

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT W13-02

Title	Action Requested
Civil Practice and Procedure: Application for and Notice of Stay and Early Evaluation Conferences in Construction-Related Accessibility Claims	Review and submit comments by January 25, 2013
Proposed Rules, Forms, Standards, or Statutes Adopt forms DAL-005, DAL-006, and DAL-010; approve form DAL-012.	Effective Date January 1, 2013
Proposed by Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair	Contact Anne Ronan, 415-865-8933, anne.ronan@jud.ca.gov

Executive Summary and Origin

The Judicial Council has adopted forms, effective January 1, 2013, for defendants to apply for and the court to give notice of a stay of proceedings and early evaluation conference in construction-related accessibility claims. Senate Bill 1186 (Steinberg and Dutton; Stats. 2012, ch. 383) was enacted in late September 2012 to promote compliance with the state's disability access laws and deter unwarranted litigation in that area. Many provisions of the new law are already in effect, including the expansion of the categories of defendants who are eligible for automatic stays and early evaluation conferences under Civil Code section 55.54. The new law mandates that the Judicial Council revise the current provisional and statutorily mandated forms to implement these changes by January 1, 2013. Because of the short time between the enactment of the new law and the mandated effective date for these forms, the Civil and Small Claims Advisory Committee recommended, and the council agreed, that the forms should be adopted prior to circulation for public comment. The forms are now being circulated and the advisory committee will return to the council with any further recommendations based on comments received.

Background

In October 2009, when the provisions of Civil Code section 55.54¹ on applications for automatic stays of proceedings and early evaluation conferences in construction related-accessibility cases

¹ Unless otherwise noted, all statutory references herein are to the Civil Code.

became operative, the statutorily required application form and notice and stay form were added to the judicial branch website. Because the format and content of the *Defendant's Application for Stay of Proceedings and Early Evaluation Conference* and the *Notice of Stay of Proceedings and Early Evaluation Conference* were fully set forth within the statute, there was no need at that time for the council to adopt them as Judicial Council forms. Recently enacted Senate Bill 1186 (SB 1186) mandates that the council now adopt the application and notice forms, revising the current statutory forms to implement the changes in the law on who can obtain the automatic stays of proceedings—changes that are already in effect—by January 1, 2013. (§ 55.54(l)(1).)²

Section 55.54 provides a procedure whereby certain categories of defendants in cases with construction-related accessibility claims are eligible to receive an automatic stay of court proceedings and early evaluation conference. Under prior law, such procedures were limited to defendants whose property had been inspected by a certified access specialist (CASp). SB 1186 has expanded the categories of defendants who are eligible for the automatic stay and early evaluation conferences. In addition to the CASp-certified defendants (who are defined in the statute as “qualified” defendants), three new categories have been added, two for new construction that was approved by a local public building permit and inspection process and one for small businesses which have corrected all violations or will have corrected them within 30 days of being served with the complaint. The statute mandates that application and notice forms including these new categories of defendants be in effect by January 1, 2013.

The Proposal

In order to implement these changes in the law, the council has, effective January 1, 2013, adopted the following mandatory forms:

- *Defendant's Application for Stay of Proceedings and Early Evaluation Conference* (form DAL-005),
- *Confidential Cover Sheet and Declaration re Documents for Stay and Early Evaluation Conference* (form DAL-006), and
- *Notice of Stay of Proceedings and Early Evaluation Conference* (form DAL-010).

The council has also approved as an optional form, effective that same date, *Proof of Service—Disability Access Litigation* (form DAL-012).

Comments are now sought on these new forms, particularly as to the revisions made to the prior statutory forms.³

² SB 1186 also mandates that the council revise the attorney advisory notice (form DAL-001) and adopt new application and notice forms for the new alternative mandatory evaluation process under section 55.545. The new law does not mandate that those forms be adopted as quickly as the ones discussed here. Hence those forms are being proposed with a July 1, 2013 effective date and are being circulated separately for comment *prior* to consideration by the council.

³ The statutory forms can be seen in the statute at section 55.54(c)(7).

