within the meaning of the California Public Records Act [Gov. Code § 6252(c)] and as an elected official had the right to request these records under the California Public Records Act [Gov. Code § 6252.5]. See *Ch. 470C, Public Records Act*, § 470C.11[3].

Public Records—Salaries. This chapter is updated with *International Federation of Professional and Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal. 4th 319, which salary information for specific public employees of the City of Oakland earning \$100,000 or more per year was a disclosable “public record” within the meaning of the California Public Records Act [Gov. Code §§ 6252(d), 6253(a)]. The Court held that the salary information was not exempt from disclosure under the personnel and medical records exemption [Gov. Code § 6254(c)] because disclosure of this information did not constitute an unwarranted invasion of personal privacy. See *Ch. 470C, Public Records Act*, §§ 470C.13[4], 470C.14[9].

Investigations—Subpoenas. This chapter is updated with *City of Santa Cruz v. Patel* (2007) 155 Cal. App. 4th 234, which upheld the enforcement of a subpoena duces tecum authorized by the City of

Santa Cruz under the statutory authority of Gov. Code § 37104 for the purposes of conducting a tax compliance audit of a hotel operator's records to determine compliance with a city-imposed transient occupancy tax that must be collected from guests by the hotel and then remitted to the city. The court also held that the superior court orders compelling compliance with the subpoena duces tecum issued under the statutory authority of Gov. Code § 37104 are final judgments that are appealable under Code Civ. Proc. § 904.1. See *Ch. 471, Investigations by Public Agencies*, §§ 471.30[1], [4], 471.31[3], 471.32[2].

Adjudication—Hearings. This chapter is updated with *Corrales v. Bradstreet* (2007) 153 Cal. App. 4th 33, which holds Lab. Code § 98 hearings conducted by the Labor commissioner are not subject to the provisions of Chapter 4.5 of the California Administrative Procedures Act because those hearings are discretionary and not required by Section 98. Chapter 4.5 applies to agency decisions in which a hearing is required by statute or constitutional provision, and it does not apply when a hearing is not required by statute [Gov. Code § 11410.10]. The court also held that an evidentiary hearing is not required by the constitution (due process of law) because an employer has the right to obtain a trial de novo in the superior court following an adverse decision from a Section 98 hearing. See *Ch. 473, Public Agency Adjudication*, §§ 473.15[1][b], 473.27.

Adjudication—Ex Parte Communications. This chapter is updated with *Rondon v. Alcoholic Beverage Control Appeals Board* (2007) 151 Cal. App. 4th 1274, which holds the Department of Alcoholic Beverage Control violated provisions of the California Administrative Procedures Act [Gov. Code § 11430.10] because the Department allowed its decision makers to

have access to prosecuting attorneys reports of hearings prior to the time the decision maker decided whether or not to adopt the proposed decision of the administrative law judge. These hearing reports were not part of the administrative record in the case, and allowing the decision maker access to the reports resulted in extra-record information being considered by the decision maker, in violation of the administrative law principle that the agency record provides the exclusive basis for the decision. See *Ch. 473, Public Agency Adjudication*, § 473.28[1].

Adjudication—Exclusionary Rule. This chapter is updated with *Park v. Valverde* (2007) 152 Cal. App. 4th 877, where the court refused to apply the exclusionary rule to exclude evidence that a driver was driving while intoxicated in a DMV administrative hearing. Any additional deterrent value (detering police misconduct) of applying the rule to DMV proceedings was offset by the danger to both the motorist and the public from drunk driving, given the DMV's primary responsibility to protect the public from drunk drivers by getting those drivers off the roads. See *Ch. 473F, Agency Adjudication Hearings*, § 473F.34[2][a].

Adjudication—Exclusionary Rule. This chapter is updated with *Tennison v. California Victim Compensation and Government Claims Board* (2007) 152 Cal. App. 4th 1164, which holds collateral estoppel did not apply in a proceeding (application for compensation benefits) before the victim compensation and government claims board under Penal Code § 4900 to give preclusive effect to a determination of factual innocence made in a judicial proceeding under Penal Code § 851.8. Even though the issues were the same, and even though there was a privity relationship between the district attorney in the Penal

Code § 851.8 proceeding, and the attorney general in the Penal Code § 4900 claims board proceedings, the factual innocence issue was not actually litigated in the Penal Code § 851.8 proceeding because there was a stipulation as to that issue. See *Ch. 473F, Agency Adjudication Hearings, § 473F.41[3]*.

Judicial Review—Equitable Excuse. This chapter is updated with *Holland v. Union Pacific Railroad Company* (2007) 154 Cal. App. 4th 940, which holds that an employee's discrimination lawsuit against the employer was not barred by failure to exhaust administrative remedies because the court recognized that the employees' failure to file a timely complaint with the Department of Fair Employment and Housing was equitably excused. Circumstance justifying equitable excuse included facts that the employee relied on the DFEH representative's assurances that he would meet the required deadline, the employee was diligent in pursuing the administrative complaint, the employee raised the timeliness issue with the DFEH, and he was only slightly late in filing the agency complaint. See *Ch. 474A, Timing of Judicial Review of Agency Decisions, § 474A.11[3][a]*.

Judicial Review—Substantial Evidence Test. This chapter is updated with *Chrisman v. City of Los Angeles* (2007) 155 Cal. App. 4th 29, where the court reversed and remanded the denial of a petition for a writ of mandate brought by a police officer terminated by the Los Angeles Police Department for on the job misuse of police department computers. The officer sought reinstatement. The Court of Appeal concluded that it was an abuse of discretion (specifically, a misapprehension of the law) for the police department to base termination in part on misconduct of the police officer that occurred more than two years before the department filed an administra-

tive complaint against the officer. The court of Appeal remanded the matter to the police department to reconsider the appropriate punishment for misconduct within the two year time period. See *Ch. 474B, Standards in Reviewing Agency Decisions, § 474B.16[4]*.

REAL ESTATE

Real Property Transfer Disclosures—Private Transfer-Fee Requirement. If property being transferred after 2007 is subject to a private transfer fee, the transferor must provide, at the time the transfer disclosure statement required pursuant to Civ. Code § 1102.6 is provided, an additional disclosure statement [Civ. Code § 1102.6e]. In addition, the recipient of any such fee imposed before 2008, or the person or entity imposing any such fee after 2007, must record a document in which pertinent facts about the fee-payment requirement are disclosed [Civ. Code § 1098.5]. See *Ch. 103, Brokers, § 103.31[14][e]*.

Condominium Conversions. Gov. Code § 66427.1 has been amended to improve the process for giving tenants notice that the rental property in which they are tenants is to be converted to condominiums and giving them a right of first refusal to purchase their units [Stats. 2007, ch. 612]. The former notice provisions have been replaced by provisions that separate all of the notice requirements into individual subsections and clarify what the various notices are to contain and when they are to be sent. For coverage of the notice requirements, see *Ch. 124, Condominiums and Other Common Interest Developments, § 124.19*.

