

Civil Law Time Limits

A cheat sheet for California Lawyers

SERVICE OF PROCESS

- **Serve Defendant after Complaint Filed** – 60 days after filing. [Source: [CRC 3.110](#)] [See also [CCP § 583.210](#) which requires serving the Summons and Complaint within three years after the Complaint is filed. Due to the conflict between the Code of Civil Procedure and the Rules of Court, best practice is to use the shorter time limit]
- **Serve Defendant Added via Amended Complaint** – 30 days after adding. [Source: [CRC 3.110\(b\)](#)]
- **Proof of Service of Summons and Complaint** (proving to Court that you served Defendant) – 60 days after filing complaint. [Source: [CRC 3.110](#)] [See also [CCP § 583.210](#) which requires filing the Proof of Service within 60 days after serving the complaint. Due to the conflict between the Code of Civil Procedure and the Rules of Court, best practice is to use the shorter time limit]
- **Defendant Time Limit to File Answer or Demurrer** – 30 days from date complaint was served. [Source: [CCP 412.20](#)]

DISCOVERY

- **Plaintiff may Serve Discovery Questions to Another Party** – 10 days after service of complaint. [[CCP § 2030.020](#) (interrogatories)], [[2031.020](#) (inspection demands)].
- **Defendant may Serve Discovery** – Anytime. [[CCP § 2030.020](#)]
- **Plaintiff May Serve Deposition Notice** – 20 days after service of Complaint. [[CCP 2025.210](#)]
- **Subpoena for Personal (medical) records** – Must be served on consumer at least 15 (in actuality 20) days before date of production. [[CCP § 1985.3\(d\)](#) incorporating [CCP 2020.220\(a\)](#)]. The subpoena may not be served on records custodian until at least five days after service on consumer. [[CCP § 1985.3\(b\)\(3\)](#)]
- **Subpoena for Employment Records** – Must be served on the employee 10 days before date for production (in actuality 20 days before, see

below), 5 days before service on the custodian of records. [[CCP § 1985.6\(b\)\(2\)&\(3\)](#).] Must be served on records custodian 15 days before date of production.

- **Motion to Quash Subpoena Duces Tecum** – must be served on defense counsel at least five days before date for production of documents [[CCP 1985.3\(g\)](#), [1985.6\(f\)\(2\)](#)] **Note:** Court may still grant a motion to quash after this time. [[Slage v. Sup. Ct. \(1989\) 211 Cal. App.3d 1309, 1313](#)]
- **Move to Compel Additional Answers** – 45 days. [[CCP § 2030.300](#)]
- **Respond to Written Discovery** – 30 days (+5 days if questions were mailed).
- **Discovery Closes Before Arbitration** – 15 days before arbitration. [[CRC 3.822](#)] **Note:** Extending the trial date does *not automatically* extend the discovery cutoff date.
- **Discovery closes before trial:** 30 days before trial – or 15 days before arbitration. [[CCP 2024.020](#)]
- **Last Day to Hear Discovery Motions** – 15 days before trial. [[CCP 2024.020](#)]
- **Practical Last Day to Serve Discovery** (and be able to make a motion on it) – 90-100 days before trial.
- **Deposition Notice** – Defendant may serve any time. Plaintiff must wait 20 days after service of Summons and Complaint to serve. [[CCP 2025.210](#)]
- **Depositions** – Must be set at least 10 days in the future (+5 days if the notice is mailed – [CCP 1013](#)). [[CCP 2025.270](#)].
- **Deposition Objection** – A party must “promptly” object at least 3 calendar days (+5 for mail) before the date of the deposition. [[CCP 2025.401\(a\)](#)]
- **Depositions With Records Requests** – If seeking “personal records” of a “consumer” the procedure differs depending on whether one is taking the deposition of a party (plaintiff, defendant, cross-defendant, etc.) or a non-party witness:
 - **For parties to the lawsuit** – no subpoena is necessary, and the party can be compelled to produce “personal records” with only 10 days notice. [[CCP 2025.270](#)] (+5 days if the notice is mailed – [ccp 1013](#)).
 - **For non-party witnesses** – A subpoena must be issued at least 20 days before the deposition. [[CCP 2025.270](#)] (+5 days if the notice is mailed – [ccp 1013](#))
- **Depositions in Unlawful Detainer Actions** – Only 5 days notice required. [[CCP 2025.270\(b\)](#)]

EXPERT DISCOVERY

- **Experts Must Be Demanded** – 70 days before trial (or within 10 days of setting trial date, whichever is closer to trial date) [[CCP 2034.220](#)]
- **Experts Must Be Disclosed** – 50 days before trial (or 20 days after service of demand, whichever is closer to trial date) [[CCP 2034.230](#)]
- **Supplemental Expert Disclosure** – Must be disclosed within 20 days of the Exchange of Expert Witnesses. May only disclose witness to cover a subject covered by opponent's witnesses. [[CCP 2034.280](#)]
- **Expert Depositions** – May be set “On receipt of an expert witness list from a party.” [[CCP 2034.410](#)]
- **Expert Discovery Cut Off** – 15 days before original trial date. [[CCP 2024.030](#)].
- **Last Day for Motions Regarding Experts** – 10 days before original trial date. [[CCP 2024.030](#)].
- **Experts Must Provide Documents Before Their Depo** – 3 business days before a deposition, experts must provide a copy of the documents that they are producing in response to the deposition notice. [CCP 2034.415]

ARBITRATION

- **Arbitrator Must Issue Award** – Within 10 days after conclusion of arbitration (or 20 on application from the Arbitrator for more time). [[CRC 3.825](#)]
- **Reject Arbitration Award** – Within 60 days of service of arbitration award. [[CRC 3.826](#)]
- **Discovery Closes Before Arbitration** – 15 days before arbitration. [[CRC 3.822](#)].