Application form

The new Judicial Council form *Defendant's Application for Stay of Proceedings and Early Evaluation Conference* (form DAL-005) is modeled directly on the prior statutory application form,⁴ with the primary substantive change being the addition in item 3 of the newly required statements for each of the new categories of defendants.

Applications for a stay and early evaluation conference must include declarations under penalty of perjury as to each element of the applicable category. (§ 55.54(c)(1)–(4).) The statements required for each of the three different types of eligibility (CASp-inspected site, new construction approved by local building process,⁵ and small business⁶) are set out in separate subparts in item 3, with each subpart given its own title for clarity. The defendant is to check the statements applicable to the provisions under which the defendant is seeking relief.

In addition, a defendant who is seeking the stay as a small business must provide wage reports and federal or state tax documents with the application, showing the defendant's number of employees and average gross receipts for the previous three years, or for the existence of the business if less than three years, along with evidence showing correction of all violations within 30 days of the service of the complaint (or a statement that such evidence will be provided within 10 days of issuance of the stay). (§ 55.54(c)(5)–(6).) Item 3c includes check boxes for a defendant to indicate that the required documentation is being filed, and directions to file the wage reports and tax documents separately so they can be kept confidential by the court. (§ 55.54(c)(6).)

The Judicial Council form differs from the provisional statutory form in that it requires a signature by the attorney representing the defendant, if any. This addition is to comply with Code of Civil Procedure section 128.7, which mandates that every pleading, petition, or similar paper be signed by at least one attorney of record if the party is represented by counsel.

Confidential cover sheet

The new *Confidential Cover Sheet and Declaration re Documents for Stay and Early Evaluation Conference* (form DAL-006) is an entirely new form, not based on any current statutory form. The statute requires that the court keep confidential and not include in publicly accessible files

⁴ The format of the form has been revised slightly, to meet the current formatting standards of Judicial Council forms.

⁵ Although the statute includes two separate categories for new construction, the categories are distinguished only by the requirement in one that the building inspector be a certified access specialist. (Compare subparagraphs § 55.54(b)(2)(A) and (B).) Because that requirement need not be met until cases are brought litigating access to buildings or improvements constructed and approved after January 1, 2016, this distinction has not been included in the new application form. The form can be revised in 2015 if that distinction remains in the law at that point

⁶ Small businesses are defined in the act as having 25 or fewer employees and gross receipts under a certain eligibility level (currently no more than \$3.5 million in gross receipts, but that amount may be changed every second year. (§ 55.54(b)(2)(C) and § 55.56(f).)

certain of the documents that the parties are required to file, specifically, the business records of the small business defendant, which under SB 1186 must be filed with the application, and the CASp inspection reports of defendants seeking a stay on that basis, which may be filed later. (See § 55.54(c)(6) and (d)(4).) In order to facilitate a court's compliance with this mandate of confidentiality, the council has adopted a simple cover sheet to be used by the parties in filing these documents, so that the confidential nature of the documents will be clearly indicated when they arrive at the court and it will be easy for the clerk to segregate the documents from those to be put in the public files. Including a declaration on the form provides an easy way for the party to authenticate the attached copies. References to this form have been incorporated into the application and notice. See item 3c(iv) of the application (form DAL-005) and item 6 on the notice of stay (form DAL-010), which instruct parties to use the *Confidential Cover Sheet and Declaration* to file the required documents.

Notice of stay and early evaluation conference

The new *Notice of Stay of Proceedings and Early Evaluation Conference* (form DAL-010) is modeled on the prior statutory notice form and contains each element mandated for the notice and stay. (See § 55.54(d).) As in the statutory form, the new Judicial Council form is a notice to be issued by the clerk as a ministerial action. Should a judicial officer, for whatever reason, decide to deny or terminate the requested stay, a form is not required by statute for such an action.

There are three substantive differences between proposed notice form DAL-010 and the prior statutory form: the expansion of item 5, which directs the defendants as to what they are statutorily required to file and serve on plaintiff before the conference; the revision of item 8, which mandates service of the notice and the application; and the removal of the integrated proof of service (which is being proposed as a separate proof of service form).