SANCTIONS

Dismissal as Sanction—No Abuse of Discretion to Dismiss Complaint Based on Plaintiff's Egregious Conduct. In

Stephen Slesinger, Inc. v. Walt Disney Co. (2007) 155 Cal. App. 4th 736, the trial court did not abuse its inherent discretion in dismissing plaintiff's complaint as a terminating sanction for deliberate and egregious misconduct. Plaintiff employed an investigator who improperly entered areas of defendant's properties not accessible to the public and trespassed onto a document destruction firm's secure facility and, at those locations, improperly took documents defendant had not abandoned. Plaintiff knew of the investigator's illegal conduct, or at least acted with deliberate indifference to whether his conduct was legal. Plaintiff also altered stolen documents with the intent to mislead to create a false impression documents were not confidential or that defendant had created confidential and nonconfidential sets of documents. Lesser sanctions were inadequate to ensure fair trial. See **Ch. 510, Sanctions.**

SCHOOLS

Dismissal of Action Based on Conflicts Over Student's IEP for Failure to Exhaust Administrative Remedies. In *Kutasi v. Las Virgenes Unified Sch. Dist.* (9th Cir. 2007) 494 F.3d 1162, an action by parents and an autistic student brought under 42 U.S.C. § 1983 and § 504 of the Rehabilitation Act of 1973, based on conflicts between the plaintiffs and the school district over the student's IEP, was properly dismissed for failure to exhaust administrative remedies. Plaintiffs alleged injuries could be redressed to some degree by the IDEA's administrative procedures and remedies. See **Ch. 513, Schools: Student Rights and Responsibilities.**

SETTLEMENT AND RELEASE

Judicial Council Form for Section 998 Offer to Compromise. The Judicial Council has promulgated a form for optional use by a single plaintiff in an action for money

damages involving a single defendant to make an offer to compromise under Code Civ. Proc. § 998. The form also contains a form by acceptance by the defendant. See **Ch. 520, Settlement & Release.**

TORTS AND INSURANCE

Tort Claims Act Compliance Required for Sexual Abuse Actions Against Non-Abusing Entities Under 2003 Revival Period. In *Shirk v. Vista Unified School Dist.* (2007) 42 Cal. 4th 201, the California Supreme Court held that a plaintiff seeking to take advantage of the 2003 statute of limitations revival period in a childhood sexual abuse action against a negligent public entity must have complied with the claims presentation requirement of the California Tort Claims Act at the time the cause of action initially accrued. See **Ch. 5, Abuse of Minors and Elderly, § 5.13.**

Standard of Review of Protective Order Issued Under Elder Abuse Statute Clarified. In *Bookout v. Nielsen* (2007) 155 Cal. App. 4th 1131, the court of appeal held that a trial court's issuance of a protective order under Welf. & Inst. Code § 15657.03 may be reviewed for abuse of discretion, and the factual findings necessary to support a protective order need only be supported by a preponderance of the evidence and are reviewed under the substantial evidence test. See **Ch. 5, Abuse of Minors and Elderly, § 5.74[2].**

Tolling of Limitations Period for Continued Representation in Attorney Malpractice Action Ends if Client No Longer Represented by Attorney Still With Firm. In *Beal Bank, SSB v. Arter & Hadden, LLP* (2007) 42 Cal. 4th 503, the California Supreme Court held that if an attorney leaves a law firm and takes the representation of a particular client with him or her, the statute of limitations does not continue to toll under the continued

representation exception on a malpractice action that the client may have against the attorney's former law firm or any of the other attorneys in that firm. See *Ch. 76, Attorney Professional Liability, § 76.170[2][c]*.

Medi-Cal Lien Statutes Amended. Under amended Welf. & Inst. Code § 14124.76, when a Medi-Cal lien has been filed in a suit, all reasonable efforts are to be made to support Medi-Cal's advance agreement as to what portion of a settlement, judgment, or award represents payment for medical expenses; however, absent such advance agreement, the matter must be submitted to the court for decision. Amended Welf. & Inst. Code § 14124.78 and new Welf. & Inst. Code § 14124.785 also place certain limits on the amount that may be recovered under a Medi-Cal lien. See *Ch. 177, Damages, § 177.54[1]*.

Federal Instrumentality Such as Federal Credit Union Not Generally Immune From Punitive Damages. In *McGee v. Tucoemas Federal Credit Union* (2007) 153 Cal. App. 4th 1351, the court of appeal held that a federal instrumentality, such as a federal credit union, is not generally entitled to immunity from punitive damages merely by virtue of its status as a federal instrumentality, noting that if Congress has provided that the instrumentality may sue and be sued, immunity from punitive damages is generally deemed to have been waived as an incident of suit. See *Ch. 177, Damages, § 177.51[9]*.

Court Reduction in Compensatory Damages Does Not Mandate Corresponding Reduction in Punitive Damages. In *McGee v. Tucoemas Federal Credit Union* (2007) 153 Cal. App. 4th 1351, the court of appeal held that a reduction in compensatory damages will not necessarily mandate a corresponding re-

duction in punitive damages, and a trial court may issue a remittitur as to compensatory damages, but refuse to grant a reduction in punitive damages, so long as the punitive damage award still bears a reasonable relation to the reduced compensatory damage award and the award is not otherwise excessive. See *Ch. 177, Damages, § 177.51[15]*.

Omitted Heir Named But Not Served in Wrongful Death Action May Maintain Subsequent Action. In *Romero v. Pacific Gas & Elec. Co.* (2007) 156 Cal. App. 4th 211, the court of appeal held that if an actual plaintiff to a wrongful death action joins a potential plaintiff as a nominal defendant, but fails to serve that nominal party with a summons and complaint, that nominal defendant is not a party to the action and he or she is not barred from bringing a separate wrongful death action if the initial action is settled. The court also held that the actual defendant has the burden of determining whether an heir has been served. See *Ch. 181, Death and Survival Actions, § 181.12[8]*.

Wrongful Death Action Not Barred by Failure to Bring Decedent's Original Action to Trial Within Five Years. In *Brumley v. FDCC California, Inc.* (2007) 156 Cal. App. 4th 312, the court of appeal held that wrongful death and loss of consortium claims did not relate back to personal injury claims brought by a decedent before his or her death, and therefore the five-year time limit for bringing a case to trial applicable to the original personal injury action did not apply to the subsequent wrongful death and loss of consortium claims. See *Ch. 181, Death and Survival Actions, § 181.23[1]*.

Reliance on Falsity of Advertising When Purchasing Product in Order to Sue Does Not Constitute Justifiable Reliance. In *Buckland v. Threshold Enter-*

prises, Ltd. (2007) 155 Cal. App. 4th 798, the court of appeal held that a consumer who purchases a product with the belief that the manufacturer has falsely represented the product in its advertising cannot show actual reliance to support a fraudulent misrepresentation action. See **Ch. 269, Fraud and Deceit, § 269.16[2]**.

Primary Assumption of Risk Applied to Errant Golf Shot. In *Shin v. Ahn* (2007) 42 Cal. 4th 482, the California Supreme Court held that a golfer who injures another golfer with an errant golf shot may defend against liability on the basis of the primary assumption of risk doctrine, so long as the defendant golfer did not intend to injure the other golfer or engage in conduct so reckless as to be totally outside the range of ordinary activity involved in the sport. While a golfer cannot just ignore other players when making a shot, once having checked to see if others are reasonably likely to be struck and having concluded that it is safe to hit, a golfer who then concentrates on the ball in order to make the shot is not required to break his or her concentration in order to check the field again. In addition, the violation of a golfing rule of etiquette by the defendant does not in and of itself establish a basis for liability. See **Ch. 273, Games, Sports, and Athletics, § 273.30[7][a]**; **Ch. 380, Negligence, § 380.172[4][a][vii]**.

Damages Offset for Settlement Requires Actual Payment to Plaintiff of Settlement Amounts. In *Garcia v. Duro Dyne Corp.* (2007) 156 Cal. App. 4th 92, the court of appeal held that when calculating the amount of a damages offset at trial when some defendants have entered into pretrial settlements, an offset credit may be applied only for settlement money actually paid to plaintiff by settling defendants and should not be applied for settlement amounts plaintiff has not yet received and

may never receive. However, under those circumstances, the trial court should reserve jurisdiction to calculate and award offsets in the event that plaintiff is paid additional settlement amounts in the future. The court of appeal also held that an offset credit may be applied for waiver of litigation costs by settling defendants even if it is undisputed that those settling defendants would have prevailed had they proceeded to trial. See **Ch. 300, Indemnity and Contribution, § 300.73[3][a], [b]**.

Damage Allocation When Determining Good Faith of Settlement May Be Altered Upon Proof at Trial. In *El Escorial Owners' Assn. v. DLC Plastering, Inc.* (2007) 154 Cal. App. 4th 1337, the court of appeal held that in a complex multiparty case, a trial court may make an initial allocation between types of damages when making the determination that a pretrial settlement is made in good faith, although if the evidence produced at trial against non-settling defendants shows that the defendants should not be held liable for one claimed category of damage, settlement amounts initially allocated to compensate for that type of damage may be allocated by the trial court to other categories of damage. See **Ch. 300, Indemnity and Contribution, § 300.73[3][c]**.

