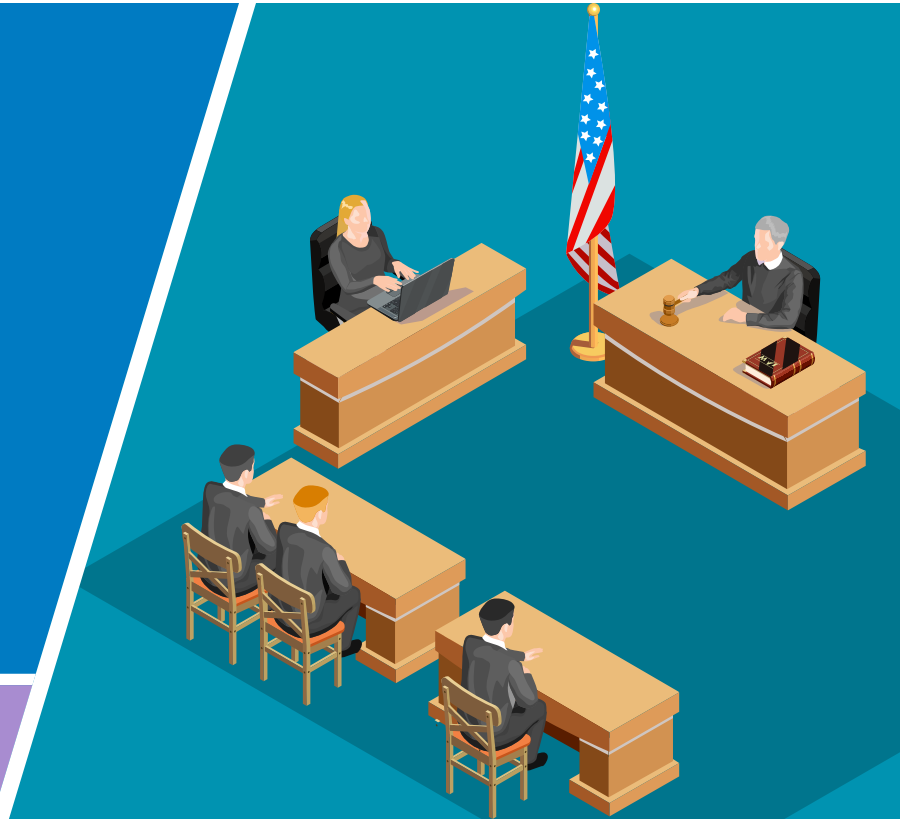




COMMON LITIGATION DEADLINES IN CALIFORNIA CIVIL CASES

A practical walkthrough of the deadlines in a California civil lawsuit: the statute of limitations, service, pleadings, discovery, and pretrial motions, plus how each one is counted.

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If you are starting or facing a California lawsuit, the deadline to know first is the *statute of limitations*: the date by which the complaint must be filed. For most civil claims it runs one to four years from the date of the harm, and a plaintiff who files late usually loses the right to sue at all.¹

Beyond that first deadline, a California lawsuit involves many more, most of them measured in days rather than years. Missing one can bring penalties for the late party and, in some cases, waive a claim or defense altogether, so it is important to know how to properly calculate every civil litigation event [☞](#) at the outset.

This article gives a general overview of the first steps in a California civil lawsuit. Many issues and exceptions are not addressed here,² so it should not be relied on as legal advice.

The Deadline to File (Statute of Limitations)



Lawsuits begin when a party files a “complaint” in court.³ A *complaint* is the initial document filed by the injured party.⁴ It explains the basic facts of the case, the legal violations that are alleged to have occurred, and requests a specific type of relief from the court (usually money).⁵

The party that files a complaint is called the *plaintiff*. The party that is being sued is usually called the *defendant*.⁶

Before a complaint can be filed, it’s important to make sure that it is timely. A plaintiff cannot be successful in a lawsuit if they failed to file it on time.⁷ The law that sets the deadline for when a lawsuit must be filed is called a *statute of limitations*.

The applicable statute of limitations will depend on the type of lawsuit that is filed. The most common of those deadlines are listed in the table below.

Common Statutes of Limitations

Type of Case	Deadline
Breach of an Oral Contract	<i>Two years</i> from the date the contract is breached. ⁸
Breach of a Written Contract	<i>Four years</i> from the date the contract is breached. ⁹
Conversion	<i>Three years</i> from the date of the conversion. ¹⁰
False Imprisonment	<i>One year</i> from the date of the imprisonment. ¹¹
FEHA Claims	Most must be filed with the Civil Rights Department (CRD) within <i>three years</i> of the discrimination or harassment. ¹²
Fraud or Mistake	<i>Three years</i> from the date of the harm. ¹³
Legal Malpractice	<i>One year</i> from when the malpractice is discovered or reasonably should have been discovered. ¹⁴
Libel or Slander	<i>One year</i> from the date the defamatory statement is made. ¹⁵
Medical Malpractice	<i>Three years</i> from the date of the injury, or <i>one year</i> from the date the injury is discovered or reasonably should have been discovered. ¹⁶
PAGA Claims	<i>One year</i> from the date of the violation. ¹⁷
Personal Injury	<i>Two years</i> from the date of the injury. ¹⁸
Property Damage	<i>Three years</i> from the date the property was damaged. ¹⁹
Statutory Penalties	Usually <i>one year</i> from the date of the violation. ²⁰
Trespass	<i>Three years</i> from the date the property was damaged. ²¹
Unfair Competition	<i>Four years</i> from the date the harm or wrongdoing occurred. ²²
Unpaid Wages	<i>Three years</i> from the date the wages were owed. ²³

