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August 1st (current policy =
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May 31st; can extend to
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The U.S. Supreme Court will tackle this question in *Association for Molecular Pathology v. Myriad Genetics, Inc.* Get breaking news and analysis from Bloomberg Law, Bloomberg News, Bloomberg Government, Bloomberg BNA, Bloomberg Industries, and SCOTUSBlog, as well as quick access to court documents and the Supreme Court docket on Bloomberg's Myriad Genetics Resource Center.

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Wire: BN — 04/24/2013 12:56

Apple's \$145 Billion in Cash Fails to Win AAA: Corporate Finance

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Include

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Navigate to a specific database – smaller DBs are cheaper

Compose a terms & connectors or natural language search

NextGen platforms

Search all content

**optional to narrow by jurisdiction, type of content, or specific source)

Enter a simple search which will be processed by a complex, secret search algorithm

Post-search, filter results using facets



Natural Language Processing (NLP)	Terms & Connectors	NextGen search
Interprets your query	Applies your search literally	NLP+ (interprets your query & adds to it)
<p>Google-like</p> <p>Looks for all terms</p> <p>Ranks by:</p> <ul style="list-style-type: none"> • Proximity of terms to one another • Location & frequency of terms <p>Always returns same number of results</p>	<p>Boolean Operators</p> <p>Proximity Limiters</p> <p>Truncation</p> <p>Field/Segment Searching</p>	<p>Complex & secret algorithm</p> <p>Leverages:</p> <ul style="list-style-type: none"> • Crowdsourcing • Digest • Citator • Secondary sources • And much more
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Document Title	Jurisdiction	Court	Date
1. Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization, 22 Cal. 3d 208 ... in accordance with the natural and ordinary meaning of its words. (In re Quinn (1973) 35 Cal.App.3d 473 , 482 [110 Cal.Rptr. 881] .) The literal language of enactments may be disregarded to avoid absurd results and to fulfill the apparent intent of the framers. (See Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247 , 259 [104 Cal.Rptr. 761 , 502 P.2d 1049] ; In re Kernan (1966) 242 Cal.App.2d 488 , 491 [51 Cal.Rptr. 515])	California	Supreme Court	September 22, 1978
2. Strauss v. Horton, 46 Cal. 4th 364 ... enforce that measure, on the ground that Proposition 8 constitutes an invalid revision of the California Constitution. In Tyler v. State of California (S168066), petitioners—one same-sex couple who married in California prior to the adoption of Proposition 8 and one same-sex couple who want to marry notwithstanding Proposition 8 —seek similar relief, asserting both that Proposition 8 constitutes an impermissible constitutional revision and that Proposition 8 violates the ...	California	Supreme Court	May 26, 2009
3. Perry v. Schwarzenegger, 704 F. Supp. 2d 921 Egan and Badgett testified that Proposition 8 harms the State of California and its local governments economically. Egan testified that San Francisco faces direct and indirect economic harms as a consequence of Proposition 8 . Egan explained that San Francisco lost and continues to lose money because Proposition 8 slashed the number of weddings performed in San Francisco. Egan explained that Proposition 8 decreases the number of married couples in San Francisco, who tend to be wealthier than ...	U.S. Federal	California Northern District Court	August 04, 2010
4. Perry v. Brown, 671 F.3d 1052 ... of Proposition 8 and shapes the basic issues in this case. The official argument in favor of Proposition 8 , published in the Voter Information Guide, emphasized this distinction: " Proposition 8 doesn't take away any rights or benefits of gay or lesbian domestic partnerships. Under California law, 'domestic partners shall have the same rights, protections, and benefits' as married spouses. (Family Code § 297.5 .) There are NO exceptions. Proposition 8 WILL NOT change this." Voter ...	U.S. Federal	9th Circuit Court of Appeals	February 07, 2012
5. Wilson v. Superior Court, 134 Cal. App. 3d 173 ... aspect of Proposition 8 , other than the bail provision, that contributed to the drop off of votes as between the two propositions . 15 We note, without deciding, that Proposition 4 concerning bail which passed by a larger number of votes than did Proposition 8 may prevail only over those provisions in Proposition 8 relating to bail to the extent there is a conflict in the provisions of the two propositions . See Cal. Const. art. XVIII, § 4 . California Constitution, article XVIII, section 4 ...	California	2nd District Court of Appeals	July 23, 1982
6. Brosnahan v. Brown, 32 Cal. 3d 236 ... of the state. Proposition 4 passed with over 82 percent of the electorate voting in its favor. Proposition 8 received only	California	Supreme Court	September 02, 1982

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Less expensive than
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No additional cost for
Advance



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Thomson, West, Rutter Group treatises

Features

West's digest system

WLN search is superior

- incorporates digest, KeyCite, crowdsourcing

WLN came out 1st and is beyond more of the growing pains of a new platform

A Note on Price: Surcharge for WLN

The future...

Classic platforms are on their way out

- Lexis: within 2–3 years; starting this summer you must login via LexisAdvance
- Westlaw: no date announced

Boolean searching is still relevant

- can get better results even on nextgen platforms
- newest kid on the block, Bloomberg, encourages Boolean

Industry experts are still expecting Bloomberg to compete



PRACTICE GUIDES



Key Sources You Will Need : Practice Guides

- Step-by-step manuals on every imaginable legal scenario that you will have to prepare for



By and for California Lawyers

CEB Practice Guide— Child Custody Litigation

§1.5 c. Legal Custody Checklist

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Requesting simply "joint legal custody" will, in most contested custody cases, not be sufficient to resolve the many problems clients will face as they try to make decisions for their children. The Family Code anticipates the creation of language that will be specific to the needs of each case. See [Fam C §3083](#). Because it is impossible to predict what will happen in each individual case, however, drafting some "reasonable standard language" and requesting its incorporation into the clients' judgments is good practice.

The following are examples of ways in which specificity may alleviate conflict in joint legal custody arrangements:

CHECKLIST

1. Consistent Refusal to Notify Other Parent of Important Dates or Events

Problem: One party consistently refuses to notify the other of important medical appointments or extracurricular activities.

Solution: An order specifying a minimum time frame in which such information is to be provided. Alternatively, an order that parents exchange a weekly or monthly schedule pertaining to upcoming events. Another alternative may be utilizing an online computer program designed for family scheduling that is accessible from different computers and mobile devices.

2. One Party Lacks Information About Child's Medical or Other Providers

Problem: One party (likely the lower timeshare parent) is not given information regarding the child's providers, be it medical, educational, or other.

Solution: An order specifying that both parents be listed on **all** information forms for the children, so that school and health information will be provided to both parents.

3. Existing Timeshare Severs Contact Between Child and Parent With Lower Timeshare

Problem: Because of the alternation of custodial time, the lower timeshare parent may have periods of time in which contact with the child is severed for days or even weeks at a time.

