

Table 1

Priority		Likelihood	Purpose	Factors	Documents to submit	Authority	Notes
1a	Motion to Extend	Likelihood of Grant: High (esp. first request + pro se transition)	Usefulness: Critical to cure discovery defects, verify responses, and avoid sanctions	Factors: Counsel neglect, client diligence, minimal prejudice to opposing party	Captioned Motion (no form—standard motion format) Declaration of Jennifer Burbank [Optional] Proposed Order (local judges often appreciate it)	CCP § 473(b) — attorney error CCP § 1054(a) — good cause for deadline relieform APP-006	Use an EFSP (e.g., OneLegal, File&ServeXpress) Cost: \$60 unless fee waiver is approved Request: New deadline for discovery responses Leave to file corrected/amended discovery
	Request a Status Conference	Likelihood of Grant: Very High	Usefulness Helps reset expectations, establish timeline, and explain procedural issues on record	Factors Case confusion, docket mismanagement, pending relief motions			
	Seek a Protective Order or Stay	Likelihood of Grant: Moderate	Usefulness: Temporary relief from deadlines or enforcement actions while issues are corrected	Factors: Active risk of sanctions or unfair discovery burdens		Governing Authority: CCP § 2031.060, § 2025.420	
	Motion to Substitute Council						
	Declaration to Preempt Sanctions	Likelihood of Success: High (mitigation purpose)	Usefulness: Reduces exposure to sanctions; shows good cause	Factors: Documented good faith efforts by client, clear attorney failures	Exhibit in Motion to Extend	Governing Authority: CCP § 2023.030; court’s inherent power	
1b	Final stipulation	?	Talk to opposing council but the courts get included in the convo.	They are more inclined to play nice if the courts are included.			
	Application for Ex Parte. Hearing	For sure	Private communications with the courts (other council doesn’t know), used only in emergency situations.	These motions are typically granted on an emergency basis, such as when a party needs <i>immediate protection from harm</i> or needs to preserve property			
	Notice of intent to proceed in Pro Per (temporarily without an attorney)		Represent yourself due to not being able to secure (competent counsel)	Shows proactiveness, extremely favorable, and great chance to get leniency.			
		Missing Info	Cover Sheet	Provide timeline for supplemental information			
	Amend Discovery Asap	Use placeholder: “Defendant is preparing a full response. This will be supplemented by [Date].”					
	Declaration Clarifying Your Position						
	(temporarily without an attorney)						
	Serve Declaration for Sanction Mitigation						
	Motion to Set Aside / Vacate						
	(if sanctions or defaults enter)						

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1.0 Identity of Respondents		Purpose: Establishes who had input in the discovery answers.	What to Submit: Names, addresses, and phone numbers of people who helped prepare the responses (excluding typists).	
	1.1			
2.0 Personal Background		Purpose: Verifies identity, personal background, and possible credibility issues.	Licenses (numbers, issuers, restrictions) Residence history (last 5 years) Employment history (last 5 years, roles, dates) School history (names, degrees, dates) Criminal records (felony convictions, court info) Language proficiency	
	2.1			
	2.2			
3.0 Business Entity Info		Purpose: Establishes legitimacy and structure of business parties.	What to Submit: Articles of incorporation or organization Licensing or registration documents Fictitious business name filings Partner/member identities and roles	
4.0 Insurance Coverage		Purpose: Identifies potential coverage or indemnity.	What to Submit: Copies of relevant insurance policies Declaration pages showing coverage limits Contact info for carriers and custodians	
6.0 Physical/Mental Injuries		Purpose: Proves injury claims and treatment costs.	What to Submit: Medical records and bills Medication details and costs Health provider contact info Proof of ongoing or future treatment needs	
7.0 Property Damage		Purpose: Documents property loss or costs.	What to Submit: Photos, damage assessments Repair invoices, receipts Sale info (if applicable)	
8.0 Lost Income		Purpose: Supports claim for financial loss due to incident.	What to Submit: Pay stubs, tax returns Job descriptions, work logs Medical notes about work limitations	
9.0 Other Damages		Purpose: Captures all non-injury damages.	What to Submit: Invoices, receipts, contracts for other damages Docs showing amount, date, and recipient	
ANSWER Change to a none factual one by law office				
10.0 Medical History		Purpose: Determines preexisting conditions or alternative causes.	What to Submit: Past similar injury records Ongoing conditions prior to incident Post-incident non-related injuries	
11.0 Prior Claims		Purpose: Shows prior claims for similar injuries.	What to Submit: Past lawsuits, settlements, demand letters Workers' comp filings, insurer info	
12.0 Incident Investigation		Purpose: Reveals investigative efforts and evidence.	What to Submit: Witness names/contact info Photos, videos, statements Inspection records Internal reports or notes	
13.0 Surveillance		Purpose: Discloses any monitoring of parties.	What to Submit: Reports, videos, timestamps Investigator identities and locations	

