



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 24-168*

For business meeting on September 20, 2024

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**Title**

Civil Practice and Procedure: Case Dismissal  
With Retained Jurisdiction

**Agenda Item Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 3.1385;  
revise form CIV-110

**Effective Date**

January 1, 2025

**Date of Report**

August 15, 2024

**Recommended by**

Civil and Small Claims Advisory Committee  
Hon. Tamara L. Wood, Chair

**Contact**

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### Executive Summary

The Civil and Small Claims Advisory Committee recommends amending California Rules of Court, rule 3.1385 and revising form CIV-110 to implement amended Code of Civil Procedure section 664.6, which allows courts to dismiss cases without prejudice and retain jurisdiction to enforce settlement terms. The rule would be amended to incorporate advisory committee comments clarifying the application of specific subdivisions of the rule depending on whether dismissal under section 664.6 is sought. The recommended form revision would add a new option to request dismissal without prejudice and with retained jurisdiction.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2025:

1. Amend California Rules of Court, rule 3.1385 to add advisory committee comments explaining that parties must still follow the provisions of rule 3.1385(a) and (b) if they seek dismissal under Code of Civil Procedure section 664.6 and that rule 3.1385(c) provides an alternative process to dismissal under section 664.6; and

2. Revise *Request for Dismissal* (form CIV-110) to add an option for the party asking for dismissal to request dismissal without prejudice and with the court retaining jurisdiction.

The proposed amended rule and revised form are attached at pages 6–10.

### **Relevant Previous Council Action**

The Judicial Council last amended rule 3.1385, effective January 1, 2013, to provide that most hearings and other proceedings requiring the appearance of a party be vacated between the filing of the notice of conditional settlement and the dismissal date specified in the notice, and, with the amendment, parties could avoid unnecessary appearances in court. Before that amendment, the council amended the rule, effective January 1, 2009, to provide additional time for completing a settlement after a party provided notice of settlement to the court. Specifically, the amendment added subdivision (d), relating to settlements involving minors and persons with disabilities, and subdivision (e), allowing additional time to complete settlement for good cause shown. The council added the 45-day dismissal requirement in 1989, and that provision has largely remained the same ever since.

The Judicial Council last amended form CIV-110, effective January 1, 2013, to include a notice that the form may not be used for dismissal of a class action or a derivative action.

### **Analysis/Rationale**

#### **Background**

In 2023, the Legislature amended Code of Civil Procedure<sup>1</sup> section 664.6.<sup>2</sup> Before this amendment, section 664.6 authorized courts to enter judgment pursuant to the terms of a settlement agreement. Amended section 664.6 expands the court's authority by permitting the court to dismiss a case without prejudice and to retain jurisdiction over the parties to enforce settlement until performance in full.<sup>3</sup> Such a dismissal with retained jurisdiction can be ordered upon the stipulation of the parties, either in writing or orally before the court, or on the court's own motion.<sup>4</sup>

In addition, the California Rules of Court mandate certain actions that courts and parties must take upon the settlement of a case. Specifically, rule 3.1385(a) requires the party seeking affirmative relief to give notice of the settlement to the court, other parties, and others involved in the case. Moreover, rule 3.1385(b) requires the party seeking affirmative relief to dismiss the case, which generally occurs by filing form CIV-110, within 45 days of the settlement. Rule 3.1385(c) applies to cases with conditional settlement agreements and provides that instead of

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<sup>1</sup> All further statutory citations are to the Code of Civil Procedure, unless otherwise stated.

<sup>2</sup> Assembly Bill 1756 (Stats. 2023, ch. 478). AB 1756 is available at [leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB1756](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1756).

<sup>3</sup> See § 664.6(a).

<sup>4</sup> § 664.6(a) & (e).

dismissing the case within 45 days, the party seeking affirmative relief must state the date that dismissal will be filed.<sup>5</sup>

### **Proposed amendments to rule 3.1385**

The committee recommends adding advisory committee comments to rule 3.1385 explaining the rule's requirements depending on whether dismissal under section 664.6 is sought. Specifically, the committee believes that even if parties agree to dismiss the case upon settlement under section 644.6, it is still appropriate for the party seeking affirmative relief to notify the court and others of the settlement under rule 3.1385(a) and to timely file a request for dismissal under rule 3.1385(b). Accordingly, the first recommended advisory committee comment for rule 3.1385 explains that even if the parties settle the case under section 664.6, the party seeking affirmative relief must still follow the procedures in rule 3.1385(a) and (b).