Solution: Provided the age of the child makes such an order feasible, an order providing for regular (or, if appropriate, unlimited) telephone or computer (webcam) contact for both parents. This fundamental goal is inherent in [Fam C §3020\(b\)](#), which states as its goal that each child should be provided frequent and continuing contact with both parents.

4. Parent Takes New Spouse's Surname and Wants to Change Child's Name

Problem: The child's mother marries (or remarries) and takes the last name of her new spouse. She believes that it would be easiest for the child if the child shares the new name of his or her mother.

CEB Practice Guide— Child Custody Litigation

§19.50 B. Form: Child Abduction Prevention Order Attachment (Judicial Council Form FL-341(B))

Print

FL-341(B)	
PETITIONER:	CASE NUMBER:
RESPONDENT:	

CHILD ABDUCTION PREVENTION ORDER ATTACHMENT

TO Child Custody and Visitation Order Attachment (Form FL-341(A)) Other (specify):

1. The court finds there is a risk that (specify name of parent): _____ will take the child without permission because that parent (check all that apply):
- a. has violated—or threatened to violate—a custody or visitation order in the past.
 - b. does not have strong ties to California.
 - c. has done things that make it easy for him or her to take the children away without any permission, such as (check all that apply):
 - quit a job. sold his or her home.
 - closed a bank account. ended a lease.
 - sold or gotten rid of assets. hidden or destroyed documents.
 - applied for a passport, birth certificate, or school or medical records.
 - Other (specify): _____
 - d. has a history of (check all that apply):
 - domestic violence.
 - child abuse.
 - not cooperating with the other parent in parenting.
 - e. has a criminal record.
 - f. has family or emotional ties to another country, state, or foreign country.
(NOTE: If item "f" is checked, at least one other factor must be checked, too.)

THE COURT ORDERS, to prevent the parent in item 1 from taking the children without permission:

2. Supervised visitation. Terms of visitation are (check one):
 as specified on attached form FL-341(A) as follows:

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Rutter Group-California Practice Guide: Professional Responsibility

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List view Research map Refresh Hide

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The screenshot shows the Lexis Advance interface for browsing sources. At the top, there is a search bar with the text "Enter search terms, a citation, or sheet to Shepardize®" and a "Search" button. Below the search bar, there is a navigation menu with "Sources" selected. The main content area is a list of sources, with a "Narrow by" sidebar on the left. The sidebar has a red circle around the "Secondary Materials" and "California" filters. The "Content Type" section is also visible, showing counts for various categories.

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1-68

Narrow by

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Secondary Materials X

California X

Content Type

Treatises 55

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Jurisprudence 1

Practice Insights 1

Select multiple

Ballantine and Sterling California Corporation Laws
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California Community Property With Tax Analysis
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California Criminal Discovery
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California Employer's Guide to Employee Handbooks & Personnel Policy Manuals
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Below the navigation menu, there are two main sections: "LEGAL ANALYSIS" and "NEWS". Under "LEGAL ANALYSIS", there are links for "BNA Law Reports", "BNA Manuals", "BNA Portfolios", and "Books & Treatises". Red arrows point from the left towards "BNA Law Reports" and "BNA Manuals", and from "BNA Law Reports" towards "BNA Portfolios" and "Books & Treatises". Under "NEWS", there are links for "Search News", "Legal News", "News by Topic", and "TOP News".

Below these sections, there is a grid of content categories: "All Legal Content", "Court Opinions", "Statutes & Regulations", "Dockets", "Books & Treatises", "EDGAR", "DealMaker Documents", "Patents", "People", "News", "BNA Law Reports", "Legal News", and "TOP News".

On the right side, there is a "RESEARCH TRAIL" section with a list of search results, including "immigration (Docket Search)", "Schaffield v. Abboud, 15 Cal.Ap...", "Cardinal v. Santee Pita, Inc., ...", and two instances of "obviously intoxicated" p/ min... with dates from 02/19/2013 to 02/25/2013.

Below the research trail, there is a "NEED HELP?" section with a link to learn about BLAW capabilities. Below that, there is a section titled "INTERPRETING MYRIAD: ARE HUMAN GENES PATENTABLE?" with a sub-section "The U.S. Supreme Court will tackle this question in Association for Molecular Pathology v. Myriad Genetics, Inc." and a link to the "Myriad Genetics Resource Center".

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Accounting for Income Taxes



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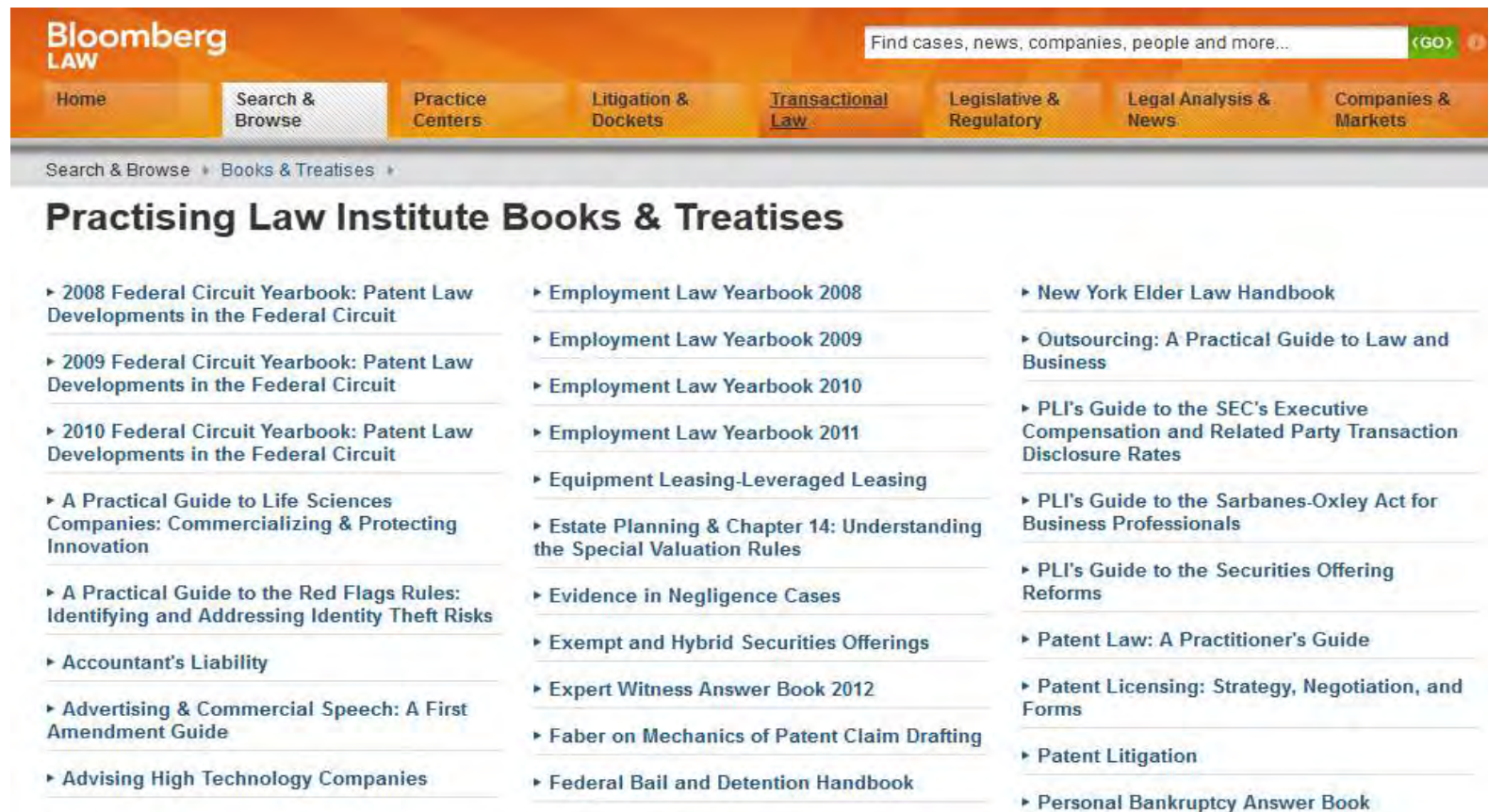
Search document contents by hovering over a heading below.