14.0 Statutory Violations		Purpose: Supports claims based on legal violations.	What to Submit: Citations, code violations, court docs Arrest or ticket info if any	
15.0 Denials/ Defenses		Purpose: Forces production of all defense-supporting material.	What to Submit: Any documents that support defenses Witness names and evidence contradicting claims	
16.0 Defendant's Contentions		Purpose: Compels production of all rebuttal materials.	What to Submit: Documents disputing injury, treatment, or loss Proof another person caused the incident Evidence reducing damages	
17.0 Admission Responses		Purpose: Ensures denials are factually supported.	What to Submit: Evidence for each denied admission Documents proving your basis for partial or full denial	
20.0 Motor Vehicle Incident (if applicable)			What to Submit (if relevant): Vehicle info, maps, routes Photos, traffic signals, scene reconstructions	
50.0 Contract (if applicable)		Purpose: Supports or disproves existence and terms of agreement.	What to Submit: Contract copies, modifications, emails Notes about terms not in writing Evidence of breaches or terminations	

Final Stipulation
(Submit Request For Extension To Defendants & Courts)

A final stipulation is your last good-faith offer to the opposing party to agree—by joint written stipulation filed with the court—to a short extension or other schedule adjustments before you lodge a noticed motion or ex parte application. It saves time, demonstrates professionalism, and—if they sign—gives you essentially automatic relief under CCP § 1054.

Why Use a Final Stipulation

- Efficiency: No hearing; the court will sign your proposed order.
- Courtesy: Shows you tried to resolve the issue without court intervention.
- Leverage: If they refuse unreasonably, you can file your motion stipulating their refusal and invite the judge to note their lack of cooperation.

How to Draft It

1. Caption & Title
- Same as your case caption.
- Title it:

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME

2. Recitals (“Whereas” clauses)
Describe the deadline at issue:
WHEREAS, Defendant’s responses to Plaintiff’s Set One Interrogatories and RFAs were due April 30, 2025;
• Note counsel’s failure:
• State both sides’ need for more time.
WHEREAS, Plaintiff’s counsel has agreed to provide Defendant an additional 21 days to serve them, subject to court approval.
3. Stipulation Paragraph
IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel (and Defendant in pro per), that:
1. Defendant’s time to serve responses to Plaintiff’s Form Interrogatories (Set One) and Requests for Admission (Set One) is extended to and including June 21, 2025.
2. All other related deadlines (fast discovery cut-off, motion cut-off) are continued accordingly by 21 days.
3. This stipulation may be filed without further notice or hearing and the proposed form of order submitted herewith may be signed by the Court.
4. Signature Blocks
• Defendant (proper)
• Plaintiff’s Counsel
• (If you have new counsel by then, include their signature block instead of proper.)
5. Proposed Order

Immediately following, include a one-page “ORDER” that mirrors your stipulation:

IT IS SO ORDERED:
Defendant’s time to serve responses is extended to June 21, 2025. All other deadlines are continued 21 days.
DATED: _____
JUDGE OF THE SUPERIOR COURT

Procedure

1. Exchange Draft: Email or e-serve the draft stipulation to opposing counsel.
2. Finalize Signatures: Once they sign, you sign.
3. File & Lodge: E-file (or hand-file) both the stipulation and proposed order with the court clerk.
4. Submit to Judge: Depending on your department, either 1) drop it in the judicial clerk’s box for signature, or 2) upload it via e-filing under “Stipulations and Orders.”