Insurer's Denial of Underinsured Motorist Benefits Based Upon Insufficient Investigation of Insured's Alleged Injuries Raises Triable Issue of Fact With Regard to Bad Faith Claim. In *Wilson v. 21st Century Ins. Co.* (2007) 42 Cal. 4th 713, a first-party insurance bad faith case, the California Supreme Court reversed summary judgment in favor of an insurer that failed to pay underinsured motorist benefits to its insured, because it failed to investigate properly the insured's claim of injuries resulting from an automobile accident, and it asserted without supporting

evidence that the insured's condition consisted of "soft tissue" injuries related to a preexisting condition. See *Ch. 88A, Automobiles: Uninsured Motorist Claims*, § 88A.25[1]; *Ch. 308, Insurance*, § 308.24[1].

Bad Faith Brandt Fees Are Recoverable on Appeal. In *Baron v. Fire Ins. Exchange* (2007) 154 Cal. App. 4th 1184, the court of appeal held that *Brandt* attorneys' fees incurred in responding to an appeal brought by the insurer in a bad faith action are recoverable, just as attorneys' fees the insurer incurs in bringing the action at the trial court level are recoverable. See *Ch. 308, Insurance*, § 308.24[6].

First-Degree Murder Conviction Meets Burden of Proof Under Prob. Code § 254(b). In *Principal Life Ins. Co. v. Peterson* (2007) 156 Cal. App. 4th 676, an appellate court held that the burden of proof under Prob. Code §§ 254(b) that a life insurance beneficiary feloniously and intentionally killed the decedent is met by evidence of a criminal conviction for the decedent's first-degree murder although the conviction is on appeal, when there is no rebuttal evidence that the beneficiary did not commit that act. See *Ch. 308, Insurance*, § 308.45.

Alleged Victim of Child Abuse Cannot Be Held Liable Under Penal Code § 11172 for Making False Report. In *Chabak v. Monroy* (2007) 154 Cal. App. 4th 1502, the court of appeal held that an alleged victim of child abuse cannot be held liable under Penal Code § 11172(a) for making a false report of the abuse to police, and the litigation privilege of Civ. Code § 47(b) otherwise immunizes the alleged victim from liability for making statements about the alleged abuse to parents or others in anticipation of litigation. See *Ch. 340, Libel and Slander*, § 340.73[2].

Delaying Service of Process in One Lawsuit to Achieve Larger Settlement in Another Lawsuit Against Same Defendant Can Constitute Abuse of Process. In *Booker v. Rountree* (2007) 155 Cal. App. 4th 1366, the court of appeal held that delaying service of process in one lawsuit with knowledge that another identical complaint has already been filed and served by a different plaintiff, with the ulterior motive of obtaining a larger settlement than would be obtained had defendant known of the second claim when settling the first, can support a finding of abuse of process, and such conduct is not protected by the litigation privilege. See *Ch. 357, Malicious Prosecution and Abuse of Process*, §§ 357.52, 357.56[1].

To Recover for Emotional Distress as Bystander, Contemporaneous Awareness of Injury Requires More Than Belief That Injury Was More Likely Than Not. In *Ra v. Superior Court* (2007) 154 Cal. App. 4th 142, the court of appeal held that a wife was not entitled to recover for negligent infliction of emotional distress as a bystander when she heard a loud crash emanating from a nearby area of a store and believed more likely than not that her husband had been injured, but she did not otherwise observe or contemporaneously perceive an injury to her husband as it actually occurred. See *Ch. 362, Mental Suffering and Emotional Distress*, § 362.11[6][c][iv].

Residential Substance Abuse Treatment Facility Owed No Duty to Neighborhood Residents for Harm Caused by Escapees. In *Rice v. Center Point, Inc.* (2007) 154 Cal. App. 4th 949, the court of appeal held that a residential substance abuse treatment facility housing inmates from the Department of Corrections owes no legal duty to neighborhood residents who are injured by escaped inmates, even if

the treatment facility is negligent in allowing inmates to escape with a kitchen knife stolen from the facility. See *Ch. 380, Negligence*, § 380.32[3][b][i].

Duty to Students of Adult Education Classes Similar to Duty Owed to College Students. In *Patterson v. Sacramento City Unified School Dist.* (2007) 155 Cal. App. 4th 821, the court of appeal held that the same considerations that apply when determining the duty owed by colleges to their students should apply to school districts that offer adult education classes. See *Ch. 380, Negligence*, § 380.32[3][c][vi].

Medical Students and Other Medical Professionals Exempt From Licensing Are Health Care Providers Under MICRA. In *Chosak v. Alameda County Medical Center* (2007) 153 Cal. App. 4th 549, the court of appeal held that medical students and other medical professionals who are authorized to practice in California, but who are specifically exempt from license or certificate requirements, are considered health care providers subject to MICRA. See *Ch. 415, Physicians: Medical Malpractice*, § 415.10.

Premises Liability Plaintiff Must Plead and Prove Lack of Triviality of Premises Defect. In *Kasparian v. AvalonBay Communities, Inc.* (2007) 156 Cal. App. 4th 11, the court of appeal held that lack of triviality of a premises defect is an element of a premises liability cause of action to be pleaded and proved by the plaintiff. See *Ch. 421, Premises Liability*, § 421.14[3].

Landlord Generally Owes No Duty to Tenants Not to Rent to Suspected Gang Members. In *Castaneda v. Olsher* (2007) 41 Cal. 4th 1205, the California Supreme Court held that absent circumstances showing extraordinary foreseeability, a landlord owes no duty to existing tenants not to rent to suspected gang members, nor to screen

the criminal records of suspected gang members before renting, although once having rented, a landlord may have a duty to evict if a threat of violence is highly foreseeable. See *Ch. 421, Premises Liability*, § 421.15[2][c].

Rules for Transfer of Publicity Rights for Deceased Personalities Amended. Civ. Code § 3344.1 has been amended to alter the rules governing the vesting and transfer of the right to enforce the right of publicity of a deceased personality. See *Ch. 429, Privacy*, § 429.36[8].

Statute Specifies Psychotherapist's Right to Disclose Medical Information to Prevent Harm to Identifiable Victim. Civ. Code § 56.10 has been amended to specify the circumstances under which a psychotherapist may disclose medical information when the psychotherapist believes disclosure is necessary to prevent a serious and imminent threat to a reasonably foreseeable victim. See *Ch. 429, Privacy*, § 429.200[5].

Disclosure of Medical Information of Minors Under County Control Authorized for Medical Treatment Coordination. New Civ. Code § 56.103 provides that a health care provider may disclose medical information to a county social worker, a probation officer, or any other person legally authorized to have custody or care of a minor for the purpose of coordinating the health care services and medical treatment provided to the minor, if the minor has been taken into temporary custody, is the subject of a court petition, or has been adjudged to be a dependent child or ward of the juvenile court. See *Ch. 429, Privacy*, § 429.200[5].

New Notice Requirements Prior to Testing for HIV. Health & Safety Code § 120990 has been amended to alter the requirements for obtaining informed consent prior to testing for HIV. See *Ch. 429,*

Privacy, § 429.256[1], [3].

Multiple Actions Taken in Furtherance of One Common Plan of Appropriation Limited to One Payment of Statutory Penalty. In *Miller v. Collectors Universe, Inc.* (2007) 154 Cal. App. 4th 1047, the court of appeal held that 14,060 separate certificates of authenticity issued to customers over several months by a celebrity autograph authentication business using the plaintiff's name without consent gave rise to only a single cause of action for appropriation under Civ. Code § 3344 and supported only a single payment of \$750 for statutory damages, as these acts were taken with a common purpose and as part of a common plan. See *Ch. 429, Privacy*, § 429.474[4].