Accounting for Income Taxes

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- Portfolio 5001-1st: Accounting for Income Taxes: Fundamental Principles and Special Topics
- Portfolio 5002-2nd: Accounting for Income Taxes: Uncertain Tax Positions
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Bloomberg – Books & Treatises

Materials from the Practising Law Institute (PLI) can be found in Bloomberg under the tab for Books & Treatises



The screenshot displays the Bloomberg Law website interface. At the top, there is a search bar with the text "Find cases, news, companies, people and more..." and a green "GO" button. Below the search bar is a navigation menu with several tabs: "Home", "Search & Browse", "Practice Centers", "Litigation & Dockets", "Transactional Law", "Legislative & Regulatory", "Legal Analysis & News", and "Companies & Markets". The "Search & Browse" tab is selected, and a breadcrumb trail shows "Search & Browse > Books & Treatises >".

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- ▶ 2008 Federal Circuit Yearbook: Patent Law Developments in the Federal Circuit
- ▶ 2009 Federal Circuit Yearbook: Patent Law Developments in the Federal Circuit
- ▶ 2010 Federal Circuit Yearbook: Patent Law Developments in the Federal Circuit
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- ▶ Advising High Technology Companies
- ▶ Employment Law Yearbook 2008
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The screenshot shows the OnLaw website interface. On the left is a navigation menu titled "Available Publications" with a sub-section for "Business Law" containing numerous links such as "Advising California Nonprofit Corporations", "California Business Litigation", and "California Franchise Law and Practice". The main content area features a "Welcome to OnLaw" message, a "What's New" section with a highlighted box containing information about the Civil Litigation Reporter and OnLaw Libraries, a "Quick Start" section with instructions on enabling Java, and a list of "Available Publications". The top of the page includes the OnLaw logo, navigation tabs for "Document", "Search", and "Results", and a search bar.

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- Real Property
- Torts
- Workers' Compensation
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CEB OnLaw – CA Estate Planning



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- Employment Law
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 - California Conservatorship Practice
 - California Decedent Estate Practice
 - California Elder Law Litigation: An Advocate's Guide
 - California Elder Law Resources, Benefits, and Planning: An Advocate's Guide
 - California Estate Planning
 - California Guardianship Practice
 - California Local Probate Rules
 - California Powers of Attorney and Health Care Directives
 - California Probate Workflow Manual Revised
 - California Trust Administration
 - California Trust and Probate Litigation
 - California Will Drafting
 - Capacity and Undue Influence: Assessing, Challenging, and Defending (Action Guide)
 - Complete Plans for Small and Mid-Size Estates
 - Crossover Issues in Estate Planning and Family Law
 - Drafting California Irrevocable Trusts
 - Drafting California Revocable Trusts
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 - Estate Planning 2006
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 - Estate Planning 2008
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 - Estate Planning 2010
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 - Funding a Revocable Trust (Action Guide)

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- California Estate Planning
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- California Local Probate Rules
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Amicus brief filed by the National Legal Foundation, filed
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CITY AND COUNTY OF SAN FRANCISCO, et al., Petitioners, v. Mark B. HORTON, as State Registrar of Vital Statistics, etc., et al., Respondents, Dennis Hollingsworth, et al., Interveners. | Supreme Court of California. | January 21, 2009

...FN16. The **National Legal Foundation** (NLF) attempts to draw an analogy to the treatment of plural marriages sanctioned by the Mormon Church in the Territory of Utah before 1862, when Congress prohibited plural marriages....

...(See Brief of Amicus Curiae **National Legal Foundation** at pp. 8-11.)...

2. Amicus Brief in Support of Plaintiff/Appellant

Edward DILORETO, Plaintiff and Appellant, v. DOWNEY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION, et al. Defendants and Appellees. | Court of Appeal, Second District, Division 2, California. | April 02, 1999

...Since its founding in 1985, the **National Legal Foundation** has participated in numerous Establishment Clause cases....

...The **National Legal Foundation** represents the Southern California chapter of Concerned Women for America as counsel amicus curiae in this case....

3. Campaign for California Families' Consolidated Brief in Response to Amicus Curiae Briefs

In re Marriage Cases JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4365. | Supreme Court of California. | November 13, 2007

...Amicus **National Legal Foundation** ("NLF") explains that "prohibiting same-sex marriage does not constitute discrimination; rather, such prohibition simply implies that definitions matter....

...FN89. Brief of Amicus Curiae **National Legal Foundation**, at p. 7 (emphasis in original)....

4. Application of the National Legal Foundation for Leave to File a Brief Amicus Curiae in Support of Defendant/Respondents and Brief Amicus Curiae

James SANDS, Jean Bertolette, as taxpayers, Plaintiffs/Petitioners, v. MORONGO UNIFIED SCHOOL DISTRICT; Gary Bowman, Mel Flint, Chuck Kaiser, Ruth Long and Lolita Mendoza, in their official capacities as members of the Governing Board of the Morongo Unified School District; Joseph Boeckx, in his official capacity as Superintendent of the Morongo Unified School District, Defendants/Respondents. | Supreme Court of California. | June 12, 1990

...The brief of The **National Legal Foundation** is attached hereto for the convenience of the Court and the parties....

...This Brief of The **National Legal Foundation** Amicus Curiae in support of Defendant/Respondents urges affirmance as more fully argued below.

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...He also serves as the President of the **National Legal Foundation**, a public interest law firm headquartered in Virginia Beach, Virginia....

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109 Mich. L. Rev. 1363
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...[FN127] Segura also suggested that the initiative process tends to "nationalize" issues," by enmeshing state **legal** questions in a broader "culture war" in ways that mobilize political opponents and activate formidable oppositional resources....

