



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

KATHLEEN T. HOWARD  
*Director, Office of Governmental Affairs*

March 28, 2006

Hon. Dave Jones, Chair  
Assembly Judiciary Committee  
State Capitol, Room 3126  
Sacramento, California 95814

Subject: AB 2455 (Nakanishi), as amended March 27, 2006 - Support  
Hearing: Assembly Judiciary Committee – April 4, 2006

Dear Assembly Member Jones:

The Judicial Council is pleased to support AB 2455, which, among other things, revises the provisions governing claims against defendant guarantors by amending Code of Civil Procedure (CCP) section 116.220 to increase the limit for cash deposit demands brought in small claims court by natural persons from \$4,000 to \$7,500. The Judicial Council supports this change because it is consistent with the recent legislation that raised the jurisdiction of small claims court actions brought by natural persons from \$5,000 to \$7,500 (AB 1459 (Canciamilla), Stats.2005, ch. 618 and SB 422 (Simitian) Stats. 2005, ch. 600), and it should provide more equitable relief for consumers through a much simpler and less expensive legal process.

Under current law, the jurisdiction of the small claims court includes claims against defendant guarantors who do not charge a fee if the demand does not exceed \$2,500. (CCP section 116.220(c).) The small claims act also authorizes claims against defendant guarantors up to \$4,000 if the defendant guarantor charges a fee for its services or the defendant guarantor is the Registrar of the Contractors State License Board. (*Id.*) The Judicial Council is unable to identify any legal or practical reason why claims against defendant guarantors should be treated differently than other actions allowed in small claims court. Ideally, the council believes that the existing \$2,500 and \$4,000 caps should be removed and that actions against all defendant guarantors should be allowed in small claims court up to the jurisdictional limits that apply in other cases. However, the council also believes that the more limited change being proposed in

Hon. Dave Jones, Chair

March 28, 2006

Page 2

AB 2455 is a good first step that should at least minimize confusion in this area and make it easier for small claims litigants, small claims advisors, and the courts.

For these reasons, the Judicial Council supports AB 2455. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan A Pone". The signature is fluid and cursive, with the first name "Dan" and last name "Pone" clearly distinguishable.

Daniel A. Pone  
Senior Attorney

DP/lb

cc: Members, Assembly Judiciary Committee  
Mr. Mike Brown, Contractors State License Board  
Ms. Sue Blake, Director of Legislation, Office of Planning and Research  
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor  
Ms. Leora Gershenson, Staff Counsel, Assembly Judiciary Committee



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

KATHLEEN T. HOWARD  
*Director, Office of Governmental Affairs*

March 28, 2006

Hon. Alan Nakanishi  
California State Assembly  
State Capitol, Room 5175  
Sacramento, California 95814

Subject: AB 2455 (Nakanishi), as amended March 27, 2006 - Support  
Hearing: Assembly Judiciary Committee – April 4, 2006

Dear Assembly Member Nakanishi:

The Judicial Council is pleased to support AB 2455, which, among other things, revises the provisions governing claims against defendant guarantors by amending Code of Civil Procedure (CCP) section 116.220 to increase the limit for cash deposit demands brought in small claims court by natural persons from \$4,000 to \$7,500. The Judicial Council supports this change because it is consistent with the recent legislation that raised the jurisdiction of small claims court actions brought by natural persons from \$5,000 to \$7,500 (AB 1459 (Canciamilla), Stats.2005, ch. 618 and SB 422 (Simitian) Stats. 2005, ch. 600), and it should provide more equitable relief for consumers through a much simpler and less expensive legal process.

Under current law, the jurisdiction of the small claims court includes claims against defendant guarantors who do not charge a fee if the demand does not exceed \$2,500. (CCP section 116.220(c).) The small claims act also authorizes claims against defendant guarantors up to \$4,000 if the defendant guarantor charges a fee for its services or the defendant guarantor is the Registrar of the Contractors State License Board. (*Id.*) The Judicial Council is unable to identify any legal or practical reason why claims against defendant guarantors should be treated differently than other actions allowed in small claims court. Ideally, the council believes that the existing \$2,500 and \$4,000 caps should be removed and that actions against all defendant guarantors should be allowed in small claims court up to the jurisdictional limits that apply in other cases. However, the council also believes that the more limited change being proposed in



Hon. Alan Nakanishi

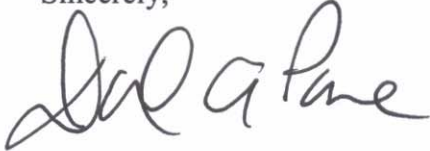
March 28, 2006

Page 2

AB 2455 is a good first step that should at least minimize confusion in this area and make it easier for small claims litigants, small claims advisors, and the courts.