Conversely, amended section 664.6 supplants the need for rule 3.1385(c) if the parties stipulate to, or the court seeks, dismissal under the section. Under section 664.6, a case may be dismissed *immediately* with retained jurisdiction rather than dismissing the case only upon the completion of settlement terms. Parties and courts, however, are not obligated to dismiss the case pursuant to section 664.6 upon settlement. Accordingly, the committee proposes a second advisory committee comment for the rule explaining that rule 3.1385(c) provides an alternative process to dismissal under section 664.6.<sup>6</sup>

### **Proposed revisions to form CIV-110**

The committee also recommends, in addition to the rule changes, adding an option on *Request for Dismissal* (form CIV-110) for the party requesting dismissal to request dismissal without prejudice and with the court retaining jurisdiction.<sup>7</sup> Additionally, the committee recommends that the revised form require all parties to sign the request for dismissal if the court will retain jurisdiction,<sup>8</sup> to ensure that such retention of jurisdiction is agreed to by all parties or ordered by the court as required in section 664.6.

### **Policy implications**

The proposed rule amendment and form revision recommended by the committee implement an amended statute that allows courts to dismiss cases without prejudice and to retain jurisdiction over the parties to enforce settlements. The committee believes its recommendation to

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<sup>5</sup> Rule 3.1385(d) contains specific procedures if the case involves compromise of the claim of a minor or person with disability, and rule 3.1385(e) provides an alternative procedure if the case cannot be dismissed within 45 days.

<sup>6</sup> To the extent dismissal under section 664.6 becomes pervasive for parties with conditional settlement agreements, the committee may consider, at a later date, whether amendments to the text of rule 3.1385(c) are needed.

<sup>7</sup> Adding this option as item 1a(3) resulted in the date fields from items 1b(3) and 1b(4) printing directly below the request for retained jurisdiction. The committee thus recommends switching the order of the date and name fields in items 1b(3) and 1b(4) so they are further to the left and are not mistakenly assumed to be part of item 1a(3).

<sup>8</sup> The committee recommends that this requirement be added to the existing note in item 3 of the form, which explains that additional parties need to sign the request for dismissal if certain circumstances are present. To prevent confusion, the committee recommends using a dagger symbol to highlight this note as opposed to double asterisks.

incorporate advisory committee comments in rule 3.1385 will provide clarity to litigants and is therefore consistent with the *Strategic Plan for California's Judicial Branch*—specifically, the goal of Access, Fairness, Diversity, and Inclusion (Goal I). The key policy implication for the form revision is to ensure that forms correctly reflect the amended law. The revision of form CIV-110 is thus consistent with the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

## Comments

This proposal circulated for public comment from April 2 to May 3, 2024. The committee received seven comments. Three of the comments were from courts, three were from individuals, and one was from a bar association. No commenters disagreed with the proposal. The commenters' substantive suggestions on the proposal and the committee's responses are summarized below.

One commenter suggested that form CIV-110 include a check box indicating whether the terms of the settlement are attached or have previously been provided to the court. The committee does not recommend any modifications in response to this suggestion because having a copy of the settlement agreement when the request for dismissal is filed does not appear necessary. If the court retains jurisdiction and a party asks the court to enforce the terms of the settlement agreement, the party can present the agreement to the court at that time.

Another commenter asked whether form CIV-110 should be transmitted to the court for an order retaining jurisdiction before a clerk can ministerially dismiss the case. The suggestion appears to stem from *Mesa RHF Partners, L.P. v. City of Los Angeles* (2019) 33 Cal.App.5th 913 (*Mesa RHF Partners*), in which the court said retained jurisdiction under section 664.6 had not been effectuated because the parties neither signed form CIV-110, which contained a statement retaining jurisdiction, nor attached the signed settlement agreement, which also contained a statement retaining jurisdiction, to the form.<sup>9</sup> The court noted that the parties could have invoked section 664.6 “by filing a stipulation and proposed order either attaching a copy of the settlement agreement and requesting that the trial court retain jurisdiction under section 664.6 or a stipulation and proposed order signed by the parties noting the settlement and requesting that the trial court retain jurisdiction.” The committee does not recommend revisions based on this comment because neither Code of Civil Procedure section 664.6 nor *Mesa RHF Partners* requires the court to issue an order to retain jurisdiction.

Finally, two commenters pointed out that the existing signature blocks on form CIV-110 may be insufficient for *all* parties to sign the form. Accordingly, the committee recommends adding a check box in item 3 of the form for parties to indicate that additional signatures are attached.