County Not Liable for Death Caused When Wife Murdered Husband With Drugs Stolen From County. In *de Villers v. County of San Diego* (2007) 156 Cal. App. 4th 238, the court of appeal, in determining that a county could not be held liable for a murder committed by an employee with drugs stolen from the medical examiners office, held that a public entity cannot be held liable under general tort principles for alleged negligence in hiring and supervising its employees, as there is no statutory basis for imposing such liability. The court also held that regulatory language in 21 C.F.R. § 1301.71 requiring licensed labs to "guard against" the theft of drugs with "effective controls and procedures" did not impose a mandatory duty on a licensed county facility to take any particular steps, thereby precluding liability for failing to perform a mandatory duty. See *Ch. 464, Public Entities and Officers: California Tort Claims Act*, § 464.61[1], [4].

Prisoner-Release Immunity Does Not Extend to Ministerial Act. In *Perez-*

Torres v. State of California (2007) 42 Cal. 4th 136, the California Supreme Court held that ministerial acts undertaken in the performance of correctional policy decisions are not covered by the prisoner-release immunity of Gov. Code § 845.8(a), and while the State's decision to revoke a prisoner's parole, even if based on erroneous information about the person's identity, is a policy decision covered by immunity, the failure of State personnel to release the prisoner after they knew or should have known that they were detaining the wrong person is a ministerial act not protected by immunity. See *Ch. 464, Public Entities and Officers: California Tort Claims Act*, § 464.103[6].

Violation of General Guideline Insufficient to Impose Liability on Public Entity Under Gov. Code § 855. In *Lockhart v. County of Los Angeles* (2007) 155 Cal. App. 4th 289, the court of appeal held that if a plaintiff seeks to impose public entity liability under Gov. Code § 855 for violation of a regulation prescribing minimum standards for public or mental health equipment, personnel, or facilities, that regulation must have been promulgated by one of the four state departments specified by Gov. Code § 855, and regardless of whether liability is predicated on a statute or regulation, the relevant statute or regulation must prescribe a specific minimum standard that has been violated, rather than merely provide general guidelines. See *Ch. 464, Public Entities and Officers: California Tort Claims Act*, § 464.105[1][a].

Scope of Federal Preemption in Railroad Cases Clarified. Under amended 49 U.S.C.S. § 20106, a state law cause of action seeking damages for personal injury, death, or property damage is not preempted by federal law if the cause of action alleges that a party has (1) failed to comply with the federal standard of care established by a

regulation or order on railroad safety issued by the Secretary of Transportation, or a regulation or order on railroad security issued by the Secretary of Homeland Security, covering the subject matter as provided in 49 U.S.C.S. § 20106(a); (2) failed to comply with its own plan, rule, or standard created pursuant to a regulation or order issued by either of the federal Secretaries; or (3) failed to comply with a state law, regulation, or order that is not incompatible with 49 U.S.C.S. § 20106(a)(2). See **Ch. 485, Railroads, § 485.60A.**

Oil Extraction Wastewater Can Constitute Continuing Trespass. In *Starrh & Starrh Cotton Growers v. Aera Energy LLC* (2007) 153 Cal. App. 4th 583, the court of appeal held that wastewater produced through use of unlined percolation ponds during oil extraction can constitute a continuing trespass if it seeps into the groundwater of an adjacent landowner. See **Ch. 550, Trespass, § 550.17.**

Statutory Damages for Trespass Clarified. In *Starrh & Starrh Cotton Growers v. Aera Energy LLC* (2007) 153 Cal. App. 4th 583, the court of appeal held that restoration costs may be recovered under Civ. Code § 3334 for trespass only if restoration is possible and economically feasible in light of all the competing interests. The court also held that profits obtained by the trespasser by virtue of the decision to trespass may be recovered as a “benefit obtained” under Civ. Code § 3334, although the plaintiff must provide evidence specifically linking the profits to the decision to trespass. In *Bailey v. Outdoor Media Group* (2007) 155 Cal. App. 4th 778, the court of appeal held that if the defendant presents credible evidence of the expenses incurred, the trial court may offset those amounts against the gross income generated to determine gross profits. However, if the defendant does not present

evidence of appropriate expenses, the trial court may award damages based on gross revenue as the benefit obtained by the trespass. See **Ch. 550, Trespass, § 550.21[1].**

UNFAIR COMPETITION

Revenue From Product Sale May Be Recovered as Restitution Under Unfair Competition Statute. In *Shersher v. Superior Court* (2007) 154 Cal. App. 4th 1491, the court of appeal held that a plaintiff who purchases a product because of false or misleading advertisements or product packaging statements is entitled to recover the revenue obtained from the sale of the product from the product manufacturer as restitution under the unfair competition statute, Bus. & Prof. Code § 17200 et seq., even if the plaintiff purchased the product from a retailer rather than directly from the manufacturer. See **Ch. 565, Unfair Competition, § 565.34[2][a].**

Litigation Expenses Not “Injury in Fact” for Purposes of Standing to Sue Under Unfair Competition Statute. In *Buckland v. Threshold Enterprises, Ltd.* (2007) 155 Cal. App. 4th 798, the court of appeal held that a plaintiff may not effectively avoid the changes made to the unfair competition statute by Proposition 64 by claiming as “injury in fact” the expenses incurred in pursuing litigation against the defendant, nor may an individual consumer create the requisite injury by purchasing a defendant’s product if the purchase was made solely to facilitate a subsequent lawsuit. See **Ch. 565, Unfair Competition, § 565.35[1].**

No Interference With Contract Found. In *PM Group, Inc. v. Stewart* (2007) 154 Cal. App. 4th 55, the court of appeal held that neither a party to a contract nor agents of that party may be liable for interference with related subcontracts that would re-

quire the performance of the party to the primary contract. See *Ch. 565, Unfair Competition*, § 565.137[2][a].

WORKERS' COMPENSATION

Fair Employment and Housing Act—Discrimination—Burden of Proof. The California Supreme Court in *Green v. State of California* (2007) 42 Cal. 4th 254 has held that FEHA requires an employee to prove that he or she is a “qualified individual” when alleging discrimination on grounds of disability, meaning that a plaintiff’s burden of proving an actionable discrimination on the basis of disability includes proof that he or she has the ability to perform the essential duties of the position with reasonable accommodation. See *Ch. 577, Workers’ Compensation*, § 577.315[2][b][iii].

Attorney’s Fees—Effect of SB 899. The court of appeal in *Vierra v. Workers’ Comp. Appeals Bd.* (2007) 154 Cal. App. 4th 1142 has held that a written attorney’s fee agreement between an employee and his attorney was not binding to the extent that it purported to “draft around” Lab. Code § 4906 by depriving the Appeals Board of its statutory authority to fix attorney fees, making it in conflict with state law and unenforceable. See *Ch. 577, Workers’ Compensation*, § 577.41[3].

Permanent Disability—Retroactive Application of 2005 Permanent Disability Rating Schedule. The court of appeal in *Energetic Painting & Drywall, Inc. v. Workers’ Comp. Appeals Bd.* (Reyes Ramirez) (2007) 153 Cal. App. 4th 633 has held that an employer, who paid an injured employee temporary disability benefits through March 2005, was, following *Pendergrass v. Duggan Plumbing* (2007) 72 Cal. Comp. Cases 456 (Appeals Board en banc opinion), not required to provide the employee with Lab. Code § 4061 notice

until that date, that, therefore, no exception in Lab. Code § 4660(d) justified use of the 1997 Schedule for Rating Permanent Disabilities in rating the employee’s permanent disability, and that the 2005 Permanent Disability Rating Schedule was to be used instead. See *Ch. 577, Workers’ Compensation*, § 577.01.

Permanent Disability—Retroactive Application of 2005 Permanent Disability Rating Schedule. The court of appeal in *Vera v. Workers’ Comp. Appeals Bd.* (2007) 154 Cal. App. 4th 996 has held that a treating physician’s report dated April 26, 2004, which stated that the employee had the existence of permanent disability but that the employee had not reached permanent and stationary status, was not a pre-2005 treating physician report indicating the existence of permanent disability, because a disability is not ratable if it has not reached permanent and stationary status. See *Ch. 577, Workers’ Compensation*, § 577.01.