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...California Business & Professions Code §§ 865-865.2 (2013); See Pickup v. Brown, Case 2:12-cv-02497-KJM-EFB, Doc. 80, filed 12/04/12 (E.D. Cal.) (refusing preliminary injunction), http://www.lc.org/media/9980/attachments/pr_ca_change_therapy_order_mueller_upheld_120412.pdf, preliminary injunction granted, No. 12-17681 (9th Cir., filed December 21, 2012), http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000635 (accessed January 27, 2013)....

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No. 12-144. January 29, 2013.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

Amicus Curiae Brief for Catholics for the Common Good and The Marriage Law Project in Support of Petitioners

Robert A. Destro Counsel for Amici Curiae Marriage Law Project Columbus School of Law The Catholic University of America 3600 John McCormack Road, N.E. Washington, D.C. 20064 202-319-5140 robertdestro@hotmail.com

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At a special meeting today, the Judicial Council appointed Regional Administrative Director Jody Patel as Interim Administrative Director following the resignation of Ronald G. Overholt.

Jan 29, 2012
Budget Remains Top Priority

CALIFORNIA COURTS

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Access to justice for all Californians.



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Eviction & Housing

Access information about evictions, foreclosures, and security deposits. Find instructions, forms, and answers to frequently asked questions.

[Evictions \(Unlawful Detainer\)](#)

Learn about the eviction process with a guide for landlords, a guide for tenants, detailed instructions, forms, and resources.

[Foreclosure](#)

Find information and resources regarding the foreclosure process.

[Security Deposits](#)

Learn about security deposits, what are valid legal reasons for a landlord to keep all or part of a security deposit, and how to go to court to ask for the return of a security deposit.

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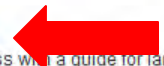
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Eviction

Ending a tenancy

In California, a landlord may be able to evict a tenant if the tenant:

- Fails to pay the rent on time;
- Breaks the lease or rental agreement and will not fix the problem (like keeping when pets are not allowed);
- Damages the property bringing down the value (commits "waste");
- Becomes a serious nuisance by disturbing other tenants and neighbors even after being asked to stop; or
- Uses the property to do something illegal.

In most cities, the landlord can also evict the tenant:

- If he tenant stays after the lease is up,* or
- If the landlord cancels the rental agreement by giving proper notice.*

*If your city has rent control, these 2 reasons may not be good enough to evict a tenant. Most rental units in California are not rent-controlled. But if the unit is in a city with rent control, there usually are more protections in place for tenants that you need to know. The best way to find out if rent control applies to a unit is to check with the local city or county government, planning and zoning department, or with the local legal aid, self-help center, or law library. Or, click to find out if the property is in a rent-controlled area.

To Evict a Tenant

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Guide for Landlords

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The Eviction Process
Giving Notice

In order to start the eviction process, you, as the landlord, must first give the tenant written notice. If the tenant does not do what the notice asks, you can file an unlawful detainer case in court when the notice period ends.

Sometimes figuring out what type of notice is needed can be difficult. Talk to an eviction lawyer to make sure you are using the right notice and that you are filling it out correctly. Eviction notices are not court forms, but many of the notice forms can be purchased in stores that sell legal forms. Make sure the form you use meets the requirements of current California law, because if there are mistakes in the notice, you might lose the case automatically.

There are different types of notices, as explained in the following table.

3-Day Notice to Pay Rent or Quit	<p>Landlords can use this notice when the tenant is behind on the rent. The notice must:</p> <ul style="list-style-type: none"> • Be in writing; • Say the full name of the tenant or tenants; • Say the address of the rental property; • Say exactly how much rent the tenant owes* (the notice cannot go back more than 1 year, even if the tenant owes back rent for a longer time, and it cannot include any charge other than rent); • Have the dates the overdue rent is for; • Say that this rent must be paid in full within 3 days of receiving this notice or the tenant must move out.
---	--

Browser navigation bar showing address: <http://www.courts.ca.gov/1288.htm>. Includes search bar, Ad-Aware, and various utility buttons like 'Clear Browsing Data' and 'Toolbar Cleaner'. Favorites bar shows 'California Courts - Guide for Landlords'.

* In a [rent controlled city](#), the landlord may not be able to evict a tenant when the lease is up unless the landlord has a good reason ("just cause"), to file an eviction case. The landlord will probably need a notice in that case.

How to give notice

You have to serve the notice on the tenant properly. You can do it yourself, or you can ask a friend to do it. You can also hire a process server. The person who serves the notice must be at least 18 years old.

There are 3 ways to serve the notice:

1. **Personal service:** You or someone else gives the notice directly to the tenant in person.
2. **Substituted service:** If the tenant is not home, you can leave the notice with a member of the household, at least 18 years old, where the tenant lives AND then mail a second copy to the tenant at the property.
3. **Posting and mailing ("nail and mail") service:** If there is no one home to leave the papers with, you can tape or nail the notice to the front door or somewhere where it can be seen easily AND send a copy by mail to the tenant at the property.

After giving notice

Once you give the tenant notice, you must wait until the notice period is up to see if the tenant does what the notice asks within the time allowed. If the tenant does not comply, you can file an unlawful detainer case in court to evict the tenant and request back rent. If the tenant does what the notice requires (like pay the back rent in full), then you cannot file an unlawful detainer case.

If the notice is not correctable, such as a [3-day notice to quit](#) or a [30- or 60-day notice to quit](#) (move out) in a month-to-month tenancy, you can file an unlawful detainer case in court when the notice period ends.

If you file the eviction case in court before the notice runs out, the court will dismiss the case.

To count the days in the notice period:

- The first day is the day *after* the notice is served.
- Then count every day on the calendar, including weekends and holidays.
- If the last day of the notice period falls on a holiday or weekend, then the notice period ends the next work day.

If you do not serve the notice in person and have to mail a second copy, you have to make sure that you do not start counting until the day *after* you mail the notice.

Starting the Unlawful Detainer Case

There are a number of steps you have to follow in an unlawful detainer case. If you and the tenant reach an agreement at any point during this process, the agreement can be written up and the case dismissed. Read for more information about

http://www.courts.ca.gov/1288.htm

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California Courts - Guide for Landlords

Counting until the day after you mail the notice.

Starting the Unlawful Detainer Case

There are a number of steps you have to follow in an unlawful detainer case. If you and the tenant reach an agreement at any point during this process, the agreement can be written up and the case dismissed. Read for more information about [resolving the case out of court](#) by agreement.

Also, remember that evictions can be complicated. The landlord and tenant do not have to get a lawyer. But, there are strict court rules and court forms you have to fill out, file, and serve. The rules and forms are complicated. And if you do not do things correctly, you may lose your case. There may be legal help in your county for landlords trying to evict a tenant. You can also check with your court's [self-help center](#) to see if they help people with unlawful detainer cases.