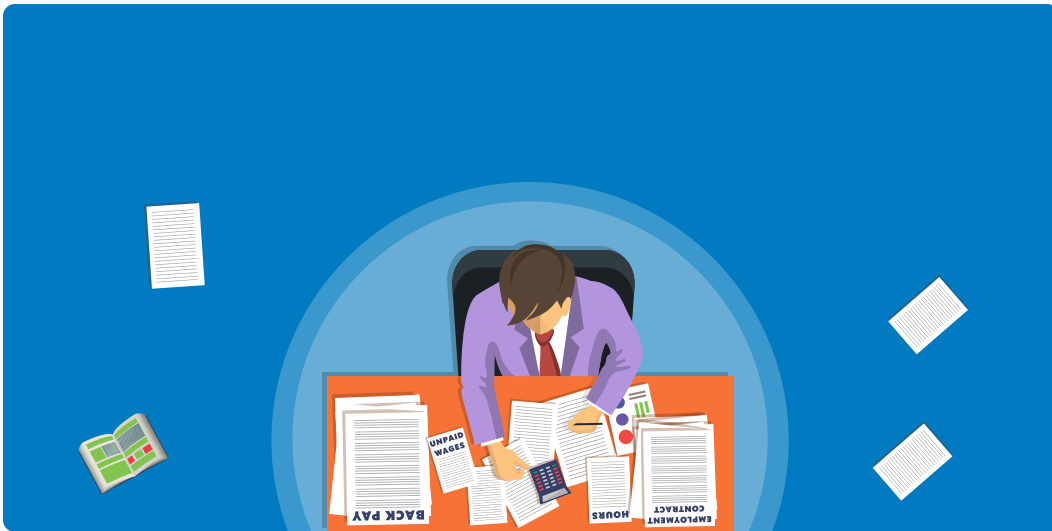
There are, of course, many exceptions and caveats to these general rules. For example, claims against a government entity are often subject to a different (and much shorter) statute of limitations altogether.²⁴



DISCLAIMER

The times listed above are informational only, and should not be relied on as legal advice. If you might be facing an issue with the applicable statute of limitations, you should not rely on this article. Instead, discuss the matter with a qualified attorney as soon as possible.

Calculating Deadlines after a Complaint Is Filed



The chapters that follow turn to the deadlines that arise after a complaint has been filed. Unlike statutes of limitations, which are generally measured in years, most post-complaint lawsuit deadlines are measured in days.

In calculating the number of days a party has to take an action, there are two important considerations: **(1)** how the applicable statute or court rule defines a “day,” and **(2)** whether the method of service affects the deadlines. This chapter will examine both of these issues.

2.1 Calculating a “Day” for Civil Deadlines

For the most part, the days discussed below are *calendar* days, not business or court days. There are, of course, certain exceptions, particularly when it comes to responding to motions.²⁵ In those cases, the law will require the number of days to be calculated based on *court* days, which exclude weekends and court holidays from the calculation.

When making calendar calculations (for those time limits not based on court days), you generally exclude the first day and include the last day, unless it falls on a weekend or holiday.²⁶

When the law requires that an act be performed no later than a specified number of days *before* a hearing date, the last day to perform the act is calculated by counting backwards from the hearing date, excluding the day of the hearing.²⁷

If the last day to respond falls on a weekend or a holiday, the deadline usually falls on the next court day.²⁸

2.2 Impact of the Method of Service on Deadlines

With many court filings, a party's deadlines will be affected by *how* other documents were served on them. The deadline for filing a motion for reconsideration, for example, might be extended if the challenged order was served by mail to the moving party. Likewise, when answering a complaint, the defendant's deadline might be extended by up to *10 days* if the complaint was served in a manner called "substituted service."²⁹

These extensions generally apply if the statute defining the deadline states that the time begins running on the date of the "service" or "notice" of a particular document. But it's important to note that many statutes or court rules specifically exclude them from applying.

If a review of the applicable laws or court rules indicates that the method of service *does* affect a party's deadline to act, a rough guide is as follows:



Personal Service. If a document is hand-delivered to the party being served, the deadline for any response to the document is *not* extended.³⁰



Fax & Express Mail. If the party was served by fax, express mail, or overnight delivery, the deadline for any response to the document is extended by *2 court days*.³¹



Email. In some cases, a *2-court-day* extension will apply to responsive documents when the party is served by email.³²



U.S. Mail. If the party was served by mail, the deadline for any response to the document is extended by *5 calendar days*.³³



Interstate Mail. If the party is served by mail at an address that is located outside the State of California, the deadline for any response to the document is extended by *10 calendar days*.³⁴



International Mail. If the party is served by mail at an address that is located outside the United States, the deadline for any response to the document is extended by *20 calendar days*.³⁵

Again, it's important to review the applicable statutes or court rules because there are many situations in which these extensions do not apply.

