Introduced by Assembly Member Chen

February 14, 2025

An act to amend Sections 1005 and 2016.040 of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 711, as introduced, Chen. Civil Actions: shorthand reporters.

Existing law relating to civil procedure requires written notice and establishes deadlines for serving and filing moving and supporting papers for prescribed motions and for serving notices and other papers, as specified. Existing law also requires that meet and confer notices with specified information be filed in support of specified motions.

This bill would require that such notices and declarations include a statement by the filing party as to whether they will provide a certified shorthand reporter for a hearing, if one is ordered.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1005 of the Code of Civil Procedure is 2 amended to read:
- 3 1005. (a) Written notice shall be given, as prescribed in
- 4 subdivisions (b) and (c), for the following motions:
- 5 (1) Notice of Application and Hearing for Writ of Attachment
- 6 under Section 484.040.

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1 (2) Notice of Application and Hearing for Claim and Delivery 2 under Section 512.030.

- 3 (3) Notice of Hearing for Claim of Exemption under Section 706.105.
 - (4) Motion to Quash Summons pursuant to subdivision (b) of Section 418.10.
 - (5) Motion for Determination of Good Faith Settlement pursuant to Section 877.6.
 - (6) Hearing for Discovery of Peace Officer Personnel Records in a civil action pursuant to Section 1043 of the Evidence Code.
 - (7) Notice of Hearing of Third-Party Claim pursuant to Section 720.320.
 - (8) Motion for an Order to Attend Deposition more than 150 miles from deponent's residence pursuant to Section 2025.260.
 - (9) Notice of Hearing of Application for Relief pursuant to Section 946.6 of the Government Code.
 - (10) Motion to Set Aside Default or Default Judgment and for Leave to Defend Actions pursuant to Section 473.5.
 - (11) Motion to Expunge Notice of Pendency of Action pursuant to Section 405.30.
 - (12) Motion to Set Aside Default and for Leave to Amend pursuant to Section 585.5.
 - (13) Any other proceeding under this code in which notice is required, and no other time or method is prescribed by law or by court or judge.
 - (b) Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required 16-day period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California, 10 calendar days if either the place of mailing or the place of address is outside the State of California but within the United States, 12 calendar days if the place of address is the Secretary of State's address confidentiality program (Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code), and 20 calendar days if either the place of mailing or the place of address is outside the United States, and if the notice is served by facsimile transmission,

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express mail, or another method of delivery providing for overnight delivery, the required 16-day period of notice before the hearing shall be increased by two calendar days. Section 1013, which extends the time within which a right may be exercised or an act may be done, does not apply to a notice of motion, papers opposing a motion, or reply papers governed by this section. All papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least nine court days, and all reply papers at least five court days before the hearing.

The court, or a judge thereof, may prescribe a shorter time.

(c) Notwithstanding any other provision of this section, all papers opposing a motion and all reply papers shall be served by personal delivery, facsimile transmission, express mail, or other means consistent with Sections 1010, 1011, 1012, and 1013, and reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day after the time the opposing papers or reply papers, as applicable, are filed. This subdivision applies to the service of opposition and reply papers regarding motions for summary judgment or summary adjudication, in addition to the motions listed in subdivision (a).

The court, or a judge thereof, may prescribe a shorter time.

- (d) In any notice required by this section, the moving party shall state whether it will be retaining a certified shorthand reporter to report the hearing.
- SEC. 2. Section 2016.040 of the Code of Civil Procedure is amended to read:
- 2016.040. A meet and confer declaration in support of a motion shall state facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. The declaration shall also include whether the moving party will retain a certified shorthand reporter to report the hearing on the motion.