Guardian ad Litem—Conservator—Payment for Services. The court of appeal in *Hodgman v. Workers’ Comp. Appeals Bd.* (2007) 155 Cal. App. 4th 44 has held that the Appeals Board had no basis for restricting the compensation of a guardian ad litem and conservator of an incompetent injured worker to nonduplicative care and that the employer, not the estate of the injured worker, should bear the expense. See *Ch. 577, Workers’ Compensation*, § 577.81.

Workers’ Compensation Judges—Summary of Evidence. The court of appeal in *Sharareh v. W.C.A.B.* (2007) 156 Cal. App. 4th 189 has held that it was mandatory for a WCJ to provide a summary of the trial evidence under Lab. Code § 5313 and 8 Cal. Code Reg. § 10566 and that a failure to submit such a summary

mandated that the matter be returned to the WCJ to prepare and submit one. See *Ch. 577, Workers' Compensation, § 577.191[2]*.

Injury AOE/COE—Death Benefits.

The court of appeal in *City of Los Angeles v. Workers' Comp. Appeals Bd.* (2007) 157 Cal. App. 4th 78 has held that an employee's death was not the result of an industrial injury, when the court found that the decedent, an accountant with a CPA license, died from injuries received from a fall while attending a CPA convention in Atlantic City, New Jersey, when the employer did not require the decedent to have a CPA license, and traveling to attend the convention for CPA credit was not expressly or

impliedly authorized by the decedent's employment contract. See *Ch. 577, Workers' Compensation, § 577.24[1]*.

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Publication 181 Release 171

March 2008

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 - Package 1: Publication Update, filing instructions and white revision pages for Volumes 1 through 15.
 - Package 2: White revision pages for Volumes 16 through 33.
 - Package 3: White revision pages for Volumes 34 through 53.
- ☐ 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

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VOLUME 1

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	1-8.1 thru 1-8.7	1-8.1 thru 1-8.7
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VOLUME 2

Revision

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VOLUME 3

Revision

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<input type="checkbox"/>	22-7 thru 22-15	22-7 thru 22-15
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VOLUME 4

Revision

<input type="checkbox"/>	Title page thru ix	Title page thru xv
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<input type="checkbox"/>	38-33 thru 38-39	38-33 thru 38-39
<input type="checkbox"/>	38-93.	38-93

VOLUME 5

Revision

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VOLUME 6

Revision

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VOLUME 7

Revision

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<input type="checkbox"/>	76-217 thru 76-221	76-217 thru 76-221

VOLUME 8

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Revision

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<input type="checkbox"/>	88-38.1 thru 88-39	88-39 thru 88-40.1
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VOLUME 9

Revision

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<input type="checkbox"/>	98-9 thru 98-11	98-9 thru 98-11

VOLUME 10

Revision

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VOLUME 11

Revision

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VOLUME 12

Revision

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VOLUME 13

Revision

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<input type="checkbox"/>	140-171 thru 140-172.1	140-171 thru 140-172.1

VOLUME 14

Revision

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VOLUME 15

Revision

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VOLUME 16

Revision

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VOLUME 17

Revision

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<input type="checkbox"/>	205-27	205-27 thru 205-28.1
<input type="checkbox"/>	205-39 thru 205-46.1	205-39 thru 205-46.1
<input type="checkbox"/>	206-39 thru 206-45	206-39 thru 206-45
<input type="checkbox"/>	206-53	206-53
<input type="checkbox"/>	206-62.1 thru 206-65	206-63 thru 206-65
<input type="checkbox"/>	206-145 thru 206-149	206-145 thru 206-149
<input type="checkbox"/>	206-157	206-157
<input type="checkbox"/>	206-167	206-167
<input type="checkbox"/>	206-195	206-195
<input type="checkbox"/>	212-21	212-21 thru 212-22.1
<input type="checkbox"/>	212-113 thru 212-114.1	212-113 thru 212-114.1
<input type="checkbox"/>	212-133 thru 212-137	212-133 thru 212-138.1
<input type="checkbox"/>	214-13	214-13 thru 214-14.1

VOLUME 18

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
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Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
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VOLUME 19

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
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VOLUME 20

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	240-19 thru 240-27	240-19 thru 240-28.1
<input type="checkbox"/>	247-33	247-33
<input type="checkbox"/>	247-81 thru 247-87	247-81 thru 247-87
<input type="checkbox"/>	247-97	247-97
<input type="checkbox"/>	247-172.1 thru 247-173	247-173
<input type="checkbox"/>	247-279	247-279

VOLUME 21

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	248-55 thru 248-57	248-55 thru 248-57
<input type="checkbox"/>	249-123 thru 249-127	249-123 thru 249-127
<input type="checkbox"/>	249-141 thru 249-146.1	249-141 thru 249-145
<input type="checkbox"/>	250-3 thru 250-9	250-3 thru 250-7
<input type="checkbox"/>	250-16.1 thru 250-17	250-17 thru 250-18.1
<input type="checkbox"/>	250-42.1 thru 250-42.3	250-42.1 thru 250-42.5
<input type="checkbox"/>	253-67	253-67
<input type="checkbox"/>	254-41	254-41 thru 254-42.1
<input type="checkbox"/>	254-61 thru 254-64.1	254-61 thru 254-64.1
<input type="checkbox"/>	254-117 thru 254-119	254-117 thru 254-119
<input type="checkbox"/>	254-155	254-155 thru 254-156.1

VOLUME 22

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	264-3 thru 264-13	264-3 thru 264-13
<input type="checkbox"/>	264-23 thru 264-25	264-23 thru 264-25
<input type="checkbox"/>	266-43 thru 266-49	266-43 thru 266-50.1

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
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VOLUME 23

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	269-25 thru 269-28.1	269-25 thru 269-28.1
<input type="checkbox"/>	269-56.1 thru 269-63	269-57 thru 269-63
<input type="checkbox"/>	270-56.1 thru 270-57	270-57 thru 270-58.1
<input type="checkbox"/>	273-27	273-27 thru 273-28.1
<input type="checkbox"/>	273-43	273-43
<input type="checkbox"/>	274-19 thru 274-29	274-19 thru 274-29
<input type="checkbox"/>	276-87	276-87

VOLUME 24

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	280-11 thru 280-13	280-11 thru 280-13
<input type="checkbox"/>	280-23 thru 280-45	280-23 thru 280-43
<input type="checkbox"/>	280-59	280-59
<input type="checkbox"/>	280-73 thru 280-75	280-73 thru 280-76.1
<input type="checkbox"/>	280-91 thru 280-93	280-91 thru 280-93
<input type="checkbox"/>	281-1 thru 281-13	281-1 thru 281-13
<input type="checkbox"/>	281-21 thru 281-42.7	281-21 thru 281-42.5
<input type="checkbox"/>	281-78.11 thru 281-78.13	281-78.11 thru 281-78.13
<input type="checkbox"/>	281-93	281-93 thru 281-99
<input type="checkbox"/>	282-5 thru 282-23	282-5 thru 282-24.3
<input type="checkbox"/>	283-1 thru 283-15	283-1 thru 283-15
<input type="checkbox"/>	284-12.1 thru 284-14.1	284-13 thru 284-14.1
<input type="checkbox"/>	284-21	284-21
<input type="checkbox"/>	285-3 thru 285-16.1	285-3 thru 285-15
<input type="checkbox"/>	285-43	285-43 thru 285-44.5
<input type="checkbox"/>	286-3 thru 286-11	286-3 thru 286-11
<input type="checkbox"/>	286-27 thru 286-31	286-27 thru 286-32.7
<input type="checkbox"/>	287-17	287-17 thru 287-18.1
<input type="checkbox"/>	288-5 thru 288-11	288-5 thru 288-11
<input type="checkbox"/>	290A-13	290A-13 thru 290A-14.1
<input type="checkbox"/>	290E-1 thru 290E-45	290E-1 thru 290E-89
<input type="checkbox"/>	290F-1 thru 290F-15	290F-1 thru 290F-16.1
<input type="checkbox"/>	291-23 thru 291-37	291-23 thru 291-37