A chart of comments and committee responses is attached at pages 11–18.

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<sup>9</sup> Effective January 1, 2025, amended section 664.6 permits attorneys to sign a stipulation for retained jurisdiction on behalf of parties.

### **Alternatives considered**

The committee discussed several alternative ways to amend rule 3.1385. One alternative would be to not require the party seeking affirmative relief to perform the actions in rule 3.1385(a) and (b) if the party seeks dismissal under 664.6, but the committee determined that requiring such notices is the best way to ensure that all those involved in the case are aware of the settlement and that the court has a record of dismissal with retained jurisdiction. Another alternative was to eliminate rule 3.1385(c) altogether, but given that the provisions of 664.6 are not mandated on parties and courts, retaining the dismissal procedures for conditional settlements is appropriate. The committee did not consider taking no action because leaving rule 3.1385 and form CIV-110 without modification would be confusing to courts and parties.

### **Fiscal and Operational Impacts**

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the amended rule and revised form. Courts will also incur costs to incorporate the revised form into the paper or electronic processes.

### **Attachments and Links**

1. Cal. Rules of Court, rule 3.1385, at pages 6–8
2. Form CIV-110, at pages 9–10
3. Chart of comments, at pages 11–18
4. Link A: AB 1756,  
[leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB1756](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1756)

Rule 3.1385 of the California Rules of Court is amended, effective January 1, 2025, to read:

1 **Rule 3.1385. Duty to notify court and others of settlement of entire case**

2  
3 **(a) Notice of settlement**

4  
5 (1) *Court and other persons to be notified*

6  
7 If an entire case is settled or otherwise disposed of, each plaintiff or other  
8 party seeking affirmative relief must immediately file written notice of the  
9 settlement or other disposition with the court and serve the notice on all  
10 parties and any arbitrator or other court-connected alternative dispute  
11 resolution (ADR) neutral involved in the case. Each plaintiff or other party  
12 seeking affirmative relief must also immediately give oral notice to all of the  
13 above if a hearing, conference, or trial is scheduled to take place within 10  
14 days.

15  
16 (2) *Compensation for failure to provide notice*

17  
18 If the plaintiff or other party seeking affirmative relief does not notify an  
19 arbitrator or other court-connected ADR neutral involved in the case of a  
20 settlement at least 2 days before the scheduled hearing or session with that  
21 arbitrator or neutral, the court may order the party to compensate the  
22 arbitrator or other neutral for the scheduled hearing time. The amount of  
23 compensation ordered by the court must not exceed the maximum amount of  
24 compensation the arbitrator would be entitled to receive for service as an  
25 arbitrator under Code of Civil Procedure section 1141.18(b) or that the  
26 neutral would have been entitled to receive for service as a neutral at the  
27 scheduled hearing or session.

28  
29 **(b) Dismissal of case**

30  
31 Except as provided in (c) or (d), each plaintiff or other party seeking affirmative  
32 relief must serve and file a request for dismissal of the entire case within 45 days  
33 after the date of settlement of the case. If the plaintiff or other party required to  
34 serve and file the request for dismissal does not do so, the court must dismiss the  
35 entire case 45 days after it receives notice of settlement unless good cause is shown  
36 why the case should not be dismissed.

37  
38 **(c) Conditional settlement**

39  
40 (1) *Notice*

41  
42 If the settlement agreement conditions dismissal of the entire case on the  
43 satisfactory completion of specified terms that are not to be performed within

1 45 days of the settlement, including payment in installment payments, the  
2 notice of conditional settlement served and filed by each plaintiff or other  
3 party seeking affirmative relief must specify the date by which the dismissal  
4 is to be filed.

5  
6 (2) *Dismissal*

7  
8 If the plaintiff or other party required to serve and file a request for dismissal  
9 within 45 days after the dismissal date specified in the notice does not do so,  
10 the court must dismiss the entire case unless good cause is shown why the  
11 case should not be dismissed.

12  
13 (3) *Hearings vacated*

14  
15 (A) Except as provided in (B), on the filing of the notice of conditional  
16 settlement, the court must vacate all hearings and other proceedings  
17 requiring the appearance of a party and may not set any hearing or  
18 other proceeding requiring the appearance of a party earlier than 45  
19 days after the dismissal date specified in the notice, unless requested by  
20 a party.

21  
22 (B) The court need not vacate a hearing on an order to show cause or other  
23 proceeding relating to sanctions, or for determination of good faith  
24 settlement at the request of a party under Code of Civil Procedure  
25 section 877.6.