If they refuse, you simply proceed with your noticed motion or ex parte application—and in your motion papers note that you attempted to stipulate but were unable to do so, fulfilling the “meet-and-confer” or “reasonable efforts” requirement.

✔ Court-Friendly, Damage-Minimizing Action Order

This sequence prioritizes **avoiding default, preserving credibility**, and **giving the court and opposing counsel notice** while **regaining procedural control**.

PHASE 1 – Immediate Prevention + Record Control (Today–Tomorrow)

1. Notice of Intent to Proceed in Pro Per (if no attorney yet)

→ Establishes legal authority to act on your own behalf

2. Declaration Clarifying Your Position

→ Attach to all filings; anchors the truth and explains why relief is needed

3. Motion to Extend (ASAP)

→ Cites CCP § 473(b) + § 1054; attach declaration and supporting documents

4. Serve Declaration for Sanction Mitigation (with motion or separately)

→ Shows good faith and active compliance effort; fends off monetary/issue sanctions

5. Amend Discovery with Placeholder Answers + Timetable

→ Retakes control of record; preserves right to object and correct

PHASE 2 – Stabilize Procedure and Open Dialogue (1–2 Days Later)

6. Request a Status Conference

→ Signals transparency and allows judge to set or reset the schedule

7. Seek Final Stipulation (Parallel Track)

→ Attempt informal agreement to extend deadlines and ratify corrected discovery

PHASE 3 – Transition or Emergency Protection (End of Week)

8. Motion to Substitute Counsel (file only once retained)

→ Officially installs new legal representative

9. Seek Protective Order or Temporary Stay (if opposition pushes or court sets hearing)

→ Shields you from procedural weaponization of missed steps

10. ⚠ Application for Ex Parte Hearing (only if sanctions/default are immediate)

→ Emergency hearing for urgent intervention if relief needed before regular motion heard

PHASE 4 – Fallback / Defensive Measures (if damage hits)

11. ⚠ Motion to Set Aside / Vacate (if sanctions or default are imposed)

→ CCP § 473(b) or court’s inherent power; use as damage control if prior efforts fail

Summary:

Start with **notice + declaration + motion to extend, amend what you can**, then stabilize via **status conference and stipulation**. Ex parte and vacatur are contingency tools — don’t lead with them unless truly urgent.

- Day 1 (today/tomorrow): File motion to extend + serve cover letter + partial amended answers
- Day 2: Draft full amended discovery with correct answers and verification
- Day 3: File substitution of counsel (if ready) or Notice of In Pro Per status

- Promptly file a Substitution of Attorney.
- File Motion to Extend ASAP (use declaration + attach revised draft if possible)
- Simultaneously email opposing counsel proposing stipulation to extend (show good faith)
 - Include reason: attorney misconduct, unverified responses, correction underway

- Serve updated (even partial) discovery answers with cover letter:
 - State clearly: “Amended responses supersede prior submission, which was unauthorized and unverified. Full responses forthcoming.”
 - Do not verify incorrect versions.
 - Attach POS (Proof of Service)

- Draft and file your motion or ex parte application, clearly citing statutes (§473(b), §1054).
- Attempt one last informal stipulation with opposing counsel.

- Carefully calendar new deadlines and hearings; complete overdue tasks diligently.
- Consider potential recovery against negligent attorney after immediate issues are resolved.

coming."