1. Fill out the forms

To start the unlawful detainer case, you have to fill out 3 court forms:

- [Summons - Unlawful Detainer-Eviction \(Form SUM-130\)](#);
- [Complaint - Unlawful Detainer \(Form UD-100\)](#); and
- [Civil Case Cover Sheet \(Form CM-010\)](#).



Your local court also may require you to fill out other local forms, so make sure you check with the [court clerk](#) to make sure you have filled out all the necessary papers.

In completing the complaint, keep in mind:

- The plaintiff is usually the owner or landlord, or the management company if its name is on the lease. But sometimes the plaintiff may be a person who is subletting to another tenant. For example, a tenant renting a house from the landlord may rent a room to another person, and that person would be a subtenant.
- The tenant who lives at the rental unit is the defendant. There can be more than 1 defendant.
- You must try to list the names of all adults living at the rental unit. This will make it easier to enforce the judgment if you win.

When completing the complaint, only you or your lawyer can decide what to say in the complaint. It is illegal for a nonlawyer, including a paralegal or legal assistant, to tell you what to say. Go through the form carefully and make sure you check all the boxes that apply to your case.

If your court's [self-help center](#) helps with unlawful detainer cases, take your paperwork to them to review. They cannot give you legal advice, but they can make sure you completed the forms so they can be filed. You can also hire your own lawyer to review your papers or to get legal advice, either with your entire case, or just the parts of it that you may need help with (called "limited scope representation" or "unbundling"). Click for [help finding a lawyer](#). Click to learn more about "[limited scope representation](#)."

Please fill out the following form. Highlight Fields

UD-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, State Bar number, and address*):

TELEPHONE NO.: _____ FAX NO. (*Optional*): _____

E-MAIL ADDRESS (*Optional*): _____

ATTORNEY FOR (*Name*): _____

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

PLAINTIFF: _____

DEFENDANT: _____

DOES 1 TO _____

COMPLAINT — UNLAWFUL DETAINER*

COMPLAINT AMENDED COMPLAINT (*Amendment Number*): _____

CASE NUMBER: _____

Jurisdiction (*check all that apply*):

ACTION IS A LIMITED CIVIL CASE

Amount demanded does not exceed \$10,000

exceeds \$10,000 but does not exceed \$25,000

ACTION IS AN UNLIMITED CIVIL CASE (*amount demanded exceeds \$25,000*)

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California Courts - Guide for Landlords

4. Fill out and file the proof of service

The server must first complete and sign a *Proof of Service of Summons* ([Form POS-010](#)) and give it to you (the landlord).

You must then take the completed, signed Proof of Service to the court clerk for filing with a copy for yourself. You must make sure the Proof of Service is filled out correctly. A mistake on this form can delay the case.

5. Wait the required time for the tenant to respond

- If the tenant was served in person, the tenant has 5 days to respond. Weekends are counted (holidays are not), but the 5th day must be a work day. So if the 5 days run out on a Saturday or Sunday, the tenant has until the end of the day on Monday (or the end of the day on Tuesday if Monday is a court holiday) to file a response.
- If the tenant was served by substituted service or "post and mail," the tenant has 15 days after the date the server mailed the court papers to file a response. The date of mailing is the postmark date.

Note: If there is more than 1 defendant (tenant), there could be different deadlines if they were served in different ways or on different days. You have to keep track of the deadline for each defendant.

6. The tenant's response

The tenant may or may not file a response, which will then determine what your next step is.

If the tenant does NOT respond

If the tenant does not file a response within 5 days, you may be able to evict him or her without the tenant having a say in the case. This can affect the tenant's ability to rent in the future because he or she will have an eviction on his or her record. And if you say the tenant owes money for back rent and the tenant does not answer, you may be able to take that money from the tenant's paycheck or bank account. An eviction can also affect the tenant's credit record.

First, you must make sure that the tenant's time to respond is over.

Then, you must ask the court to make an order in your favor. This is called a "default judgment," and it means the tenant will not be able to fight the case in court.

To do this, you must fill out and file these forms:

- *Request for Entry of Default* ([Form CIV-100](#));
- *Judgment-Unlawful Detainer* ([Form UD-110](#)); and
- *Writ of Execution (or Writ of Possession)* ([Form E-1-130](#))

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For information on how to view files, please view the [FAQ on how to view files](#).

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- Pleading - Contract
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RESULTS

*Forms marked with the asterisk are adopted for mandatory use by all courts.

Form -	Date Revised	Description
PLD-PI-001	Jan 1, 2007	COMPLAINT-Personal Injury, Property Damage, Wrongful Death
PLD-PI-001(1)	Jan 1, 2007	Cause Of Action-Motor Vehicle
PLD-PI-001(2)	Jan 1, 2007	Cause of Action-General Negligence
PLD-PI-001(3)	Jan 1, 2007	Cause of Action-Intentional Tort
PLD-PI-001(4)	Jan 1, 2007	Cause of Action-Premises Liability
PLD-PI-001(5)	Jan 1, 2007	Cause of Action-Products Liability
PLD-PI-001(6)	Jan 1, 2007	Exemplary Damages Attachment
PLD-PI-002	Jan 1, 2007	Cross-Complaint-Personal Injury, Property Damage, Wrongful Death
PLD-PI-003	Jan 1, 2007	ANSWER-Personal Injury, Property Damage, Wrongful Death



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Please fill out the following form. Highlight Fields

PLD-PI-001

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p>TELEPHONE NO: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	<div style="border: 2px solid red; padding: 10px; color: red; font-weight: bold;"> <p>To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.</p> </div>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p>PLAINTIFF: _____</p> <p>DEFENDANT: _____</p>	
<p><input type="checkbox"/> DOES 1 TO _____</p> <p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</p> <p><input type="checkbox"/> AMENDED (Number): _____</p> <p>Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): _____</p> <p> <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death</p> <p> <input type="checkbox"/> Personal injury <input type="checkbox"/> Other Damages (specify): _____</p>	
<p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE</p> <p> Amount demanded <input type="checkbox"/> does not exceed \$10,000</p> <p> <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000</p> <p><input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint</p> <p> <input type="checkbox"/> from limited to unlimited</p> <p> <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER: _____</p>

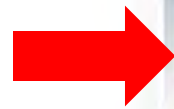
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California Jury Instructions

Jury Instructions for Judges and Attorneys

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[California Civil Jury Instructions \(CACI\) and Criminal Jury Instructions \(CALCRIM\)](#)

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For such inquiries, contact Grant Walker at (415) 865-4090 hereinafter.

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MORE QUESTIONS ABOUT YOUR JURY SERVICE?

Questions about your jury service or ability to serve should be directed to the local court from which you have been summoned.

