



Judicial Council of California

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INVITATION TO COMMENT

W25-03

Title

Civil Practice and Procedure: Termination of Complex Coordination Proceedings and Actions

Action Requested

Review and submit comments by January 6, 2025

Proposed Effective Date

July 1, 2025

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 3.546; amend rule 3.545

Contact

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Proposed by

Civil and Small Claims Advisory Committee
Hon. Donald J. Proietti, Chair

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes amending California Rules of Court, rule 3.545 and adopting rule 3.546 to modify the procedures courts must follow when terminating coordinated actions and to specify procedures for terminating coordination proceedings. This proposal aims to address procedural concerns first raised by a superior court judge who has managed numerous coordination proceedings.

The Proposal

This proposal aims to clarify and improve procedures for terminating complex coordinated actions and coordination proceedings. Under the California Rules of Court, multiple cases with shared questions of law or fact may be joined and adjudicated as a Judicial Council coordination proceeding (JCCP) assigned to a coordination trial judge in a particular superior court. While the rules address the process for creating a JCCP and the termination of individual actions within a JCCP, there is no rule that expressly states how, if ever, an overall JCCP is closed. In addition, the current provisions of subdivision (b) of rule 3.545 may be overly burdensome to court staff managing the coordination proceeding because they require that for each terminated or dismissed action in a JCCP, a certified copy of a judgment or other similar order must be sent to the

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originating trial court who then must serve notice of entry of judgment on the Chair of the Judicial Council.

The Civil and Small Claims Advisory Committee thus proposes two amendments to rule 3.545¹ and a new rule, numbered 3.546, to address these concerns. Specifically, proposed rule 3.546 would provide an express means by which a JCCP can be terminated with appropriate notice to both the Judicial Council² and to the courts from which cases were transferred into the JCCP. Proposed rule 3.546 would also require the court to provide notice of intent to terminate the coordination proceeding to all parties to pending cases in the coordinated proceeding and would give those parties an opportunity to object to the termination.

Under the proposed amendments to subdivision (b) of rule 3.545, copies of judgments and orders dismissing or terminating actions within the JCCP must still be provided to the originating court but would be provided by the prevailing party in the action. Additionally, to facilitate the notice provided in subdivision (b), subdivision (c) would require the originating superior court to be listed on a judgment for any action within the JCCP.

Alternatives Considered

The committee considered taking no action but concluded that this proposal was appropriate given the potential burdens rule 3.545 places on courts administering JCCPs. The committee also concluded that courts and litigants would benefit from a specific procedure for courts to terminate JCCPs.

The committee also considered eliminating subdivision (b) of rule 3.545 altogether but concluded that not providing notice of resolved actions to the originating courts could result in closed cases remaining on dockets indefinitely. In addition, the committee considered not including an opportunity for parties to object to a JCCP termination but concluded that the parties may raise legitimate concerns about why the coordination proceeding should not be closed.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the amended rule, particularly those courts that handle JCCPs. However, the amended rule will ultimately result in less paperwork and staff time required by those courts.

¹ As part of these amendments, the committee proposes changing “shall” to “must” in subdivision (b)(1) to comport with the council’s style for drafting rules.

² Notice to the Judicial Council is necessary because rule 3.550 requires Judicial Council staff to maintain records on all coordination proceedings, some of which are available for public inspection.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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 systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 3.545 and 3.546, at pages 4–5

Rule 3.545 of the California Rules of Court would be amended and rule 3.546 would be adopted, effective July 1, 2025, to read:

Title 3. Civil Rules

Division 4. Parties and Actions

Chapter 7. Coordination of Complex Actions

Article 4. Pretrial and Trial Rules for Complex Coordinated Actions

Rule 3.545. Termination of coordinated action

(a) Coordination trial judge may terminate action

The coordination trial judge may terminate any coordinated action by settlement or final dismissal, summary judgment, or judgment, or may transfer the action so that it may be dismissed or otherwise terminated in the court where it was pending when coordination was ordered.

(b) Copies of order dismissing or terminating action and judgment

A certified copy of the order dismissing or terminating the action and of any judgment must be transmitted by the prevailing party (or by plaintiff in the case of a settlement or if there is no prevailing party) to:

- (1) The clerk of the court in which the action was pending when coordination was ordered, who ~~shall~~ must promptly enter any judgment and serve notice of entry of the judgment on all parties to the action and on the Chair of the Judicial Council; and
- (2) The appropriate clerks for filing in each pending coordinated action.

(c) Judgment in coordinated action

The judgment entered in each coordinated action must bear the title and case number assigned to the action at the time it was filed and also identify, in the caption, the superior court in which the action was originally filed.

(d) Proceedings in trial court after judgment

Until the judgment in a coordinated action becomes final or until a coordinated action is remanded, all further proceedings in that action to be determined by the trial court must be determined by the coordination trial judge. Thereafter, unless otherwise ordered by the coordination trial judge, all such proceedings must be

1 conducted in the court where the action was pending when coordination was
2 ordered. The coordination trial judge must also specify the court in which any
3 ancillary proceedings will be heard and determined. For purposes of this rule, a
4 judgment is final when it is no longer subject to appeal.
5
6

7 **Rule 3.546. Termination of coordination proceeding**
8

9 **(a) Coordination trial judge may terminate proceeding**
10

11 (1) The coordination trial judge may terminate any coordination proceeding
12 when it appears that the intended benefits of coordination have been obtained
13 by settlement of most or all coordinated actions, by remand of certain
14 coordinated actions under rule 3.542, by transfer of certain coordinated
15 actions to other trial courts under rule 3.543, or otherwise.
16

17 (2) Notice of intent to make an order terminating the coordination proceeding
18 must be given to all parties to pending coordinated actions in the coordination
19 proceeding, if any, at least 16 court days before issuing the order.
20

21 (3) Any party to a pending coordinated action in the coordination proceeding
22 may object to the proposed termination by a written filing submitted within
23 10 court days after the notice is sent.
24

25 **(b) Copies of order terminating coordination proceeding**
26

27 If the coordination trial judge issues an order terminating the coordination
28 proceeding, a certified copy of the order must be transmitted to:
29

30 (1) The clerk of the court in which any coordinated action was pending when
31 first filed; and
32

33 (2) The Chair of the Judicial Council.
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