



Civil Case Coordination Policies Summation

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Judicial Council of California

CIVIL CASE COORDINATION - DEFINITION

Coordination allows two or more civil actions (cases) that share common questions of fact or law and that are pending in different counties to be joined in one court.

When complex actions are sought to be coordinated, a petition to coordinate the actions is submitted to the Chair of the Judicial Council (the Chief Justice), who assigns a motion judge to decide the merits of the petition. If coordination is granted by the motion judge, the Chief Justice assigns a trial judge. The coordination attorney at the Judicial Council administers petitions to coordinate complex actions, at the direction of the Chief Justice.

APPELLATE COURT SERVICES – CIVIL CASE COORDINATION POLICIES SUMMATION

NOVEMBER 27, 2024

POLICIES FOR CIVIL CASE COORDINATION (DRAWN FROM CALIFORNIA RULES OF COURT & CODE OF CIVIL PROCEDURE)

If the actions are complex, a petition is filed with the Chair of the Judicial Council (Code Civ. Proc., § 404.)

California Rules of Court defines a *complex civil action* ([Rule 3.400](#))

Judicial Council of California maintains a *register (log) of complex coordination proceedings* for public inspection (Pursuant to [California Rule of Court 3.550\(b\)\(2\)](#))

Coordination brings to one court two or more "civil actions sharing a common question of fact or law [that] are pending in different courts." The statutory reference to "different courts" means courts in different counties. (Code Civ. Proc., § 404)

Not all separate actions sharing common questions of fact or law should be coordinated. Coordination is appropriate if it will promote the ends of justice, taking into account whether (a) the common question of fact or law predominates and is significant to the litigation; (b) the convenience of the parties, witnesses, and counsel; (c) the relative development of the actions and the work product of counsel; (d) the efficient use of judicial resources; (e) the calendar of the courts; (f) the disadvantage of duplicative and inconsistent rulings, orders, or judgments; (g) and the likelihood of settlement without further litigation if coordination is denied. (Code Civ. Proc., § 404.1.)

[Rule 3.400](#) of the California Rules of Court defines a complex civil action. (Also defined Code Civ. Proc., § 404.)

If the actions are not complex, a motion to coordinate is filed directly in the court where the actions are to be transferred and where one of the included actions is pending, rather than with the Chair of the Judicial Council. (Code Civ. Proc., § 403.)

For actions involving complex issues, only all the parties plaintiff or all the parties defendant in one of the actions to be coordinated may submit a petition directly to the chair of the Judicial Council. (Code Civ. Proc., § 404.)

Actions are not automatically stayed upon the filing of a petition to coordinate, but they *may be stayed by the coordination motion judge*. (Cal. Rules of Court, [Rule 3.515](#).)

A motion to stay proceedings may be filed with the petition for coordination. (Cal. Rules of Court, rule [Rule 3.515](#) (a).)

Who can submit a petition for coordination to the chair of the Judicial Council? (Code Civ. Proc., § 404, Cal. Rules of Court, rule [Rule 3.520](#) (b).)

A presiding judge of any court in which one of the included actions is pending.

All plaintiffs or all defendants to one of the included actions. This means that all the parties on one side of one lawsuit must join in the petition in order to submit the petition directly to the Judicial Council without prior leave of court.

Any party to one of the actions, after obtaining an order granting permission from the presiding judge. The party must include the order granting permission when it submits its petition to coordinate to the Chair of the Judicial Council.

The petitioner avoids delay and duplication of effort by petitioning the Judicial Council directly, but the petitioner must satisfy "the all parties plaintiff or defendant rule" set forth in Code of Civil Procedure section 404 in order to do so. In contrast, [Rule 3.520](#) (b) provides a means to obtain leave of the court to petition for coordination if the rule has not been satisfied. No other coordination procedure exists in the superior court for complex actions pending **in more than one county**.

How is the location of the coordination trial judge selected? (Cal. Rules of Court, rule [Rule 3.540](#); [Rule 3.541](#) (b)(2).)

The rules and statutes do not provide for input by the parties on the appropriate location for assignment of the coordination trial judge. The parties may, however, present their views in the petition for coordination and in any opposition papers, and to the coordination motion judge at the time of the hearing on the petition to coordinate. If the coordination motion judge grants coordination, he or she may include in the order granting coordination a recommendation for the location of the coordinated proceedings. Upon receipt of the order, the Chair of the Judicial Council will consider the recommendation but is not bound by it. The Chair of the Judicial Council then issues an order assigning a coordination trial judge (or delegates this authority to a presiding judge). The coordination trial judge has ultimate authority to decide where the actions will be tried and can schedule trials at any site within the state.

Once coordination has been granted, *what documents are filed with the Judicial Council?* (Cal. Rules of Court, [Rule 3.511](#).)

- Order assigning the coordination trial judge (if authority to assign was delegated to the presiding judge);
- Petition for coordination of add-on cases;
- Order granting or denying coordination of add-on cases;
- Order assigning new coordination trial judge (if authority to assign was delegated to the presiding judge);
- Order of remand;
- Order of transfer;
- Order terminating a coordination proceeding in whole or in part;
- Order dismissing an included or coordinated action;
- Notice of stay and reasons (e.g., order of federal court or automatic stay such as filing in bankruptcy court);
- Notice that stay is vacated;
- Notice of appeal;
- Notice of disposition of appeal. (Cal. Rules of Court, rule 3.511.)