Item 5 has been expanded and divided into subparts, based on which eligibility category the defendant applied under: CASp-inspected site, new construction, or small business. These are the same three categories that are listed on the application, in item 3 of form DAL-005. The notice is somewhat different for each category of defendant because the requirements as to what documentation each defendant must serve and file before the early evaluation conference, and when they have to do so, differs by category. (See § 55.54(d)(4).) It will be up to the defendant to determine which directive in the notice applies, based on which category the defendant checked in the application.

Item 8 in form DAL-010 provides direction to the defendant to serve the notice and application on the plaintiff within five court days of the court's issuance of the notice by hand-delivery or mailing. These methods parallel the provisions in the prior statutory form, although that form further directs that the papers be served on the same day the court issues the notice. Because there is nothing in the text of the statute that mandates such a short time frame for service, the notice form addresses this point somewhat differently than the form it is replacing, adding a few additional days for service.

It appears that the assumption underlying the direction in the statutory form (that the notice be served on the day it is issued) was that a court will issue the notice of stay to a defendant standing at the clerk's counter, upon the filing of the application. While this may once have been viewed as an ideal situation, it is not always practicable and is completely impossible for applications filed by mail or e-mail. A defendant who mails in an application or files it by e-mail will not be at the courthouse waiting for issuance of a notice and is not likely to receive it on the day it is issued. Hence, the form could not be served on that day.

Because there is no express requirement in the text of the statute providing that service must be done in that time frame, the council concluded that a determinate number of days for service should be used, and determined that five court days was an appropriate implementation of the short time frame for service envisioned by the Legislature.⁷ Comments are requested on whether this time frame is sufficient to allow compliance.

Proof of service

There is an express statutory provision that mandates that the statutory forms implementing section 55.54 procedures and "any replacement Judicial Council forms shall include the defendant's declaration of proof of service." (§ 55.54(c)(8).) Hence it is clear that service of the application and notice is required and that filing a proof of service is at least contemplated.

In light of the mandate that the Judicial Council forms include the defendant's declaration of service, the council has adopted a separate form, *Proof of Service—Disability Access Litigation* (form DAL-012), that may be used for that purpose. Having a separate form will comply with the legislative mandate while also making it easier for parties to actually file the proof of service, with no further cover sheet needed. The item on the proposed notice form regarding service (item 8 on proposed form DAL-010) includes a reference to this new proof of service form so that the parties will be able to locate it easily.

Proposed form DAL-012 is more detailed than the declaration of service included as the integrated proof on the statutory form, so that this new proof will comply with the requirements of Code of Civil Procedure section 1013. The form is limited to proof of service by mail or in person, because those are the only two forms of service authorized on the current statutory form. The form is optional, however, and need not be used if another method of service, such as electronic service, is used.

The new form includes a checklist of documents in addition to the application and notice of stay that the proof of service may be used with, to facilitate filing proofs of service for other

⁷ A proposed rule that would mandate such a time for service (with a July 1, 2013 effective date) is being circulated for comment with the proposed Disability Access Litigation forms being proposed with July 1, 2013 effective dates.

documents for which service on the parties is required under section 55.54(d) or section 55.545 (the new alternative mandatory evaluation process).⁸

Although the statute clearly contemplates the filing of a proof of service by mandating that a proof be included in the forms adopted by the council, the law does not require such filing or provide any deadline for it. Specific comments are requested on whether a rule should be proposed mandating such filing and, if so, what time frame should be imposed in the rule.

Alternatives Considered

Because SB 1186 mandates that the council adopt forms that allow the current and new categories of defendants to file applications for, and the court to issue notices of, stays and early evaluation conferences by January 1, 2013, the alternative of taking no action was not considered. Consideration was given to only adopting two forms, the application and notice forms, due to the very short time frame for implementation, but it was concluded that the confidential cover sheet and separate proof of service form would not further burden the courts and would facilitate the courts' and parties' implementation of the new provisions.