VOLUME 25

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
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Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	294-3 thru 294-7	294-3 thru 294-7
<input type="checkbox"/>	294-23	294-23 thru 294-24.1
<input type="checkbox"/>	294-35	294-35
<input type="checkbox"/>	295-27	295-27
<input type="checkbox"/>	295-40.1 thru 295-41	295-41
<input type="checkbox"/>	295-74.1 thru 295-75	295-75
<input type="checkbox"/>	295-141	295-141
<input type="checkbox"/>	300-53 thru 300-58.1	300-53 thru 300-58.1
<input type="checkbox"/>	300-76.1 thru 300-79	300-77 thru 300-80.1

VOLUME 26

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	303-59 thru 303-65	303-59 thru 303-65
<input type="checkbox"/>	304-130.1 thru 304-139	304-131 thru 304-139
<input type="checkbox"/>	308-63 thru 308-75	308-63 thru 308-76.1
<input type="checkbox"/>	308-117	308-117
<input type="checkbox"/>	308-129 thru 308-143	308-129 thru 308-143
<input type="checkbox"/>	308-165	308-165
<input type="checkbox"/>	308-176.1 thru 308-179	308-177 thru 308-179
<input type="checkbox"/>	308-189	308-189
<input type="checkbox"/>	308-207 thru 308-218.1	308-207 thru 308-217
<input type="checkbox"/>	308-241 thru 308-245	308-241 thru 308-246.1
<input type="checkbox"/>	308-255 thru 308-265	308-255 thru 308-265
<input type="checkbox"/>	308-285 thru 308-290.1	308-285 thru 308-289
<input type="checkbox"/>	308-302.1 thru 308-303	308-303
<input type="checkbox"/>	308-313 thru 308-314.1	308-313 thru 308-314.1
<input type="checkbox"/>	308-321 thru 308-323	308-321 thru 308-323
<input type="checkbox"/>	308-541 thru 308-543	308-541 thru 308-543

VOLUME 27

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	315-29	315-29 thru 315-30.1
<input type="checkbox"/>	316-63 thru 316-64.1	316-63 thru 316-64.1
<input type="checkbox"/>	317-7.	317-7
<input type="checkbox"/>	317-20.9 thru 317-21	317-21 thru 317-22.1
<input type="checkbox"/>	317-33	317-33
<input type="checkbox"/>	317-61	317-61
<input type="checkbox"/>	317-64.9 thru 317-64.11	317-64.9 thru 317-64.11

Check As Done	<u>Remove Old Pages Numbered</u>	<u>Insert New Pages Numbered</u>
<input type="checkbox"/>	317-76.1 thru 317-81	317-77 thru 317-81
<input type="checkbox"/>	317-88.7	317-88.7 thru 317-88.8(1)
<input type="checkbox"/>	317-88.35.	317-88.35
<input type="checkbox"/>	317-88.73.	317-88.73
<input type="checkbox"/>	317-88.83.	317-88.83
<input type="checkbox"/>	317-117	317-117
<input type="checkbox"/>	318-9 thru 318-15.	318-9 thru 318-16.1
<input type="checkbox"/>	318-31	318-31
<input type="checkbox"/>	318-53	318-53
<input type="checkbox"/>	318-65 thru 318-75	318-65 thru 318-75
<input type="checkbox"/>	318-107 thru 318-121	318-107 thru 318-122.1
<input type="checkbox"/>	318-155 thru 318-165	318-155 thru 318-165
<input type="checkbox"/>	318-221 thru 318-225	318-221 thru 318-225
<input type="checkbox"/>	321-25	321-25 thru 321-26.1
<input type="checkbox"/>	321-47	321-47 thru 321-48.1
<input type="checkbox"/>	321-55 thru 321-57	321-55 thru 321-58.1
<input type="checkbox"/>	322-37	322-37 thru 322-38.1
<input type="checkbox"/>	322-71 thru 322-79	322-71 thru 322-80.1

VOLUME 28

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	323-3 thru 323-6.1	323-3 thru 323-6.1
<input type="checkbox"/>	323-61 thru 323-68.1	323-61 thru 323-68.3
<input type="checkbox"/>	324-33 thru 324-36.3	324-33 thru 324-36.1
<input type="checkbox"/>	324-44.1 thru 324-63	324-45 thru 324-63
<input type="checkbox"/>	324-101	324-101
<input type="checkbox"/>	324-113	324-113
<input type="checkbox"/>	326A-12.1 thru 326A-15.	326A-13 thru 326A-16.1

VOLUME 29

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xiii
<input type="checkbox"/>	332-19 thru 332-21	332-19 thru 332-21
<input type="checkbox"/>	332-57	332-57
<input type="checkbox"/>	333-27 thru 333-35	333-27 thru 333-35
<input type="checkbox"/>	333-107 thru 333-109	333-107 thru 333-109
<input type="checkbox"/>	333-159	333-159
<input type="checkbox"/>	334-36.1	334-36.1
<input type="checkbox"/>	335-11	335-11 thru 335-12.1

Check
As
Done

Remove Old
Pages Numbered

Insert New
Pages Numbered

VOLUME 30

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	340-63 thru 340-68.1	340-63 thru 340-68.1
<input type="checkbox"/>	340-78.1	340-78.1 thru 340-78.3
<input type="checkbox"/>	340-111 thru 340-114.1	340-111 thru 340-114.1
<input type="checkbox"/>	340-131 thru 340-132.1	340-131 thru 340-132.1
<input type="checkbox"/>	340-147 thru 340-148.1	340-147 thru 340-148.1
<input type="checkbox"/>	344-31	344-31
<input type="checkbox"/>	345-39 thru 345-40.1	345-39 thru 345-40.1
<input type="checkbox"/>	345-68.1 thru 345-76.1	345-69 thru 345-76.1
<input type="checkbox"/>	345-111	345-111
<input type="checkbox"/>	345-138.5 thru 345-138.7	345-138.5 thru 345-138.7
<input type="checkbox"/>	345-157	345-157
<input type="checkbox"/>	345-181	345-181
<input type="checkbox"/>	345APP-10.1 thru 345APP-11	345APP-11 thru 345APP-12.1
<input type="checkbox"/>	345A-51	345A-51

VOLUME 31

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	348-37 thru 348-39	348-37 thru 348-39
<input type="checkbox"/>	350-17	350-17 thru 350-18.1
<input type="checkbox"/>	351-27	351-27
<input type="checkbox"/>	351-95 thru 351-97	351-95 thru 351-98.1
<input type="checkbox"/>	356-33 thru 356-35	356-33 thru 356-35
<input type="checkbox"/>	357-51 thru 357-58.1	357-51 thru 357-57
<input type="checkbox"/>	358-29	358-29
<input type="checkbox"/>	358-41 thru 358-42.1	358-41
<input type="checkbox"/>	358-51 thru 358-56.1	358-51 thru 358-55
<input type="checkbox"/>	358-65 thru 358-69	358-65 thru 358-67
<input type="checkbox"/>	358-79	358-79
<input type="checkbox"/>	358-98.1 thru 358-99	358-99 thru 358-100.1
<input type="checkbox"/>	358-115 thru 358-121	358-115 thru 358-121
<input type="checkbox"/>	358-133 thru 358-135	358-133 thru 358-135
<input type="checkbox"/>	358-149 thru 358-151	358-149 thru 358-151
<input type="checkbox"/>	358-171	358-171