CONTACT INFO

Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688

TDD line
415-865-4272

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- User Guide
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- 200 et seq. Evidence
- 300 et seq. Contracts
- 400 et seq. Negligence
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- 1000 et seq. Premises Liability
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- 1500 et seq. Malicious Prosecution
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- 2400 et seq. Wrongful Termination
- 2500 et seq. Fair Employment and Housing Act
- Vol 2 Front Matter
- 2600 et seq. California Family Rights Act

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CACI*

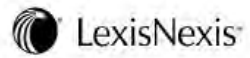
* Pronounced "Casey"
As approved at the
December 14, 2012, Judicial Council Meeting

1
Series 100-2500




Judicial Council of California
Advisory Committee on Civil Jury Instructions

Hon. H. Walter Croskey, Chair
LexisNexis Matthew Bender
Official Publisher



Bookmarks

- Vol 1 Front Matter
- User Guide
- 100 et seq. Pretrial
- 200 et seq. Evidence
- 300 et seq. Contracts
- 400 et seq. Negligence 
- 500 et seq. Medical Negligence
- 600 et seq. Professional Negligence
- 700 et seq. Motor Vehicles and Highway Safety
- 800 et seq. Railroad Crossings
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SERIES 400 NEGLIGENCE

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422. Sale of Alcoholic Beverages to Obviously Intoxicated Minors (Bus. & Prof. Code, § 25602.1)

[Name of plaintiff] claims [name of defendant] is responsible for [his/her] harm because [name of defendant] sold or gave alcoholic beverages to [name of alleged minor], a minor who was already obviously intoxicated.

To establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of defendant] was [licensed/authorized/required to be licensed or authorized] to sell alcoholic beverages;
2. That [name of defendant] sold or gave alcoholic beverages to [name of alleged minor];
3. That [name of alleged minor] was less than 21 years old at the time;
4. That when [name of defendant] provided the alcoholic beverages, [name of alleged minor] displayed symptoms that would lead a reasonable person to conclude that [he/she] was obviously intoxicated;
5. That [name of alleged minor] harmed [name of plaintiff]; and
6. That [name of defendant]'s selling or giving alcoholic beverages to [name of alleged minor] was a substantial factor in causing [name of plaintiff]'s harm.

In deciding whether [name of alleged minor] was obviously intoxicated, you may consider whether [he/she] displayed one or more of the following symptoms to [name of defendant] before the alcoholic beverages were provided: impaired judgment; alcoholic breath; incoherent or slurred speech; poor muscular coordination; staggering or unsteady walk or loss of balance; loud, boisterous, or argumentative conduct; flushed face; or other symptoms of intoxication. The mere fact that [name of alleged minor] had been drinking is not enough.

New September 2003; Revised December 2009

Directions for Use

If the plaintiff is the minor who is suing for his or her own injuries (see *Chalup v. Aspen Mine Co.* (1985) 175 Cal.App.3d 973, 974 [221 Cal.Rptr. 97]), modify the instruction by substituting the appropriate pronoun for "[name of alleged minor]"

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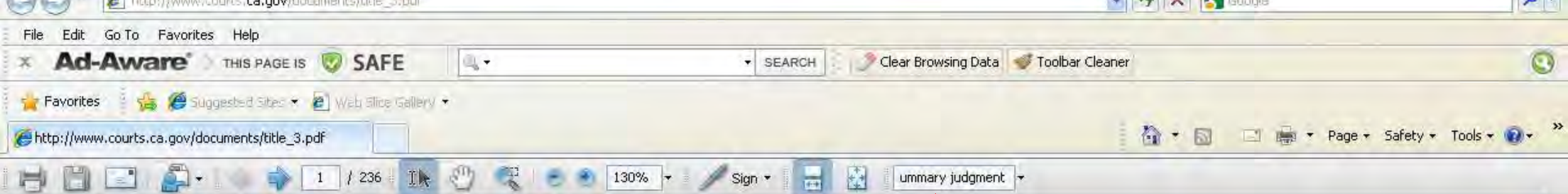
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Title 3. Civil Rules

Division 1. General Provisions

Chapter 1. Preliminary Rules

Rule 3.1. Title

Rule 3.1. Title

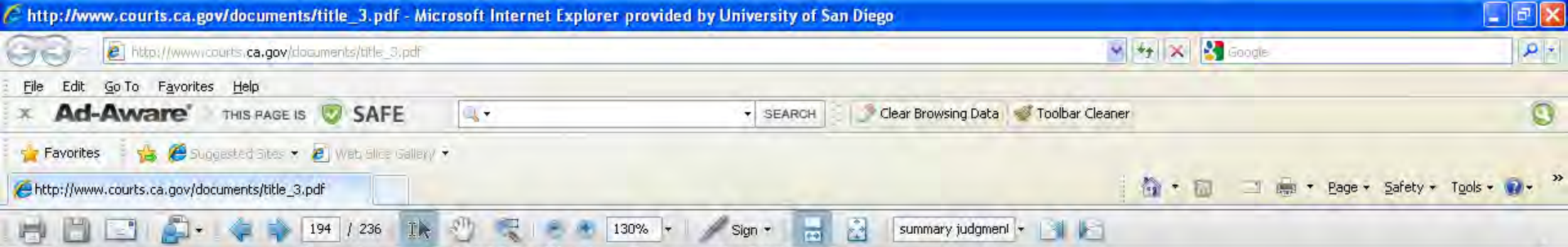
The rules in this title may be referred to as the Civil Rules.

Rule 3.1 adopted effective January 1, 2007.

Chapter 2. Scope of the Civil Rules

Rule 3.10. Application

Rule 3.20. Preemption of local rules



renumbered as rule 3.1030 effective January 1, 2007.

Article 5. **Summary Judgment Motions**

Title 3, Civil Rules—Division 11, Law and Motion—Chapter 6, Particular Motions—Article 5, Summary Judgment Motions renumbered effective January 1, 2009; adopted as article 4 effective January 1, 2007.

Rule 3.1350. Motion for summary judgment or summary adjudication

Rule 3.1352. Objections to evidence

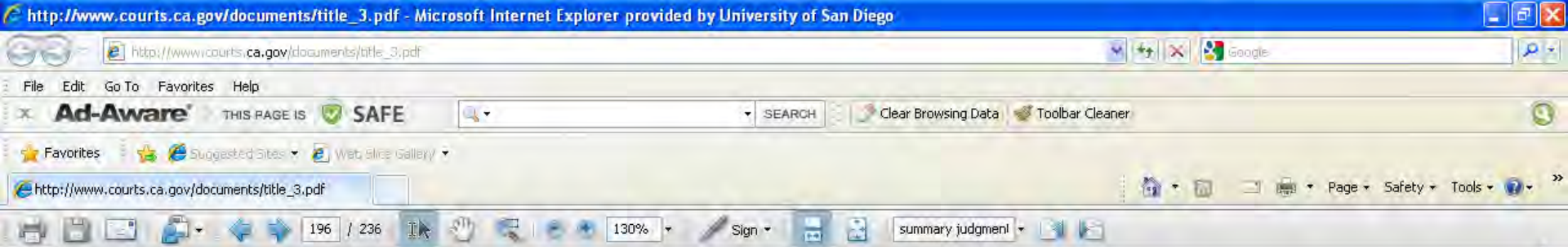
Rule 3.1354. Written objections to evidence

Rule 3.1351. Motions for summary judgment in summary proceeding involving possession of real property

Rule 3.1350. Motion for summary judgment or summary adjudication

(a) Motion

As used in this rule, “motion” refers to either a motion for summary judgment or a motion for summary adjudication.