Implementation Requirements, Costs, and Operational

Three of the new forms, the application, confidential cover sheet, and proof of service, will be completed by the parties, while the new notice form will be primarily completed by the court. Implementation of the forms, especially the notice form to be issued by the court, will require some training costs, for both judges and clerks, although some of that training may already be under way in an effort to implement the new procedures already in effect under SB 1186. Implementation of the notice form will have a further impact on courts that issue notices and orders via computerized case management systems, in that it will have to be programmed into those systems and, until it is, courts will have to issue it manually. The new law, however, mandates the adoption of the application for stay and the notice of stay, as well as a declaration of service of both (forms DAL-005, DAL-010, DAL-012) by January 1, 2013, so there was no option to delay the effective dates of those forms.

The confidential cover sheet (form DAL-006) is not mandated, so its adoption could have been deferred. However, its adoption should not place any burden on the court and the form is expected to facilitate the court's implementation of the confidentiality provisions of the new law. The documents filed with this cover sheet must be kept confidential whether or not the form is approved.

⁸ The proposed forms for that new procedure, with a proposed July 1, 2013 effective date, are currently also being circulated for comment.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Do the new forms appropriately address the stated purpose?
- Does five court days following issuance of the notice of stay of proceedings (see form DAL-010, item 8) provide sufficient time for a defendant to receive and serve the papers?
- Should a rule be adopted mandating that a proof of service of the application and notice (forms DAL-005 and DAL-010) be filed with the court? If so, how long before the early evaluation conference should such filing be required?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, or modifying case management system.
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms DAL-005, DAL-006, DAL-010, DAL-012, at pages 8–13.
2. SB 1186 may be found at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1186&search_keywords

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number if attorney, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS : _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 11/26/12 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
DEFENDANT'S APPLICATION FOR STAY AND EARLY EVALUATION CONFERENCE PURSUANT TO CIVIL CODE SECTION 55.54	CASE NUMBER:

(Information about this application and filing instructions may be obtained at www.courts.ca.gov/selfhelp.htm)

1. Defendant (name): _____ requests a stay of proceedings and early evaluation conference pursuant to Civil Code section 55.54.
2. The complaint in this case alleges a construction-related accessibility claim as defined under Civil Code section 55.52(a)(1).
3. The claim concerns a site that meets one of the following sets of requirements (All items in one of a, b, or c must be checked for the court to order a stay and early evaluation conference. Check a box if the statement is true.)
 - a. **CASp-Inspected Site**
 - i. Site has been inspected by a Certified Access Specialist (CASp) and determined to be CASp inspected or CASp determination pending and, if CASp inspected, there have been no modifications completed or commenced since the date of inspection that may impact compliance with construction-related accessibility standards to the best of defendant's knowledge; and
 - ii. An inspection report by a Certified Access Specialist (CASp) relating to the site has been issued.
 - b. **New Construction**
 - i. Site has had new construction or improvements on or after January 1, 2008, approved pursuant to the local building permit and inspection process;
 - ii. To the best of defendant's knowledge, there have been no modifications or alterations completed or commenced since that approval that impacted compliance with construction-related accessibility standards with respect to the plaintiff's claim; and
 - iii. All violations have been corrected, or will be corrected within **60** days of defendant's being served with the complaint.
 - c. **Small Business**
 - i. Site is owned or occupied by a defendant that is a small business that has employed an average of 25 or fewer employees over the past three years and meets the gross receipts eligibility criteria provided in Civil Code, § 55.56(2)(f);
 - ii. All violations have been corrected, or will be corrected within **30** days of being served with the complaint; and
 - iii. Evidence showing that all violations have been corrected (check one) is attached will be filed with the court within **10** days of the court order setting an early evaluation conference.
 - iv. I am filing the following with the court along with this application: (The documents should be filed separately attached to a Confidential Cover Sheet and Declaration (form DAL-006).)
 - Proof of the number of defendant's employees as shown by wage reports forms filed with the Employment Development Department over the past three years or for existence of the business if less than three years.
 - Proof of defendant's average gross receipts as shown by federal or state tax documents for the three years before this application or for existence of the business if less than three years.