VOLUME 32

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
<u>Revision</u>		
<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	361-109 thru 361-110.1	361-109
<input type="checkbox"/>	361-125 thru 361-127	361-125 thru 361-127
<input type="checkbox"/>	362-24.1 thru 362-27	362-25 thru 362-27
<input type="checkbox"/>	362-51 thru 362-52.1	362-51
<input type="checkbox"/>	367-3 thru 367-7	367-3 thru 367-7
<input type="checkbox"/>	369-1 thru 369-5	369-1 thru 369-6.1
<input type="checkbox"/>	369-15 thru 369-42.1	369-15 thru 369-42.1
<input type="checkbox"/>	369-57 thru 369-81	369-57 thru 369-82.1
<input type="checkbox"/>	369-109	369-109 thru 369-110.1
<input type="checkbox"/>	369-135	369-135
<input type="checkbox"/>	369-159 thru 369-165	369-159 thru 369-165

VOLUME 33

<u>Revision</u>		
<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	371-97	371-97
<input type="checkbox"/>	371-110.1 thru 371-115	371-111 thru 371-115
<input type="checkbox"/>	371-153 thru 371-154.1	371-153
<input type="checkbox"/>	372-3 thru 372-7	372-3 thru 372-7
<input type="checkbox"/>	372-15 thru 372-45	372-15 thru 372-43
<input type="checkbox"/>	372-57 thru 372-101.	372-57 thru 372-97
<input type="checkbox"/>	374-11	374-11 thru 374-12.1
<input type="checkbox"/>	374-19 thru 374-21	374-19 thru 374-21
<input type="checkbox"/>	376-9.	376-9 thru 376-10.1
<input type="checkbox"/>	376-31	376-31 thru 376-32.1
<input type="checkbox"/>	376-43 thru 376-49	376-43 thru 376-50.1
<input type="checkbox"/>	377-1.	377-1
<input type="checkbox"/>	377-11 thru 377-35	377-11 thru 377-33
<input type="checkbox"/>	380-44.1 thru 380-51	380-45 thru 380-51
<input type="checkbox"/>	380-123 thru 380-134.3	380-123 thru 380-134.1
<input type="checkbox"/>	380-173	380-173
<input type="checkbox"/>	380-183 thru 380-187	380-183 thru 380-187
<input type="checkbox"/>	385-161 thru 385-173	385-161 thru 385-173

VOLUME 34

<u>Revision</u>		
<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	390-3 thru 390-49	390-3 thru 390-45
<input type="checkbox"/>	393-75 thru 393-76.1	393-75 thru 393-76.1
<input type="checkbox"/>	395-22.1 thru 395-23	395-23 thru 395-24.1

Check
As
Done

Remove Old
Pages Numbered

Insert New
Pages Numbered

VOLUME 35

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	397-105 thru 397-107	397-105 thru 397-107
<input type="checkbox"/>	411-65	411-65

VOLUME 36

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	415-15 thru 415-16.1	415-15
<input type="checkbox"/>	415-39	415-39
<input type="checkbox"/>	417-7.	417-7
<input type="checkbox"/>	417-17 thru 417-21	417-17 thru 417-21
<input type="checkbox"/>	417-31 thru 417-37	417-31 thru 417-38.1
<input type="checkbox"/>	418-37 thru 418-42.1	418-37 thru 418-42.1
<input type="checkbox"/>	418-64.1 thru 418-66.1	418-65 thru 418-66.1
<input type="checkbox"/>	421-27 thru 421-38.3	421-27 thru 421-38.1

VOLUME 37

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
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<input type="checkbox"/>	425-65	425-65
<input type="checkbox"/>	425-75 thru 425-79	425-75 thru 425-79
<input type="checkbox"/>	425-87 thru 425-94.1	425-87 thru 425-93
<input type="checkbox"/>	425-107	425-107
<input type="checkbox"/>	425-151 thru 425-153	425-151 thru 425-153
<input type="checkbox"/>	429-75 thru 429-78.1	429-75 thru 429-78.1
<input type="checkbox"/>	429-99	429-99
<input type="checkbox"/>	429-121 thru 429-128.1	429-121 thru 429-128.1
<input type="checkbox"/>	429-140.1 thru 429-145	429-141 thru 429-145
<input type="checkbox"/>	429-153 thru 429-171	429-153 thru 429-172.1
<input type="checkbox"/>	429-261	429-261
<input type="checkbox"/>	429-313	429-313

VOLUME 38

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
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Check As Done	<i>Remove Old Pages Numbered</i>	<i>Insert New Pages Numbered</i>
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VOLUME 39

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
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VOLUME 40

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	464-72.1 thru 464-79	464-73 thru 464-79
<input type="checkbox"/>	464-88.1 thru 464-98.1	464-89 thru 464-97
<input type="checkbox"/>	464-115 thru 464-122.1	464-115 thru 464-121
<input type="checkbox"/>	464-154.1 thru 464-159	464-155 thru 464-160.1
<input type="checkbox"/>	464-167 thru 464-175	464-167 thru 464-175
<input type="checkbox"/>	464-196.1 thru 464-197	464-197
<input type="checkbox"/>	464-211 thru 464-212.1	464-211
<input type="checkbox"/>	465-13 thru 465-23	465-13 thru 465-24.1
<input type="checkbox"/>	465-35 thru 465-36.1	465-35 thru 465-36.1
<input type="checkbox"/>	468-11 thru 468-14.1	468-11 thru 468-14.1
<input type="checkbox"/>	468-23 thru 468-25	468-23 thru 468-25

VOLUME 41

Revision

<input type="checkbox"/>	Title page thru ix	Title page thru xi
<input type="checkbox"/>	470-43 thru 470-44.1	470-43 thru 470-44.1
<input type="checkbox"/>	470-61 thru 470-62.1	470-61 thru 470-62.1
<input type="checkbox"/>	470A-23 thru 470A-24.5	470A-23 thru 470A-24.5
<input type="checkbox"/>	470A-46.1 thru 470A-46.3	470A-46.1 thru 470A-46.3
<input type="checkbox"/>	470C-15 thru 470C-17	470C-15 thru 470C-18.1
<input type="checkbox"/>	470C-29 thru 470C-34.3	470C-29 thru 470C-34.5
<input type="checkbox"/>	470C-53 thru 470C-66.9	470C-53 thru 470C-66.7
<input type="checkbox"/>	471-39 thru 471-54.1	471-39 thru 471-54.3
<input type="checkbox"/>	472-16.4(1) thru 472-16.11	472-16.4(1) thru 472-16.4(5)
<input type="checkbox"/>	472-31 thru 472-32.3	472-31 thru 472-32.3

VOLUME 41A

Revision

<input type="checkbox"/>	Title page thru ix	Title page thru xi
<input type="checkbox"/>	473-21 thru 473-24.1	473-21 thru 473-24.1
<input type="checkbox"/>	473-46.3 thru 473-46.5	473-46.3 thru 473-46.7
<input type="checkbox"/>	473F-53 thru 473F-58.3	473F-53 thru 473F-58.3

Check As Done	<u>Remove Old Pages Numbered</u>	<u>Insert New Pages Numbered</u>
<input type="checkbox"/>	473F-63 thru 473F-64.1	473F-63 thru 473F-64.1
<input type="checkbox"/>	473F-80.3 thru 473F-80.5	473F-80.3 thru 473F-80.5
<input type="checkbox"/>	473G-48.3 thru 473G-48.17	473G-48.3 thru 473G-48.17
<input type="checkbox"/>	474-11 thru 474-15	474-11 thru 474-16.1
<input type="checkbox"/>	474-31	474-31 thru 474-32.1
<input type="checkbox"/>	474-42.7 thru 474-42.13	474-42.7 thru 474-42.13
<input type="checkbox"/>	474A-7 thru 474A-38.7	474A-7 thru 474A-38.8(1)
<input type="checkbox"/>	474A-38.23 thru 474A-38.25.	474A-38.23 thru 474A-38.25
<input type="checkbox"/>	474B-28.1 thru 474B-42.2(1).	474B-29 thru 474B-42.2(1)
<input type="checkbox"/>	474C-19 thru 474C-20.1	474C-19 thru 474C-20.1
<input type="checkbox"/>	474C-57 thru 474C-63.	474C-57 thru 474C-64.5