(e) Documents in opposition to motion

Except as provided in Code of Civil Procedure section 437c(r) and rule 3.1351, the opposition to a motion must consist of the following documents, separately stapled and titled as shown:

- (1) [*Opposing party's*] memorandum in opposition to [*moving party's*] motion for summary judgment or summary adjudication or both;
- (2) [*Opposing party's*] separate statement of undisputed material facts in opposition to [*moving party's*] motion for summary judgment or summary adjudication or both;
- (3) [*Opposing party's*] evidence in opposition to [*moving party's*] motion for summary judgment or summary adjudication or both (if appropriate); and
- (4) [*Opposing party's*] request for judicial notice in opposition to [*moving party's*] motion for summary judgment or summary adjudication or both (if appropriate).

(Subd (e) amended effective January 1, 2009; previously amended effective January 1, 2002, and January 1, 2007.)

(f) Opposition to motion; content of separate statement

Each material fact claimed by the moving party to be undisputed must be set out verbatim on the left side of the page, below which must be set out the evidence said by the moving party to establish that fact, complete with the moving party's references to exhibits. On the

ISSUE 1—THE FIRST CAUSE OF ACTION FOR NEGLIGENCE IS BARRED BECAUSE PLAINTIFF EXPRESSLY ASSUMED THE RISK OF INJURY

Moving Party's Undisputed Material Facts and Alleged Supporting Evidence:	Opposing Party's Response and Evidence:
1. Plaintiff was injured while mountain climbing on a trip with Any Company USA. Plaintiff's deposition, 12:3-4.	Undisputed.
2. Before leaving on the mountain climbing trip, plaintiff signed a waiver of liability for acts of negligence. Smith declaration, 5:4-5; waiver of liability, Ex. A to Smith declaration.	Disputed. Plaintiff did not sign the waiver of liability; the signature on the waiver is forged. Jones declaration, 3:6-7.

(Subd (h) amended effective July 1, 2008; previously amended effective January 1, 1999, January 1, 2002, and January 1, 2008.)

(i) Request for electronic version of separate statement

On request, a party must within three days provide to any other party or the court an electronic version of its separate statement. The electronic version may be provided in any form on which the parties agree. If the parties are unable to agree on the form, the

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Annual Report on Form 10-K Toolkit

Resource type: **Practice Note: Overview**

Status: **Maintained**

Jurisdiction: **USA**

Resources to prepare an annual report on Form 10-K.

PLC Corporate & Securities

Under the federal securities laws, reporting companies must disclose information on a continuous basis. Each year companies must file an annual report on Form 10-K that provides business and financial information for the most recently completed fiscal year.

Form 10-K is the most comprehensive periodic report required to be filed with the SEC. It:

- ▣ Provides information about a company's business and financial condition.
- ▣ Includes audited financial statements for its two or three most recently completed fiscal years.

Form 10-K is different from, and provides more detailed information than, the annual report to stockholders, which provides a summary of the current state of the company and is delivered to stockholders with proxy materials for the annual stockholders' meeting. In contrast, Form 10-K contains most of the information that would also be provided in a registration statement for an offering of securities.

The SEC has been increasingly focused on improving the adequacy, transparency and completeness of company reporting. For example, the SEC staff has indicated that, when reviewing a company's Form 10-K and other periodic reports, they also review the company's earnings calls and press releases and other information the company makes publicly available (potentially including information posted on

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Form 10-K

Resource type: Practice Note

Status: **Maintained**

Jurisdiction: USA

This Note explains what a Form 10-K is and describes the information required in a Form 10-K, including incorporation by reference to other documents. This Note discusses how to prepare a Form 10-K, including the parties involved, significant sources of information, tips on drafting the document and performing a form check. This Note also describes how and when to file a Form 10-K with the SEC and the securities exchanges. In addition, this Note reviews the impact of a failure to file a Form 10-K report, including antifraud liability and inability to use other forms of registration.

PLC Corporate & Securities

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- What is Included in a Form 10-K?**
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- [Directors' and Officers' Questionnaire: Periodic Reports](#)
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- [Sarbanes-Oxley Certification under Section 302 of the Act](#)
- [Sarbanes-Oxley Certification under Section 906 of the Act](#)

Standard Clauses

- [Audit Committee Resolutions: Approving Financial Information and Periodic Reports](#)
- [Board Resolutions: Approving Financial Information and Periodic Reports](#)

Checklist

[Deadlines for Filing Periodic Reports: Chart](#)

Drafting the Document

Since Form 10-K presents the company's business and financial information, generally it is prepared by the company (by the accounting and legal departments), subject to review by, and any other requested assistance from, the company's auditors and outside counsel. To help collect information required by the Form 10-K that relates to directors and officers, the company prepares a directors' and officers' questionnaire which it sends out to each director and executive officer of the company (see [Standard Document, Directors' and Officers' Questionnaire: Periodic Reports](#)). The company uses the responses provided in the questionnaires to help prepare the Part III information as well as information for the proxy statement.

Since the time for filing (see [Filing the Form 10-K](#)) is short, given the quantity of information that must be collected and the financial information that must be prepared, it is more time-effective and cost-efficient for the company to prepare the form internally and have outside counsel review it when ready. The company's auditors are involved at an earlier stage than the company's outside counsel. However, if the company has a small accounting or legal department, or either department is overwhelmed with other work going on at the same time or if it is the first periodic report being filed after the company has completed its **initial public offering**, the company may prefer to have its outside counsel prepare substantial portions of the Form 10-K with company assistance. The company never requests outside counsel to prepare the financial statements or the related notes. If outside counsel is preparing the Form 10-K on behalf of the company, it is not uncommon for a junior associate to be assigned responsibility for the drafting.

Form Check

Once there is an advanced draft of the Form 10-K, a junior attorney in the company's legal department or at the company's outside counsel may be asked to perform a "form check". This essential though tedious part in the preparation of the Form 10-K is designed to make sure the report complies with all the requirements set out in the applicable form. The attorney must read the form and its instructions item by item and ensure that the information required under each item is included in the draft Form 10-K. This process takes time because each item in the form contains references to other items under specific SEC regulations, such as Regulation S-K and Regulation S-X (see [What is Included in a Form 10-K?](#)), which in turn must be carefully analyzed.



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Incorporation by Reference

The company can omit some or all of the Part III information from its Form 10-K and incorporate this information by reference from its proxy statement if the company files its proxy statement within 120 days after the end of its fiscal year. If the company decides to incorporate this information by reference, it must provide a statement to that effect in the Form 10-K under each affected item under Part III.