Early Deadlines for *Plaintiffs* in Civil Cases



After a complaint is filed, the plaintiff will have a number of responsibilities. Most importantly, plaintiffs must serve *all* named defendants and file a proof of service with the court within **60 days** of the filing of the complaint.³⁶

If the plaintiff fails to serve a party and has not received an extension from the court allowing them more time to serve the defendants, the plaintiff could be ordered by the court to show cause why service hasn't occurred.³⁷

A court can also impose sanctions on the plaintiff.³⁸ These sanctions, however, will usually not include dismissal of the complaint if the delay in serving the summons and complaint is less than two years. There are exceptions, however, for plaintiffs that fail to show any cause.³⁹

Plaintiffs will then have a number of other deadlines they will have to meet early in the case:



Complaint Amendments: A plaintiff may amend the complaint once without leave of court at any time before the defendant files an answer, demurrer, or motion to strike. A plaintiff may also amend once after a

demurrer or motion to strike has been filed, but only if the amended complaint is filed and served no later than the date the opposition to that demurrer or motion would be due.⁴⁰ An amendment restarts the clock for the defendant to respond; the time to respond runs from the date the amended complaint is served.



Service on New Defendants: If the plaintiff amends the complaint to add a new defendant, the plaintiff must serve the new defendant and file a proof of service with the court within *30 days* of filing the amended complaint.⁴¹



Entry of Default: If the plaintiff properly serves the defendant and the defendant doesn't answer, demur, move to strike, or otherwise respond within *30 days* (or, if an extension has been granted, whatever date the defendant's response was due), the plaintiff must file a request for the entry of default within *10 days* of when the time for service has elapsed.⁴²



Default Judgment: The plaintiff must obtain a default judgment against the defendant within *45 days* of the entry of default, unless the plaintiff has obtained an extension of time.⁴³



Response to a Cross-Complaint: If a defendant files and serves a cross-complaint on the plaintiff, the plaintiff has *30 days* to file a response, which may be in a number of forms, including: a motion to strike, a demurrer, or an answer.⁴⁴



Opposition to a Demurrer: If a demurrer is filed by the defendant, the plaintiff must file their opposition *9 court days* before the hearing.⁴⁵



Opposition to Motion to Quash the Complaint: If a motion to quash is filed by the defendant, the plaintiff must file their opposition *9 court days* before the hearing.⁴⁶



Demurrer to an Answer: If a plaintiff feels that the answer to their complaint did not state facts sufficient to constitute a defense, or if the answer is uncertain, the plaintiff may file a demurrer to the answer within *10 days* of being served with the answer.⁴⁷ This same rule applies to answers to cross-complaints.

Of course, before planning your schedule around these dates, be sure to review all applicable statutes and local rules to make sure a different deadline does not apply.

Early Deadlines for *Defendants* in Civil Cases



Like the plaintiff, defendants who have been served with a complaint have several important early deadlines. Most commonly, they must file their response to the complaint within **30 days** of being served.⁴⁸ This response can take a number of forms, including one or more of the following: an answer, a demurrer, a motion to strike, a motion to transfer, or a cross-complaint.

Answers are the most common first document filed by defendants in a lawsuit. An *answer* is a written response to the complaint. It usually includes denials of the allegations in the complaint, along with an explanation of the defendant's defenses.

Demurrers are another common type of early filing by defendants. A *demurrer* is a pleading that objects to some or all of the plaintiff's complaint or a cross-complaint. Usually, the demurrer alleges that the complaint is deficient because the facts alleged do not meet one or more of the elements necessary to win.

A demurrer is often filed with the answer, but if it is not the defendant may file the demurrer within **30 days** of the service of the complaint or cross-complaint.⁴⁹

In addition to these common deadlines, there are a few other limits that defendants should consider after being served with a complaint:

-  **Extensions for Answers:** A defendant and plaintiff may agree to allow the defendant an extra *15-day extension* to file their answer.⁵⁰
-  **Response to a Notice and Acknowledgement of Receipt:** If the defendant has received the summons and complaint by mail with a Notice and Acknowledgement of Receipt (form POS-015), they have *20 days* from the date of mailing to return it.⁵¹
-  **Cross-Complaints:** A cross-complaint, if one needs to be filed, must be filed before or at the time of the defendant's answer.⁵² After that time has passed, the party will require leave from the court to file a cross-complaint.
-  **Cross-Complaint Service:** A cross-complaint must be accompanied with a proof of service at the time it is filed.⁵³ If, however, the cross-complaint adds new parties to the action, those parties must be served and proof of service must be filed with the court within 30 days of the filing of the cross-complaint.⁵⁴
-  **Motion to Quash the Complaint:** A motion to quash attacks a complaint on the grounds of lack of jurisdiction or inconvenient forum. If a motion to quash is appropriate, the party must file their motion on or before the last day of their time to plead or within any other time allowed by the court.⁵⁵
-  **Reply After a Motion to Quash:** If the plaintiff files an opposition to the motion to quash, the defendant should serve and file their reply *5 court days* before the hearing.⁵⁶

Again, before planning your schedule around these dates, be sure to review all applicable statutes and local rules to make sure a different deadline does not apply.

The Timeline for Discovery in California Civil Cases



The deadlines discussed above are only the beginning of the litigation process. After the initial deadlines have been met (or skipped), the case will usually proceed with discovery. *Discovery* is a process where the parties exchange evidence.