For these reasons, the Judicial Council supports AB 2455. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan A. Pone", written in a cursive style.

Daniel A. Pone  
Senior Attorney

DP/lb

cc: Ms. Sue Blake, Assistant Office of Planning and Research  
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor  
Ms. Leora Gershenzon, Staff Counsel, Assembly Judiciary Committee



Dunn – Rm 2080

## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

KATHLEEN T. HOWARD  
*Director, Office of Governmental Affairs*

May 18, 2006

Hon. Joseph L. Dunn, Chair  
Senate Judiciary Committee  
State Capitol, Room 2080  
Sacramento, California 95814

Subject: AB 2455 (Nakanishi), as amended March 27, 2006 - Support  
Hearing: Senate Judiciary Committee – June 13, 2006

Dear Senator Dunn:

The Judicial Council is pleased to support AB 2455, which, among other things, revises the provisions governing claims against defendant guarantors by amending Code of Civil Procedure (CCP) section 116.220 to increase the limit for cash deposit demands brought in small claims court by natural persons from \$4,000 to \$7,500. The Judicial Council supports this change because it is consistent with the recent legislation that raised the jurisdiction of small claims court actions brought by natural persons from \$5,000 to \$7,500 (AB 1459 (Canciamilla), Stats.2005, ch. 618 and SB 422 (Simitian) Stats. 2005, ch. 600), and it should provide more equitable relief for consumers through a much simpler and less expensive legal process.

Under current law, the jurisdiction of the small claims court includes claims against defendant guarantors who do not charge a fee if the demand does not exceed \$2,500. (CCP section 116.220(c).) The small claims act also authorizes claims against defendant guarantors up to \$4,000 if the defendant guarantor charges a fee for its services or the defendant guarantor is the Registrar of the Contractors State License Board. (*Id.*) The Judicial Council is unable to identify any legal or practical reason why claims against defendant guarantors should be treated differently than other actions allowed in small claims court. Ideally, the council believes that the existing \$2,500 and \$4,000 caps should be removed and that actions against all defendant guarantors should be allowed in small claims court up to the jurisdictional limits that apply in other cases. However, the council also believes that the more limited change being proposed in

Hon. Joseph L. Dunn, Chair  
May 18, 2006  
Page 2

AB 2455 is a good first step that should at least minimize confusion in this area and make it easier for small claims litigants, small claims advisors, and the courts.

For these reasons, the Judicial Council supports AB 2455. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. A. Pone", written in a cursive style.

Daniel A. Pone  
Senior Attorney

DP/rn

cc: Members, Senate Judiciary Committee  
Hon. Alan Nakanishi, Member of the Assembly  
Mr. Mike Brown, Contractors State License Board  
Ms. Sue Blake, Director of Legislation, Office of Planning and Research  
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor  
Ms. Alexandra Montgomery, Staff Counsel, Senate Judiciary Committee



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

KATHLEEN T. HOWARD  
*Director, Office of Governmental Affairs*

August 16, 2006

Hon. Arnold Schwarzenegger  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: AB 2455 (Nakanishi) - Request for Signature

Dear Governor Schwarzenegger:

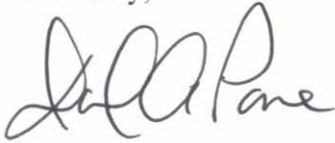
The Judicial Council is pleased to support AB 2455 which, among other things, revises the provisions governing claims against defendant guarantors by amending Code of Civil Procedure (CCP) section 116.220 to increase the limit for cash deposit demands brought in small claims court by natural persons from \$4,000 to \$7,500. The Judicial Council supports this change because it is consistent with the recent legislation that raised the jurisdiction of small claims court actions brought by natural persons from \$5,000 to \$7,500 (AB 1459 (Canciamilla), Stats. 2005, ch. 618 and SB 422 (Simitian) Stats. 2005, ch. 600), and it should provide more equitable relief for consumers through a much simpler and less expensive legal process.

Current law governing actions against defendant guarantors is somewhat complicated due to differing caps that have been placed on the claims that may be brought in small claims court. AB 2455 is a good first step that should at least minimize confusion in this area and make it easier for small claims litigants, small claims advisors, and the courts.

Hon. Arnold Schwarzenegger  
August 16, 2006  
Page 2

For these reasons, the Judicial Council respectfully requests your signature on AB 2455.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Pone". The signature is fluid and cursive, with the first name "Daniel" and last name "Pone" clearly distinguishable.

Daniel A. Pone  
Senior Attorney

DP/rn

cc: Hon. Alan Nakanishi, Member of the Assembly  
Ms. Sue Blake, Director of Legislation, Office of Planning and Research  
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor  
Mr. Mike Brown, Contractors State License Board