TRIAL

- **Discovery Closes** (with the exclusion of expert lists, and expert depositions) – 30 days before trial, or after non-binding arbitration. [[CCP 2034.210](#); [CCP § 1141.24](#)].
- **Experts Must Be Demanded** – 70 days before trial (or within 10 days of setting trial date, whichever is closer to trial date). [[CCP 2034.220](#)].

- **Experts Must Be Disclosed** – 50 days before trial (or 20 days after service of demand, whichever is closer to trial date). [[CCP 2034.230](#)].
- **998 Offers to Compromise** – Can be made up until 10 days prior to trial. [[CCP 998](#)].
- **Notice to Appear at Trial (to party) [No documents]** – 10 days before trial, send notice with time and place to attorney. [[CCP § 1987\(b\)](#)].
- **Notice to Appear at Trial (to party) [With documents]** – 20 days before trial, send notice with time and place to attorney. [[CCP § 1987\(c\)](#)].
- **Objection to Notice to Appear At Trial With Documents** – 5 days “or any other time period as the court may allow” [[CCP § 1987\(c\)](#)].

MOTIONS

- **Noticed motions** – must be served and filed 16 court days before the hearing date (+ 5 more calendar days if served by mail) (+ 2 more if served by fax, express mail, or overnight delivery). [[CCP 1005](#)] Note: [CCP 1013](#) does not apply.
- **Opposition to noticed motion** – must be filed and served 9 court days before hearing. [[CCP 1005](#)].
- **Reply to noticed motion** – 5 court days before hearing. [[CCP 1005](#)].
- **Ex Parte Motion** – Opposing party must be notified by 10:00 A.M. the day before the hearing, absent “exceptional circumstances.” [[CRC 3.1203](#)]. Note: This is a minimum. Check local rules for more strict notice periods.
- **Table of Contents/Authorities** – Required for motions over 10 pages. [[CRC 3.1113\(f\)](#)]

Manner of service: “Notwithstanding any other provision of this section, all papers opposing a motion and all reply papers shall be served by personal delivery, facsimile transmission, express mail, or other means consistent with Sections [1010](#), [1011](#), [1012](#), and [1013](#), and reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day after the time the opposing papers or reply papers, as applicable, are filed.” [[CCP 1005\(c\)](#)].

CCP 1013: “...The service is complete at the time of the deposit, but any period of notice and any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended five calendar days, upon service by mail, if the place of address and the place of mailing is within the State of California, 10 calendar days if either the place of mailing or the place of address is outside the State of California but within the United

States, and 20 calendar days if either the place of mailing or the place of address is outside the United States.”

- **Motions for Summary Judgment** – Notice is 75 days before hearing (+10 if outside CA, +20 if outside US) [[CCP 437c\(a\)](#)]. Opposition is 14 days before the hearing [[CCP 437c\(b\)\(2\)](#)]. Reply is 5 days before hearing. [[CCP 437c\(b\)\(3\)](#)]. Motion must be heard 30 days before trial date. [[CCP 437c\(a\)](#)] Note: This 30 day time limit can be modified by the court for “good cause.” [[CCP 437c\(a\)](#)]
- Note: *Practically*, this means a MSJ must be filed 105 days before trial.

STATUTE OF LIMITATIONS

- **Personal Injury** – 2 years. [[CCP 335.1](#)].
- **Medical Malpractice** – 3 years from the date of injury, or 1 year after the plaintiff discovers the injury, *whichever occurs first*. [[CCP 340.5](#)] Note: You must give 90 days notice of intent to sue. [[CCP 364](#)]. Note: Statute may be tolled by (1) upon proof of fraud, (2) intentional concealment, or (3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person. [[CCP 340.5](#)]
- **Lawsuits Against Public Entities (Like Cities or Counties)** – Must file a claim within 6 months. Then you have 6 months from date of the rejection letter to file a lawsuit. [[Cal. Gov Code 910](#), [910.2](#), [911.2](#), [911.4](#)]
 - **Late Claims Against Public Entities** – If a claim is not presented within 6 months, a written application to present a late claim may be filed. However, the application must be presented within a reasonable time, not to exceed 1 year from date of the accrual of the cause of action, and must state the reason for delay in presenting the claim. [[Cal. Gov Code 910](#), [910.2](#), [911.2](#), [911.4](#)]
 - **If Public Entity Does Nothing for 45 Days** – The claim is deemed rejected, and the 6 month time limit to file a lawsuit starts to run on the 45th day. [[Cal. Gov Code 911.6](#)]
- **Time Limit to Bring Case to Trial** – Five years from the date the lawsuit was filed. [[CCP 583.310](#)]
- **UN-Insured Motorist Arbitration** – Two years (even for minors!). [[Insurance Code 11580.2\(i\)\(1\)](#)]
- **UNDER-Insured Motorist** – Does not accrue until the third party limits are exhausted. [[Insurance Code 11580.2\(p\)\(3\)](#)]