5.1 When Discovery Begins

In general, defendants have a right to begin propounding their discovery requests *anytime* after the action begins.⁵⁷ But, with depositions, the defendant must first have been served or have appeared in the case before they can begin propounding deposition notices.⁵⁸

Plaintiffs can begin serving their written discovery requests (like interrogatories, requests for admission, and inspection demands) **10 days** after they have served the defendant with the summons and complaint (or after the defendant has appeared, whichever occurs first).⁵⁹

In some situations, plaintiffs can request that the court permit them to serve their written discovery requests *sooner* than **10 days** after the defendant has been served.⁶⁰ And, in unlawful detainer cases, the plaintiff can begin serving written discovery requests as early as **5 days** after the party has been served.⁶¹

Plaintiffs can begin serving deposition notices **20 days** after they have served the defendant with the summons and complaint (or after the defendant has appeared, whichever occurs first).⁶² Again, courts can grant a plaintiff's motion to allow deposition notices to be served at an earlier time.⁶³

5.2 Deposition Notices

Oral depositions must generally be scheduled at least **10 days** after the date the deposition notice is served on the witness to be deposed.⁶⁴ This rule is affected by the form of the notice. So, if the deposition notice is served by mail, it must be scheduled at least 15 days (10 days + 5 days) after the notice is placed in the mail.

In unlawful detainer cases, oral depositions must be scheduled at least **5 days** after the date the deposition notice is served on the witness to be deposed. The deposition may not, however, be scheduled later than five days before trial.⁶⁵

If the deposition notice is served by a subpoenaing party, and deposition subpoena requires the witness to produce consumer or employment records, the deposition must be scheduled at least **20 days** after the date the deposition notice is served on the witness to be deposed.⁶⁶

If a court finds good cause, these deadlines can be shortened or extended by any party or witness that files a motion or an *ex parte* application to do so. Likewise, a party or witness can file a motion or *ex parte* application to stay the taking of a deposition until a motion for a protective order is heard.⁶⁷

5.3 Objections to Deposition Notices

If a party wishes to object to a deposition notice, they must serve a written objection specifying the error or irregularity at least **3 calendar days** prior to the date for which the deposition is scheduled.⁶⁸

If an objection is made 3 *calendar* days before the deposition date, the objecting party must personally serve their written objection on the party who gave notice of the deposition.⁶⁹

5.4 Responses to Written Discovery

If a party has been served with written discovery requests (like interrogatories, requests for production, or requests for admissions), their responses are due within **30 days** of the date of service.⁷⁰ Their responses must be served on all other parties who have appeared in the action, unless the court relieves them of this duty.⁷¹

In unlawful detainer cases, this deadline is only **5 days** from the date of service.⁷²

It is common for parties to stipulate among themselves to extend the times for responses. Also, the parties can file a motion or ex parte application requesting that the court shorten or extend these deadlines.

5.5 Motion to Compel

When a party receives responses to written discovery requests that they feel are legally inadequate, they can file a motion to compel the discovery. The motion to compel must be filed within **45 days** of the service of the verified responses or any supplemental verified response.⁷³

The parties may agree to extend this deadline to give the responding party more time to supplement their responses, without forcing the propounding party to file a motion to compel.⁷⁴

5.6 Discovery Cutoff

Discovery ends **30 days** before trial.⁷⁵ A continuance or postponement of the trial date generally does not serve to reopen discovery proceedings after discovery has ended.⁷⁶ A party may, however, file a motion with the court requesting leave to complete discovery.⁷⁷

In practical terms, this means that the last day to serve discovery is **65 days** before trial (if you serve the discovery request by U.S. mail).⁷⁸

It is usually a good idea, however, to serve the final round of discovery in advance of this date because all discovery motions must be heard **15 days** before the date set for trial.⁷⁹ So, if it is possible that a motion to compel will be needed for the final round of discovery, the motion to compel will need to be filed and served at least 16 court days before the 15th day before trial (plus 5 days if the moving papers are served by mail).⁸⁰

Additional time could also be needed if the responding party serves their final discovery responses by mail, in which case the last practical day to serve discovery would be about *82 days* before the date set for trial. This, of course, assumes the propounding party could even get a hearing date with such short notice.

Other Deadlines Common to Both Parties



6.1 Motion for Judgment on the Pleadings

A motion for judgment on the pleadings must be filed no later than **16 court days** before the hearing.⁸¹ This time may be extended, depending on the method of service.⁸²

An opposition to the motion should be filed **9 court days** before the hearing, and a reply to the opposition should be filed at least **5 court days** before the hearing.⁸³

6.2 Case Management Deadlines

A *case management conference* is a hearing set by the court shortly after the complaint is filed. The purpose of the hearing is for the parties and the judge to discuss the issues and scheduling matters of the case. It is often scheduled for several months after the filing of the complaint.

The parties each have a duty to meet and confer no later than **30 days** before the date set for the initial case management conference. This can occur in person or by telephone.⁸⁴

Every party must file a case management statement (form CM-110) no later than **15 days** before the date set for the case management conference.⁸⁵

If either party wants to preserve their right to a jury trial, they must pay a \$150 non-refundable fee *on or before* the date scheduled for the case management conference. If another party on the same side of the litigation has already paid this fee, then parties do not need to make this payment again.⁸⁶ In unlawful detainer cases, the fee must be paid at least **5 days** before trial.⁸⁷

If, for some reason, no case management conference is scheduled, the \$150 jury fee must be paid no later than **365 days** after the filing of the initial complaint.⁸⁸

In the rare case that the party requesting a jury has not appeared before the initial case management conference, or first appeared more than 365 days after the filing of the initial complaint, the \$150 jury fee must be paid at least **25 days** before the date initially set for trial.⁸⁹