If the company files its Form 10-K intending to incorporate the Part III information by reference from its proxy statement but is unable to file its proxy statement by the 120th day after the end of its fiscal year, the company must instead amend its Form 10-K, and file a Form 10-K/A (see [Amending the Form 10-K](#)) by the 120th day after the end of its fiscal year to eliminate the incorporation by reference and include all of the Part III information (see [Practice Note, Proxy Statements: Timing](#)).

In addition, if the company prepares an **annual report to stockholders** that is separate from its Form 10-K, the company may incorporate some or all of the Part I and Part II information required to be in the Form 10-K by reference from its annual

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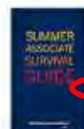
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✚ Running a loan closing process (including preparing a closing checklist, drafting closing certificates and resolutions)

✚ Basics of due diligence for a loan transaction

✚ The Finance Industry

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✚ Navigating discrimination, harassment and retaliation law

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Commencing a Federal Lawsuit: Drafting the Complaint

Resource type: **Practice Note**

Status: **Maintained**

Jurisdiction: **USA**

A step-by-step guide to drafting a federal court complaint and preparing the other case initiating documents according to the Federal Rules of Civil Procedure (FRCP). Specifically, this Practice Note explains how to draft the caption, demand a jury trial, structure the body of the complaint and comply with federal pleading standards (including pleading standards under the Supreme Court's *Twombly* and *Iqbal* decisions, pleading facts based on information and belief and pleading foreign law and special matters with particularity). This Note also explains how to prepare the other case initiating documents, including the summons, Rule 7.1 disclosure statement and civil cover sheet.

PLC Litigation

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Complaint Must Contain a Short and Plain Statement of the Claim

Generally, a complaint must include only a short and plain statement of the claim showing that the plaintiff is entitled to relief ([FRCP 8\(a\)\(2\)](#)). This standard does not require the plaintiff to plead detailed factual allegations (see *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). However, it does require the complaint to contain facts sufficient to give rise to a claim that is plausible on its face (see *Iqbal*, 556 U.S. at 678 citing *Twombly*, 550 U.S. at 570). A claim has facial plausibility when the plaintiff pleads facts that allow the court to draw a reasonable inference that the defendant is liable for the misconduct alleged (see *Iqbal*, 556 U.S. at 678 citing *Twombly*, 550 U.S. at 556).

Allegations Based on "Information and Belief"

If the plaintiff does not know all of the facts at the time the complaint is filed, it may allege that certain facts are true based on "information and belief." However, the plaintiff must still have a good faith basis to make the allegation (see [FRCP 11\(b\)](#) and *Pirelli Armstrong Tire Corp. Retiree Med. Benefits Trust v. Walgreen Co.*, 631 F.3d 436, 442 (7th Cir. 2011)).

Following the US Supreme Court decisions in *Twombly* and *Iqbal*, most courts have held that the plausibility standard may be met when facts are pleaded on information and belief if either:

- ❑ The facts are peculiarly within the possession and control of the defendant.
- ❑ The belief is based on facts that make the inference of culpability plausible.

(See *Arista Records, LLC v. Doe 3*, 604 F.3d 110, 120 (2d Cir. 2010); see also *Belik v. Carlson Travel Group, Inc.*, No. 11-cv-21136, 2011 WL 2221224, at *7 (S.D. Fla. June 6, 2011) (pleading on information and belief permissible when facts are peculiarly in defendant's possession) and *Simonian v. Blistex, Inc.*, No. 10-cv-1201, 2010 WL 4539450, at *3 (N.D. Ill. Nov. 3, 2010) (same); but see *New Albany Tractor, Inc. v. Louisville Tractor, Inc.*, 650 F.3d 1046, 1051 (6th Cir. 2011) (pleading standard set out in *Twombly* and *Iqbal* required dismissal of complaint even when facts were solely within the control of defendant)).

Pleading Special Matters

Plaintiff's counsel must be aware that there are standards for pleading certain special matters, including:

- ❑ A party's capacity to sue and legal existence.
- ❑ Fraud or mistake and conditions of mind.
- ❑ Conditions precedent.
- ❑ Official documents or acts.
- ❑ Judgments.
- ❑ Allegations of time and place.

Complaint (Federal)

Resource type: Standard Document

Status: **Maintained**

Jurisdiction: USA

A sample complaint that may be used to commence a civil lawsuit in federal district court. This Standard Document contains integrated drafting notes with important explanations and tips for drafting the complaint's caption, preliminary statement, jurisdiction and venue sections, facts section, legal claims, prayer for relief and signature block. It also contains a sample verification page for shareholder derivative and other complaints that must be verified by the plaintiff.

PLC Litigation

Note: Read This Before Using

UNITED STATES DISTRICT COURT FOR THE

[_____] DISTRICT OF [_____]

-----X

[NAME], :

Plaintiff(s), :

[_ Civ. ____ (____)(____)]

against :

[NAME], :

Defendant(s). :

COMPLAINT

[CLASS ACTION]

[JURY TRIAL DEMANDED]

-----X

Note: Caption

[PLAINTIFF(S)], by and through [its/their] attorneys, [LAW FIRM NAME], for [its/their] Complaint against [DEFENDANT (S)], allege[s], on knowledge as to [its/their] own actions, and otherwise upon information and belief, as follows:

PRELIMINARY STATEMENT

1. This is a [BRIEF DESCRIPTION OF ACTION AND CITATION TO RELEVANT LAWS OR STATUTES UNDERLYING PLAINTIFF'S CLAIM].
2. Plaintiff seeks [AMOUNT OF DAMAGES AND ANY EQUITABLE OR OTHER RELIEF SOUGHT].

Note: Preliminary Statement

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**UNITED STATES DISTRICT COURT FOR THE
[] DISTRICT OF []**

-----X
[NAME], :
 :
 : Civ. ____ () ()
 :
 Plaintiff(s), :
 : **COMPLAINT**
 :
 against :
 : [CLASS ACTION]
 :
 [NAME], :
 :
 Defendant(s). : [JURY TRIAL DEMANDED]
-----X

[PLAINTIFF(S)], by and through [its/their] attorneys, [LAW FIRM NAME], for
[its/their] Complaint against [DEFENDANT(S)], allege[s], on knowledge as to [its/their] own
actions, and otherwise upon information and belief, as follows:

PRELIMINARY STATEMENT

1. This is a [BRIEF DESCRIPTION OF ACTION AND CITATION TO RELEVANT LAWS OR STATUTES UNDERLYING PLAINTIFF'S CLAIM].
2. Plaintiff seeks [AMOUNT OF DAMAGES AND ANY EQUITABLE OR OTHER RELIEF SOUGHT].

JURISDICTION

3. [This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under [APPLICABLE FEDERAL LAWS, STATUTES OR TREATIES].]

OR

QUESTIONS?





Research Questions?

Contact the LRC
Reference Librarians

lrcref@san Diego.edu

(619) 260-4612

We can help!