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

4. Defendant requests that the court:

- a. Stay the proceedings relating to the construction-related accessibility claim.
- b. Schedule an early evaluation conference.
- c. Order defendant to:
 - i. File a confidential copy of the Certified Access Specialist (CASp) report with the court and serve a copy of the report on the plaintiff at least **15** days before the date of the early evaluation conference, which shall be kept confidential as set forth in Civil Code section 55.54(d)(4); or
 - ii. File with the court and serve on plaintiff evidence showing correction of all violations within **10** days of completion of the correction or, if seeking relief as a small business, within **10** days after issuance of a court order granting a stay.
- d. Order plaintiff to file with the court and serve on defendants the statement required by Civil Code section 55.54(d)(6) at least **15** days before the date of the early evaluation conference.

Date: _____

(TYPE OR PRINT NAME)

 _____

(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

DECLARATION OF DEFENDANT

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME OF DECLARANT)

 _____

(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number of attorney, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT 11/29/12 Not approved by Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<p style="text-align: center;">CONFIDENTIAL COVER SHEET AND DECLARATION RE DOCUMENTS FOR STAY AND EARLY EVALUATION CONFERENCE</p>	CASE NUMBER:

This Confidential Cover Sheet and Declaration should be affixed to the first page of any of the documents listed below. It may not be used with other documents.

INSTRUCTIONS TO CLERK: Certain supporting documents to be filed along with or following an *Application for Stay of Proceedings and Early Evaluation Conference* are to be kept confidential, as provided by Civil Code sections 55.54(b)(2)(C)(6) and 55.54(d)(4)-(5). Such document are not to be made part of the public record except to the extent provided in Civil Code section 55.54(e)(4).

Attached hereto is a true and correct copy of one or more of the following documents (*check all that apply*):

1. Report issued by a Certified Access Specialist on a site that is the subject of this litigation. (*This document may become publicly accessible at some point, under Civil Code section 55.54(e)(4).*)
2. Wage report forms filed by defendant with the Employment Development Department.
3. State or federal income tax returns filed by defendant.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number if attorney, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS : _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <p style="text-align: center;">DRAFT 11/26/12 Not approved by Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
<p style="text-align: center;">NOTICE OF STAY OF PROCEEDINGS AND EARLY EVALUATION CONFERENCE (CONSTRUCTION-RELATED ACCESSIBILITY CLAIM)</p>	CASE NUMBER:

Stay of Proceeding

For a period of 90 days from the date of the filing of this court notice, unless otherwise ordered by the court, the parties are stayed from taking any further action relating to the construction-related accessibility claim or claims in this case.

This stay does not apply to any construction-related accessibility claim in which the plaintiff has obtained temporary injunctive relief which is still in place.

Notice of Early Evaluation Conference

1. This action includes a construction-related accessibility claim under Civil Code Section 55.52(a)(1) or other provision of law.
2. A defendant has requested an early evaluation conference and a stay of proceedings under Civil Code Section 55.54.
3. The early evaluation conference is scheduled as follows:

a. Date:	Time:	Dept.:	Room:
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- b. The conference will be held at the court address shown above at the following address:

4. The plaintiff and defendant must attend with any other person needed for settlement of the case unless, with court approval, a party's disability requires the party's participation by a telephone appearance or other alternate means or through the personal appearance of an authorized representative.
5. The defendant that requested the conference and stay of proceedings must file with the court and serve on all parties
 - a. (For a defendant applying under **CASp-Inspected Site** section) A copy of the CASp report for the site that is the subject of the construction-related accessibility claim at least **15** days before the date set for the early evaluation conference. The CASp report is confidential and only available as set forth below and in Civil Code Section 55.54(d)(4).
 - b. (For a defendant applying under **New Construction** section) Evidence showing the correction of all violations giving rise to the construction-related accessibility claim within **60** days of the service of the complaint. The evidence must be filed and served on all other parties within **10** days following completion of the corrections.
 - c. (For a defendant applying under **Small Business** section) Evidence if not previously filed and served showing the correction, within **30** days of the service of the complaint, of all violations giving rise to the construction-related accessibility claims. The evidence must be filed and served on all other parties within **10** days of issuance of this order.
6. The CASp report must be marked "CONFIDENTIAL" and may be disclosed only to the court, the parties to the action, the parties' attorneys, those individuals employed or retained by the attorneys to assist in the litigation, and insurance representatives or others involved in the evaluation and settlement of the case. (File the court's copy attached to Confidential Cover Sheet and Declaration (form DAL-006)).