6.3 Noticed Motions

Noticed motions generally must be served and filed at least **16 court days** before the hearing.⁹⁰ Notice of the motion, however, is due even before this deadline according to the following schedule:

-  **Two calendar days** before the deadline if the notice is served by fax, express mail, or another method of delivery providing for overnight delivery.
-  **Five calendar days** before the deadline if the notice is sent by mail from within California and noticed parties' service addresses are also within California.
-  **10 calendar days** if either the place of mailing or the noticed parties' service addresses are outside the State of California but within the United States.
-  **20 calendar days** if either the place of mailing or the noticed parties' service addresses are outside the United States.⁹¹

The statute does not specifically define what form this notice must take. Moving parties, however, would be wise to treat their obligation of providing “notice” as

equivalent to their obligation to serve “all moving and supporting papers.” They can play it safe by serving and filing their notice of the motion, their notice of the hearing (if applicable), the moving papers, and all supporting papers at the earliest arguable deadline.

QUICK TIP

The initial 16-day deadline is calculated using *court* days, while the notice period uses *calendar* days. This difference can significantly affect the applicable deadline.

A notice sent by mail from within California to a party whose service address is also in California, for example, would need to be sent at least 16 court days plus five calendar days before the hearing.⁹²

Any opposition to the motion must be served and filed at least **9 court days** before the hearing.⁹³ Unlike the moving papers, this deadline is *not* affected by the manner of service, but they must be served by personal delivery, fax, express mail, or other means that are reasonably calculated to ensure delivery to the other parties not later than the close of the next business day.⁹⁴

If the moving party wishes to file a reply to the opposition, it must be served and filed at least **5 court days** before the hearing.⁹⁵ Again, this deadline is *not* affected by the manner of service, but they must be served by personal delivery, fax, express mail, or other means that are reasonably calculated to ensure delivery to the other parties not later than the close of the next business day.⁹⁶

6.4 ***Ex Parte* Applications**

An *ex parte* application is a request by one party that involves a matter that requires urgent attention by the court. In general, the party seeking an *ex parte* application must notify all parties no later than **10:00 a.m.** on the court day before their *ex parte* appearance. A court may, however, allow a shorter deadline if the party can show exceptional circumstances that justify a shorter time for notice.⁹⁷

In unlawful detainer cases, a party seeking an *ex parte* order may provide shorter notice than other cases, as long as the notice given is reasonable.⁹⁸

The *ex parte* notice must:

-  State with specificity the nature of the relief to be requested and the date, time, and place for the presentation of the application; and
-  Attempt to determine whether the opposing party will appear to oppose the application.⁹⁹

The *ex parte* papers filed with the court must include:

-  An application containing the case caption, the relief requested, a disclosure of previously-refused applications, and the name, address, e-mail, and phone number of any attorney or unrepresented party;¹⁰⁰
-  A declaration in support of the application, based on personal knowledge, that *ex parte* relief is needed to prevent irreparable harm, immediate danger, or any other statutory basis for granting relief *ex parte*;¹⁰¹
-  A declaration based on personal knowledge of the notice given;¹⁰²
-  A memorandum; and
-  A proposed order.¹⁰³

These papers should be served on the opposing party at the first reasonable opportunity.¹⁰⁴

6.5 Responding to an Order to Show Cause (OSC)

If either party is ordered to show cause by the court, they must file their responsive papers at least **5 calendar days** before the hearing unless otherwise ordered by the court.¹⁰⁵

6.6 Motions for Summary Judgment

A party can serve and file a motion for summary judgment as early as **60 days** after the general appearance of each party against whom the motion is directed, but no later than **81 days** before the hearing date.¹⁰⁶ This deadline is affected by the manner of service. So, the motion will need to be served and filed at least 86 days before the hearing if it is served by mail on a party located inside the State of California.¹⁰⁷

A motion for summary judgment must be heard at least **30 days** before the date set for trial, unless the court for good cause orders otherwise.¹⁰⁸ This means that the

practical deadline for serving and filing a motion for summary judgment is 111 days before the date set for trial (or longer, depending on the manner of service).

Any opposition to the motion for summary judgment must be served and filed at least **20 days** before the hearing date.¹⁰⁹ Unlike the moving papers, this deadline is *not* affected by the manner of service, but the opposition must be served by personal delivery, fax, express mail, or other means that are reasonably calculated to ensure delivery to the other parties not later than the close of the next business day.¹¹⁰

Any reply to the opposition must be served and filed at least **11 days** before the hearing date.¹¹¹ Again, this deadline is *not* affected by the manner of service, but the reply must be served by personal delivery, fax, express mail, or other means that are reasonably calculated to ensure delivery to the other parties not later than the close of the next business day.¹¹²