VOLUME 42

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	480-62.1 thru 480-62.2(3)	480-62.1 thru 480-62.2(1)
<input type="checkbox"/>	480-107 thru 480-109	480-107 thru 480-109
<input type="checkbox"/>	481-45	481-45 thru 481-46.1
<input type="checkbox"/>	482-19 thru 482-22.1	482-19 thru 482-22.1
<input type="checkbox"/>	482-67 thru 482-71	482-67 thru 482-71
<input type="checkbox"/>	485-3.	485-3 thru 485-4.1
<input type="checkbox"/>	485-39 thru 485-54.1	485-39 thru 485-54.1

VOLUME 43

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	486-20.1 thru 486-25	486-21 thru 486-25
<input type="checkbox"/>	486-61	486-61
<input type="checkbox"/>	488-37 thru 488-38.1	488-37
<input type="checkbox"/>	489-137	489-137
<input type="checkbox"/>	489-183 thru 489-185	489-183 thru 489-185
<input type="checkbox"/>	489-217	489-217
<input type="checkbox"/>	489-249	489-249
<input type="checkbox"/>	490-45 thru 490-47	490-45 thru 490-47
<input type="checkbox"/>	492-29 thru 492-37	492-29 thru 492-37
<input type="checkbox"/>	492-49 thru 492-57	492-49 thru 492-57
<input type="checkbox"/>	492-69	492-69

VOLUME 44

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
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Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	510-7 thru 510-9	510-7 thru 510-9
<input type="checkbox"/>	510-43 thru 510-49	510-43 thru 510-49

VOLUME 45

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	512-17	512-17 thru 512-18.1
<input type="checkbox"/>	512-60.1 thru 512-61	512-61 thru 512-62.1
<input type="checkbox"/>	512-85	512-85 thru 512-86.1
<input type="checkbox"/>	512-155	512-155
<input type="checkbox"/>	513-3 thru 513-7	513-3 thru 513-7
<input type="checkbox"/>	513-21 thru 513-61	513-21 thru 513-61
<input type="checkbox"/>	513-71 thru 513-81	513-71 thru 513-81
<input type="checkbox"/>	513-99 thru 513-107.	513-99 thru 513-107
<input type="checkbox"/>	514-25	514-25
<input type="checkbox"/>	518-7 thru 518-11	518-7 thru 518-11
<input type="checkbox"/>	518-61 thru 518-87	518-61 thru 518-83
<input type="checkbox"/>	518-113 thru 518-115	518-113 thru 518-115

VOLUME 46

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	520-5 thru 520-20.1	520-5 thru 520-19
<input type="checkbox"/>	520-74.1 thru 520-79	520-75 thru 520-80.3
<input type="checkbox"/>	524-9.	524-9
<input type="checkbox"/>	524-37 thru 524-41	524-37 thru 524-41
<input type="checkbox"/>	526-13	526-13
<input type="checkbox"/>	526-27 thru 526-29	526-27 thru 526-29
<input type="checkbox"/>	526-55	526-55
<input type="checkbox"/>	526-71 thru 526-81	526-71 thru 526-81
<input type="checkbox"/>	526-91 thru 526-95	526-91 thru 526-95
<input type="checkbox"/>	526-105	526-105
<input type="checkbox"/>	529-7.	529-7
<input type="checkbox"/>	529-21	529-21
<input type="checkbox"/>	533-19	533-19
<input type="checkbox"/>	535-15 thru 535-20.1	535-15 thru 535-19
<input type="checkbox"/>	535-65 thru 535-69	535-65 thru 535-69
<input type="checkbox"/>	535-85 thru 535-87	535-85 thru 535-87

VOLUME 47

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
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Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	536-1.	536-1 thru 536-2.1
<input type="checkbox"/>	536-19 thru 536-21	536-19 thru 536-22.1
<input type="checkbox"/>	537-35 thru 537-39	537-35 thru 537-39
<input type="checkbox"/>	537-45	537-45
<input type="checkbox"/>	537-91 thru 537-94.1	537-91 thru 537-94.1
<input type="checkbox"/>	537-191	537-191
<input type="checkbox"/>	537-209 thru 537-213	537-209 thru 537-213
<input type="checkbox"/>	537-223 thru 537-237	537-223 thru 537-237
<input type="checkbox"/>	538-47	538-47 thru 538-48.1
<input type="checkbox"/>	545-17 thru 545-20.1	545-17 thru 545-20.1

VOLUME 48

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	550-13 thru 550-20.1	550-13 thru 550-20.1
<input type="checkbox"/>	551-60.1 thru 551-64.1	551-61 thru 551-64.1
<input type="checkbox"/>	551-147 thru 551-149	551-147 thru 551-150.1
<input type="checkbox"/>	552-3 thru 552-11	552-3 thru 552-12.1
<input type="checkbox"/>	555-69 thru 555-70.5	555-69 thru 555-70.5
<input type="checkbox"/>	555-185 thru 555-188.1	555-185 thru 555-188.1
<input type="checkbox"/>	555-209 thru 555-211	555-209 thru 555-211
<input type="checkbox"/>	555-215	555-215

VOLUME 49

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	564-17	564-17 thru 564-18.1
<input type="checkbox"/>	564-41	564-41 thru 564-42.1
<input type="checkbox"/>	564-95	564-95
<input type="checkbox"/>	565-31 thru 565-36.3	565-31 thru 565-36.1
<input type="checkbox"/>	565-145 thru 565-151	565-145 thru 565-151
<input type="checkbox"/>	565-167 thru 565-170.1	565-167 thru 565-170.1
<input type="checkbox"/>	565-189	565-189

VOLUME 50

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	568-33	568-33 thru 568-34.1

Check As Done	<i>Remove Old Pages Numbered</i>	<i>Insert New Pages Numbered</i>
<input type="checkbox"/>	569-3.	569-3 thru 569-4.1
<input type="checkbox"/>	569-39 thru 569-43	569-39 thru 569-44.1

VOLUME 51

Revision

<input type="checkbox"/>	Title page thru vii	Title page thru xi
<input type="checkbox"/>	573-1 thru 573-15	573-1 thru 573-17
<input type="checkbox"/>	577-45 thru 577-47	577-45 thru 577-47
<input type="checkbox"/>	577-87	577-87 thru 577-88.1
<input type="checkbox"/>	577-94.3 thru 577-99	577-95 thru 577-100.1
<input type="checkbox"/>	577-139	577-139 thru 577-140.1
<input type="checkbox"/>	577-188.1 thru 577-193	577-189 thru 577-193
<input type="checkbox"/>	577-210.7.	577-210.7
<input type="checkbox"/>	577-229 thru 577-230.1	577-229 thru 577-230.1
<input type="checkbox"/>	577-293 thru 577-297	577-293 thru 577-297
<input type="checkbox"/>	577-310.1 thru 577-313	577-311 thru 577-313
<input type="checkbox"/>	577-343 thru 577-356.7	577-343 thru 577-356.5
<input type="checkbox"/>	579-75	579-75
<input type="checkbox"/>	579-151 thru 579-154.1	579-151 thru 579-154.1
<input type="checkbox"/>	579-165	579-165 thru 579-166.1

VOLUME 52

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	I-73 thru I-75	I-73 thru I-75
<input type="checkbox"/>	I-167 thru I-181.	I-167 thru I-181
<input type="checkbox"/>	I-229 thru I-233.	I-229 thru I-233
<input type="checkbox"/>	I-295 thru I-345.	I-295 thru I-341
<input type="checkbox"/>	I-389 thru I-455.	I-389 thru I-449
<input type="checkbox"/>	I-601 thru I-639.	I-601 thru I-637
<input type="checkbox"/>	I-697 thru I-705.	I-697 thru I-705
<input type="checkbox"/>	I-741 thru I-771.	I-741 thru I-771

VOLUME 53

Revision

<input type="checkbox"/>	Title page.	Title page
<input type="checkbox"/>	I-909 thru I-1015	I-909 thru I-1005
<input type="checkbox"/>	I-1055 thru I-1115.	I-1055 thru I-1111
<input type="checkbox"/>	I-1275 thru I-1435.	I-1275 thru I-1419

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