_ PLAINTIFF:	CASE NUMBER:
DEFENDANT:	

7. The plaintiff must file with the court and serve on all parties at least 15 days before the date set for the early evaluation conference a statement of, to the extent known, all of the following:
- An itemized list of specific issues on the subject premises that are the basis of the claimed construction-related accessibility violations in the plaintiff's complaint;
 - The amount of damages claimed;
 - The amount of attorney's fees and costs incurred to date, if any, that are being claimed; and
 - Any demand for settlement of the case in its entirety.
8. A copy of this notice and defendant's application must be served on the plaintiff by hand-delivering it or mailing it to the address listed on the complaint of plaintiff's attorney or plaintiff if without an attorney, within 5 court days of date that the court issues the *Notice of Stay of Proceedings and Early Evaluation Conference*. Defendant may file *Proof of Service--Disability Access Litigation* (form DAL-012) with the court to show service of the documents.

Date: _____ Clerk, by _____, Deputy

More information about this Notice and Order and the defendant's application, and instructions to assist plaintiff and defendants in complying with this Notice and Order, may be obtained at www.courts.ca.gov/selfhelp.

Request for Accommodation



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the date on which you are to appear. Contact the clerk's office or go to <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number if attorney, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS : _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY DRAFT 11/29/12 Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	CASE NUMBER:
<p style="text-align: center;">PROOF OF SERVICE—DISABILITY ACCESS LITIGATION</p> <p>Check method of service (only one):</p> <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail	JUDGE: DEPT.:

(This proof of service may only be used to show service of documents in cases with construction-related accessibility claims, as listed below. Do NOT use it to show service of a summons and complaint, or to show electronic service.)

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:

3. I served the following documents *(check the applicable boxes)*:
 - a. *Defendant's Application for Stay of Proceedings and Early Evaluation Conference* (form DAL-005)
 - b. *Notice of Stay of Proceedings and Early Evaluation Conference* (form DAL-010)
 - c. *Application for Mandatory Evaluation Conference* (form DAL-015)
 - d. *Notice of Mandatory Evaluation Conference* (form DAL-020)
 - e. Inspection report by Certified Access Specialist *(name)*: _____ regarding
the site in this action (See Civ. Code, § 55.54(d)(4)(A).)
 - f. Evidence showing correction of violation giving rise to construction-related claims or plans for remediation (See Civ. Code, § 55.54(d)(4)(B) or (C) or § 55.545(c)(3).)
 - g. Plaintiff's statement of issues, damages, attorney's fees, and any settlement demand. (See Civ. Code, § 55.54(d)(5) or § 55.545(c)(3).)
 - h. Other *(describe)*:

4. **By Mail.** I am a resident of or employed in the county where the mailing occurred. I served a copy of the document or documents by mailing them, in a sealed envelope with first-class postage fully prepaid, as follows:
 - a. I deposited the envelope with the United States Postal Service.
 - b. I placed the envelope for collection and processing for mailing following this business's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
 - c. Date of deposit: _____
 - d. Place of deposit *(city and state)*: _____
 - e. Addressed as follows *(name and address)*: _____

5. **By Personal Service.** I served a copy of the document or documents by personally delivering copies as shown below:
 - a. Name of person served:
 - b. Address of person served:
 - c. On *(date)*: _____
 - d. At *(time)*: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ _____

(TYPE OR PRINT NAME) (SIGNATURE)