References

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| 1 | Code Civ. Proc., § 312. The deadline depends on the type of claim; the most common periods appear in the table below. |
| 2 | Like subpoenas, expert discovery, limited civil case deadlines, arbitration deadlines, specific types of motions, rules applicable to specific types of cases, local rules, special procedures, and other issues. |
| 3 | Code Civ. Proc., § 411.10 ["A civil action is commenced by filing a complaint with the court."]. |
| 4 | <i>Kurata v. Los Angeles News Publishing Co.</i> (1935) 4 Cal.App.2d 224, 227 ["We hold that a lawsuit from beginning to end is in the nature of a judicial proceeding, the filing of a complaint being the first step therein, and that the subsequent pleadings are successive steps therein."]. |
| 5 | Code Civ. Proc., § 425.10. |
| 6 | Code Civ. Proc., § 308 ["In such action the party complaining is known as the plaintiff, and the adverse party as the defendant."]. |
| 7 | Code Civ. Proc., § 312 ["Civil actions, without exception, can only be commenced within the periods prescribed in this title, after the cause of action shall have accrued, unless where, in special cases, a different limitation is prescribed by statute."]. |
| 8 | Code Civ. Proc., § 339. |
| 9 | Code Civ. Proc., § 337. |
| 10 | Code Civ. Proc., § 338. |
| 11 | Code Civ. Proc., § 340. |
| 12 | Gov. Code, § 12960, subd. (e)(5). |
| 13 | Code Civ. Proc., § 338, subd. (d). |
| 14 | Code Civ. Proc., § 340.6. |

- 15 Code Civ. Proc., § 340; *Wiener v. Superior Court* (1976) 58 Cal.App.3d 525, 529 [“The one year period runs from the utterance or publication of the defamatory matter.”].
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- 16 Code Civ. Proc., § 340.5.
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- 17 Code Civ. Proc., § 340, subd. (a); *Amaral v. Cintas Corp. No. 2* (2008) 163 Cal.App.4th 1157, 1199; see Labor Code, §§ 2698–2699.5. The one-year period is tolled while PAGA’s written notice to the LWDA and the exhaustion period run. (Lab. Code, § 2699.3, subds. (a), (e).) Under the 2024 amendments, a plaintiff has standing only for Labor Code violations they personally suffered within that one-year period. (Lab. Code, § 2699, subd. (c).)
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- 18 Code Civ. Proc., § 335.1.
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- 19 Code Civ. Proc., § 338.
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- 20 See Code Civ. Proc., § 340, subd. (a) [statute of limitations: “Within one year: (a) An action upon a statute for a penalty or forfeiture, if the action is given to an individual, or to an individual and the state, except if the statute imposing it prescribes a different limitation.”].
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- 21 Code Civ. Proc., § 338, subd. (b).
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- 22 Bus. & Prof. Code, § 17208 [“Any action to enforce any cause of action pursuant to this chapter shall be commenced within four years after the cause of action accrued. No cause of action barred under existing law on the effective date of this section shall be revived by its enactment.”].
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- 23 Code Civ. Proc., § 338, subd. (a); *Aubry v. Goldhor* (1988) 201 Cal.App.3d 399, 404 [“[A]n employer’s obligation to pay overtime compensation to his employee would not exist but for the Labor Code. An action to enforce that obligation therefore is governed by the three-year statute of limitations . . .”].
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- 24 See, e.g., Gov. Code, § 911.2.
-
- 25 See, e.g., Code Civ. Proc., § 1005, subd. (b).
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- 26 Code Civ. Proc., § 12 [“The time in which any act provided by law is to be done is computed by excluding the first day, and including the last, unless the last day is a holiday, and then it is also excluded.”].
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27	Code Civ. Proc., § 12c, subd. (a) [“Where any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the day of the hearing as provided by Section 12.”].
28	Code Civ. Proc., § 12a, subd. (a) [“If the last day for the performance of any act provided or required by law to be performed within a specified period of time is a holiday, then that period is hereby extended to and including the next day that is not a holiday. For purposes of this section, “holiday” means all day on Saturdays, all holidays specified in Section 135 and, to the extent provided in Section 12b, all days that by terms of Section 12b are required to be considered as holidays.”].
29	Code Civ. Proc., § 415.20.
30	Code Civ. Proc., § 1011.
31	Code Civ. Proc., § 1013, subds. (c), (e).
32	See Code Civ. Proc., § 1010.6.
33	Code Civ. Proc., § 1013, subd. (a).
34	Code Civ. Proc., § 1013, subd. (a).
35	Code Civ. Proc., § 1013, subd. (a).
36	Cal. Rules of Court, rule 3.110, subd. (b) [“The complaint must be served on all named defendants and proofs of service on those defendants must be filed with the court within 60 days after the filing of the complaint.”].
37	Cal. Rules of Court, rule 3.110, subd. (f) [“If a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions shall not be imposed.”].
38	Cal. Rules of Court, rule 3.110, subd. (f).
39	Code Civ. Proc., §§ 583.130, 583.410; <i>Hawks v. Hawks</i> (2006) 141 Cal.App.4th 1435, 1437 [“[A] delay of less than two years in service of the summons and complaint is not a ground for dismissal under the only provision relied upon by the trial court.”].
40	Code Civ. Proc., § 472, subd. (a).