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Category	Attorney Conduct / Failure	Client Conduct / Mitigation Effort
Service of Process	Failed to confirm or complete service on 3 parties before deadline	Jennifer Burbank personally coordinated with the process server, provided addresses, discussed substitute service
Proof of Service	Failed to confirm POS was submitted; failed to show for hearing on missed POS	Jennifer followed up directly; was told opposing party was served; relied on firm’s assurances POS was handled
Court Hearing Attendance	Attorney failed to appear at POS hearing despite known court date	Jennifer called the office, was told attendance was not necessary and that attorney would appear
Discovery Assistance	Minimal communication; only one email suggesting to “reach out if needed”	Jennifer requested clarity, increased involvement, and sent multiple emails and calls
Docket Monitoring	Attorney failed to monitor docket; missed deadlines for opposing parties	Jennifer tracked the docket, informed attorney, requested default filings
Discovery Answer Submission	Discovery responses submitted with altered wording and at least one materially changed answer; no supporting documents filed	Jennifer noticed omissions; asked for clarification the day after deadline; James submitted revised answers before the deadline
Verification Issues	Sent blank Docusign verification form without reviewing final version of discovery	Jennifer refused to sign blank form; no follow-up form was provided
Failed to serve 3 parties before due date	Failed to Check if they were served by the due date	Failed to Have 3 Parties served by the due date
Clients fully responsible	Jennifer Burbank coordinated with the process server directly to ensure all 7 Parties were served. Providing address, legal possibilities of substitute service, and up to the minute coordination.	Jennifer Burbank Noticed and reached out
Proof of serveice not submitted	Still Failed to Check Pos was submitted.	Failed to provide proof of service for at least one individual.
	Jennifer Burbank followed up to see why it still wasn’t submitted and a court hearing was scheduled.	Jennifer Burbank Noticed and was assured he was served but they would verify POS was submitted
	New hearing set. Possible sanctions forthcoming	Failed to show up for hearing to explain missed POS
	Jennifer spoke to him to ask what happened and he stated he thought they filed documents or POS and he believed that would clear the court date. But didn’t actually have someone check, despite the phone call confirming the case was still on the docket, the following day. Furthermore, the individual at the office assured her she did not need to go.	Jennifer Burbank called the attorneys office the day prior to the hearing. She asked if she needed to attend and if he would be going. The response was, He would be going either in person or online.
	One call __OR EMAIL__was received at the start of the discovery window offering, “if you feel like you need help with any of the questions reach out”	Jennifer burbank expressed displeasure with the communication and responsiveness of the firm. Many calls and emails were necessary to get even the few responses she had received. Jennifer also requested to be more involved in the process, for an increase in responsiveness, and help with the discovery answers.
		Jennifer Burbank monitored the docket and notified the attorney that a response had not been filed on time for two of the parties. She requested for him to file documents preventing a late response by the two parties.
	If any discussions at all pertaining to strategy,Had the docket been monitored by the attorneys office.	While Jennifer compiled the documents as direct by council, a late response from the 2 defendants was received by the courts 7 days later preventing a default in the case of 2 parties.
		Discovery answers were sent at the due date but documents were not. The day (past the due date) after she reached out saying documents were missing to support our answers and were required.
		When asked which documents specifically she said you missed between 8.1 and 50.0. Basically all. When asked why we didn’t strategize or have any help going over al of the this to know what to answer and why, no answer was given. Subject changed.

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	All questions were also reworded. Possible to match legal formats. The reason is unknown at this time.	At least one discovery response is entirely different from the one submitted by Jennifer Burbank
		A revision of the answers was submitted by James Burbank the day prior to the deadline and before answers were submitted. The new draft of questions was used to fill in the 6 missing responses at the bottom of the first draft, but no changes to the other answers, which fundamentally change the claims made and potentially the outcome of the case, were made.
		An email containing a link to a DocuSign form was sent to James and Jennifers emails containing a form believed to be, confirming under penalty of

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Going to trial	Possibly going to trial based on his understanding of the case and our desires.			
Move out time.	Trails like this move fast. Probably not 6 months.			
Stall a little.	He can stretch it out a little more.			
Cross over from the case.	He will request and gain history of communications between management company rewards			
Taking The Case.	Next week. Will send the docs over before submitting.			
Services provided.	Covers everything involved including court appearances. Doesn't cover appeals and after.			
Court Fee.	\$245 per person initial filing fee.			
Motions.	\$30/\$40 per fee for other document submissions.			
Retainer.	\$5000 Flat.			
REPAIRS				
Follow up our attorneys: About the repairs				
"The habitability issues are on going. "				