



Effective January 2016

NEW CALIFORNIA LAWS FOR 2016

The California legislature considered over 2,000 bills during the 2015 term of which more than 700 were signed into law by Governor Brown. Below are a few of the more noteworthy laws, including a new requirement that parties disclose the existence of a contractual agreement with deposition reporter firms.

AB 560 - MINOR'S IMMIGRATION STATUS

Bars the consideration of a child's immigration status in civil actions involving liability or remedy. Further provides that discover or any similar inquiry in a civil action or proceeding relating to a minor child's immigration status is impermissible, except where the minor child's claims have placed his or her immigration status directly in contention, or the person seeking such discovery shows by clear and convincing evidence that the inquiry is necessary to comply with federal immigration law.

AB 1141 - STATUTORY OFFERS TO COMPROMISE

Equalizes the treatment of expert witness costs that are awarded to a defendant and plaintiff after the other side's rejection of a statutory order (CCP Section 998) so that a court may order a plaintiff to pay defendant only post-offer expert witness costs.

AB 1197 - CONTRACTED COURT REPORTERS DISCLOSURE

Requires disclosure within the deposition notice of a contractual relationship between the party to a deposition and the deposition reporter service. Specifically, this law requires a statement disclosing the existence of a contract, between the deposition officer or entity providing the services of the deposition officer and the noticing party, or a third party who is financing all or part of the action requiring that party to use the officer or entity for any service beyond the noticed deposition, be included. This new law also requires a statement disclosing that the party noticing the deposition, or a third party who is financing all or part of the action, has directed his or her attorney to use a particular officer or entity to provide services for the deposition, if applicable.

AB 15 - END OF LIFE

Permits a competent, qualified individual who is an adult with a terminal disease to receive a prescription for an aid-in-dying drug if certain conditions are met, such as two oral requests, a minimum of 15 days apart, and a written request signed by 2 witnesses, is provided to his or her attending physician, the attending physician refers the patient to a consulting physician to confirm diagnosis and capacity to make medical decisions, and the attending physician refers the patient to a mental health specialist, if indicated.

SB 383 - OBJECTIONS TO PLEADINGS - DEMURRERS

Generally requires that before filing a demurrer in response to a complaint or cross-complaint, a party must meet and confer with the opposing party who filed the pleading subject to demurrer. It also: (1) prohibits a party from amending a complaint or cross-complaint more than 3 times in response to a demurrer filed before the case is at issue; (2) prohibits a party from demurring to a pleading that is amended following a sustained demurrer as to any portion of the amended pleading on grounds that could have been raised by the prior demurrer; (3) authorizes a party to amend a pleading after a demurrer is filed but before it is heard by the court if the amended pleading is filed and served before the date for filing an opposition to the demurrer; and (4) authorizes a party to amend a pleading after the date for filing an opposition to the demurrer upon stipulation by the parties.

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