- 41 Cal. Rules of Court, rule 3.110, subd. (b) ["When the complaint is amended to add a defendant, the added defendant must be served and proof of service must be filed within 30 days after the filing of the amended complaint."].
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- 42 Cal. Rules of Court, rule 3.110, subd. (g) ["If a responsive pleading is not served within the time limits specified in this rule and no extension of time has been granted, the plaintiff must file a request for entry of default within 10 days after the time for service has elapsed."].
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- 43 Cal. Rules of Court, rule 3.110, subd. (h) ["When a default is entered, the party who requested the entry of default must obtain a default judgment against the defaulting party within 45 days after the default was entered, unless the court has granted an extension of time."].
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- 44 Code Civ. Proc., § 432.10 ["A party served with a cross-complaint may within 30 days after service move, demur, or otherwise plead to the cross-complaint in the same manner as to an original complaint."].
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- 45 Code Civ. Proc., § 1005 ["All papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least nine court days, and all reply papers at least five court days before the hearing."].
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- 46 Code Civ. Proc., § 1005.
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- 47 Code Civ. Proc., §§ 430.20, 430.40, subd. (b).
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- 48 Code Civ. Proc., § 412.20, subd. (a)(3) ["Except as otherwise required by statute, a summons shall be directed to the defendant, signed by the clerk and issued under the seal of the court in which the action is pending, and it shall contain: . . . A direction that the defendant file with the court a written pleading in response to the complaint within 30 days after summons is served on him or her."].
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- 49 Code Civ. Proc., § 430.40, subd. (a).
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- 50 Cal. Rules of Court, rule 3.110, subd. (d).
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- 51 Code Civ. Proc., § 415.30, subd. (b).
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- 52 Code Civ. Proc., §§ 412.20, 428.50.
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- 53 Cal. Rules of Court, rule 3.110, subd. (c).
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54	Cal. Rules of Court, rule 3.110, subd. (c).
55	Code Civ. Proc., § 418.10.
56	Code Civ. Proc., § 1005, subd. (b).
57	Code Civ. Proc., §§ 2030.020, subd. (a) ["A defendant may propound interrogatories to a party to the action without leave of court at any time."], 2031.020, subd. (a) ["A defendant may make a demand for inspection, copying, testing, or sampling without leave of court at any time."], 2033.020, subd. (a) ["A defendant may make requests for admission by a party without leave of court at any time."].
58	Code Civ. Proc., § 2025.210, subd. (a) ["The defendant may serve a deposition notice without leave of court at any time after that defendant has been served or has appeared in the action, whichever occurs first."].
59	Code Civ. Proc., §§ 2030.020, subd. (b) ["A plaintiff may propound interrogatories to a party without leave of court at any time that is 10 days after the service of the summons on, or appearance by, that party, whichever occurs first."], 2031.020, subd. (b) ["A plaintiff may make a demand for inspection, copying, testing, or sampling without leave of court at any time that is 10 days after the service of the summons on, or appearance by, the party to whom the demand is directed, whichever occurs first."], 2033.020, subd. (b) ["A plaintiff may make requests for admission by a party without leave of court at any time that is 10 days after the service of the summons on, or appearance by, that party, whichever occurs first."].
60	Code Civ. Proc., §§ 2030.020, subd. (d), 2031.020, subd. (d), 2033.020, subd. (d).
61	Code Civ. Proc., § 2030.020, subd. (c).
62	Code Civ. Proc., § 2025.210, subd. (b) ["The plaintiff may serve a deposition notice without leave of court on any date that is 20 days after the service of the summons on, or appearance by, any defendant."].
63	Code Civ. Proc., § 2025.210, subd. (b) ["On motion with or without notice, the court, for good cause shown, may grant to a plaintiff leave to serve a deposition notice on an earlier date."].

- 64 Code Civ. Proc., § 2025.270, subd. (a) ["An oral deposition shall be scheduled for a date at least 10 days after service of the deposition notice."].
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- 65 Code Civ. Proc., § 2025.270, subd. (b) ["Notwithstanding subdivision (a), in an unlawful detainer action or other proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3, an oral deposition shall be scheduled for a date at least five days after service of the deposition notice, but not later than five days before trial."].
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- 66 Code Civ. Proc., § 2025.270, subd. (c) ["Notwithstanding subdivisions (a) and (b), if, as defined in Section 1985.3 or 1985.6, the party giving notice of the deposition is a subpoenaing party, and the deponent is a witness commanded by a deposition subpoena to produce personal records of a consumer or employment records of an employee, the deposition shall be scheduled for a date at least 20 days after issuance of that subpoena."].
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- 67 Code Civ. Proc., § 2025.270, subd. (d) ["On motion or ex parte application of any party or deponent, for good cause shown, the court may shorten or extend the time for scheduling a deposition, or may stay its taking until the determination of a motion for a protective order under Section 2025.420."].
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- 68 Code Civ. Proc., § 2025.410, subd. (a).
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- 69 Code Civ. Proc., § 2025.410, subd. (b).
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- 70 Code Civ. Proc., §§ 2030.260, subd. (a) [interrogatories], 2031.030, subd. (c) [production and inspection demands], 2031.260, subd. (a) [production and inspection demands], 2033.250, subd. (a) [requests for admissions].
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- 71 Code Civ. Proc., §§ 2030.260, subd. (c) [interrogatories], 2031.260, subd. (a) [production and inspection demands], 2033.250, subd. (a) [requests for admissions].
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- 72 Code Civ. Proc., §§ 2030.260, subd. (b) [interrogatories], 2031.030, subd. (c) [production and inspection demands], 2031.260, subd. (b) [production and inspection demands], 2033.250, subd. (b) [requests for admissions].
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- 73 Code Civ. Proc., §§ 2030.300 [compelling interrogatories], 2031.310 [compelling inspection or production demands], 2033.290 [compelling requests for admissions].
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74	Code Civ. Proc., §§ 2030.300 [interrogatories], 2031.310 [inspection or production demands], 2033.290 [requests for admissions].
75	Code Civ. Proc., § 2024.020, subd. (a) ["Except as otherwise provided in this chapter, any party shall be entitled as a matter of right to complete discovery proceedings on or before the 30th day, and to have motions concerning discovery heard on or before the 15th day, before the date initially set for the trial of the action."].
76	Code Civ. Proc., § 2024.020, subd. (b) ["Except as provided in Section 2024.050, a continuance or postponement of the trial date does not operate to reopen discovery proceedings."].
77	Code Civ. Proc., § 2024.050, subd. (a) ["On motion of any party, the court may grant leave to complete discovery proceedings, or to have a motion concerning discovery heard, closer to the initial trial date, or to reopen discovery after a new trial date has been set. This motion shall be accompanied by a meet and confer declaration under Section 2016.040."].
78	Code Civ. Proc., §§ 1013, 2024.020, subd. (a).
79	Code Civ. Proc., § 2024.020, subd. (a).
80	Code Civ. Proc., §§ 1005, 2024.020, subd. (a).
81	Code Civ. Proc., § 1005, subd. (b).
82	Code Civ. Proc., § 1005, subd. (b).
83	Code Civ. Proc., § 1005, subd. (b).
84	Cal. Rules of Court, rule 3.724 ["Unless the court orders another time period, no later than 30 calendar days before the date set for the initial case management conference, the parties must meet and confer, in person or by telephone, to consider each of the issues identified in rule 3.727 and, in addition, to consider the following: . . . "].
85	Cal. Rules of Court, rule 3.725.
86	Code Civ. Proc., § 631, subd. (b).
87	Code Civ. Proc., § 631, subd. (c)(1) ["In unlawful detainer actions, the fees shall be due at least five days before the date set for trial."].

- 88 Code Civ. Proc., § 631, subd. (c)(2) [“If no case management conference is scheduled in a civil action, or the initial case management conference occurred before June 28, 2012, and the initial complaint was filed on or after July 1, 2011, the fee shall be due no later than 365 calendar days after the filing of the initial complaint.”].
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- 89 Code Civ. Proc., § 631, subd. (c)(4) [“If the party requesting a jury has not appeared before the initial case management conference, or first appeared more than 365 calendar days after the filing of the initial complaint, the fee shall be due at least 25 calendar days before the date initially set for trial.”].
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- 90 Code Civ. Proc., § 1005, subd. (b) [“Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing.”].
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- 91 Code Civ. Proc., § 1005, subd. (b).
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- 92 Our thanks to attorney [Ronald M. Toran](#) for identifying an error in a previous version of this article that misstated the distinction here.
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- 93 Code Civ. Proc., § 1005, subd. (b) [“All papers opposing a motion so noticed shall be filed with the court and a copy served on each party at least nine court days, and all reply papers at least five court days before the hearing.”].
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- 94 Code Civ. Proc., §§ 1005, subd. (b) [“Section 1013, which extends the time within which a right may be exercised or an act may be done, does not apply to a notice of motion, papers opposing a motion, or reply papers governed by this section.”], subd. (c) [“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. This subdivision applies to the service of opposition and reply papers regarding motions for summary judgment or summary adjudication, in addition to the motions listed in subdivision (a).”].
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- 95 Code Civ. Proc., §§ 1005, subds. (b), (c).
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96	Code Civ. Proc., §§ 1005, subds. (b), (c).
97	Cal. Rules of Court, rule 3.1203, subd. (a) ["A party seeking an ex parte order must notify all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice."].
98	Cal. Rules of Court, rule 3.1203, subd. (b) ["A party seeking an ex parte order in an unlawful detainer proceeding may provide shorter notice than required under (a) provided that the notice given is reasonable."].
99	Cal. Rules of Court, rule 3.1204, subd. (a).
100	Cal. Rules of Court, rule 3.1202, subds. (a) ["An ex parte application must state the name, address, e-mail address, and telephone number of any attorney known to the applicant to be an attorney for any party or, if no such attorney is known, the name, address, e-mail address, and telephone number of the party if known to the applicant."], (b) ["If an ex parte application has been refused in whole or in part, any subsequent application of the same character or for the same relief, although made upon an alleged different state of facts, must include a full disclosure of all previous applications and of the court's actions."].
101	Cal. Rules of Court, rule 3.1202, subd. (c) ["An applicant must make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte."].
102	See Cal. Rules of Court, rule 3.1204, subds. (b), (c).
103	Cal. Rules of Court, rule 3.1201.
104	Cal. Rules of Court, rule 3.1206 ["Parties appearing at the ex parte hearing must serve the ex parte application or any written opposition on all other appearing parties at the first reasonable opportunity. Absent exceptional circumstances, no hearing may be conducted unless such service has been made."].
105	Cal. Rules of Court, rule 3.110, subd. (i) ["Responsive papers to an order to show cause issued under this rule must be filed and served at least 5 calendar days before the hearing."].
106	Code Civ. Proc., § 437c, subd. (a).

107	Code Civ. Proc., § 437c, subd. (a).
108	Code Civ. Proc., § 437c, subd. (a)(3).
109	Code Civ. Proc., § 437c, subd. (b)(2).
110	Code Civ. Proc., §§ 437c, subd. (b)(6), 1005, subd. (c).
111	Code Civ. Proc., § 437c, subd. (b)(4).
112	Code Civ. Proc., §§ 437c, subd. (b)(6), 1005, subd. (c).