26  
27 (4) *Case disposition time*

28  
29 Under standard 2.2(n)(1)(A), the filing of a notice of conditional settlement  
30 removes the case from the computation of time used to determine case  
31 disposition time.

32  
33 (d)–(e) \* \* \*

34  
35 **Advisory Committee Comment**

36  
37 **Subdivisions (a) and (b).** Amended Code of Civil Procedure section 664.6 allows parties to  
38 settle a case and agree to have the case dismissed without prejudice. The plaintiff or other party  
39 seeking affirmative relief must follow the procedures outlined in subdivisions (a) and (b) even if  
40 the parties settle the case and agree to dismiss under the provisions of Code of Civil Procedure  
41 section 664.6.  
42

1 **Subdivision (c).** Code of Civil Procedure section 664.6 allows for but does not mandate the  
2 dismissal of cases with conditional settlements either upon stipulation of the parties or on the  
3 court's own motion. Subdivision (c) provides an alternative process for cases with a conditional  
4 settlement in which dismissal is not sought under Code of Civil Procedure section 664.6.  
5



ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>2024-07-02</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
<b>REQUEST FOR DISMISSAL</b>	CASE NUMBER:

**A conformed copy will not be returned by the clerk unless a method of return is provided with the document.**

**This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)**

1. TO THE CLERK: Please **dismiss** this action as follows:

- a. (1)  With prejudice    (2)  Without prejudice    (3)  Without prejudice and with the court retaining jurisdiction (Code Civ. Proc., § 664.6)
- b. (1)  Complaint    (2)  Petition
- (3)  Cross-complaint filed on (date): by (name):
- (4)  Cross-complaint filed on (date): by (name):
- (5)  Entire action of all parties and all causes of action
- (6)  Other (specify)\*:

2. (Complete in all cases except family law cases.)

The court  did  did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

\* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed

▶ \_\_\_\_\_  
(SIGNATURE)  
 Attorney or party without attorney for  
 Plaintiff/Petitioner     Defendant/Respondent  
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.†

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

† If item 1a(3) is checked, all parties must sign.  
If a cross-complaint—or Response—Marriage/Domestic Partnership (form FL-120) seeking affirmative relief—is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

▶ \_\_\_\_\_  
(SIGNATURE)  
 Attorney or party without attorney for  
 Plaintiff/Petitioner     Defendant/Respondent  
 Cross-Complainant

Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.

- 4.  Dismissal entered as requested on (date):
- 5.  Dismissal entered on (date): as to only (name):
- 6.  Dismissal **not entered** as requested for the following reasons (specify):
- 7. a.  Attorney or party without attorney notified on (date):
- b.  Attorney or party without attorney not notified. Filing party failed to provide  
 a copy to be conformed     means to return conformed copy

Date: \_\_\_\_\_, Clerk, by \_\_\_\_\_, Deputy

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*
  - a.  not recovering anything of value by this action.
  - b.  recovering less than \$10,000 in value by this action.
  - c.  recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*:  Yes  No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)

▶ \_\_\_\_\_  
 (SIGNATURE)

**SPR24-10****Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction** (amend Cal. Rules of Court, rule 3.1385; revise form CIV-110)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Rachel Enders Clark Santa Clarita	A	This is a fantastic idea. There is great value in having a court form on the record reflecting the 664.6 dismissal in addition to being buried in settlement terms and minute orders. The proposed change to the form clarifies and streamlines the new requirements.	The committee appreciates the information provided.
			A suggestion you may take or leave: -Perhaps add check box options stating the written terms of the settlement are either (1) attached as Exhibit X or (2) previously filed with the court.	The committee does not recommend revisions based on this suggestion as it does not appear necessary for the court to have a copy of the settlement agreement when the request for dismissal is filed. If the court retains jurisdiction and a party asks the court to enforce the terms of the settlement agreement, the party can present the agreement to the court at that time.
2.	Michael R. Diliberto Mediator and Arbitrator Los Angeles	AM	I have worked as a full-time mediator and arbitrator for approximately 21 years. I served as an Administrative Law Judge, pro tem, with the Office of Administrative Hearings (General Jurisdiction and Special Education Divisions), and I taught negotiations and mediation as an adjunct professor at Loyola Law School, Los Angeles, California. I also serve as the Chair of the Los Angeles County Bar Association’s Alternative Dispute Resolution (ADR) Section. The comments below are my own, and are not made on behalf of any company, association or organization.	The committee appreciates the information provided.
			In April 2022, I wrote an article titled “Proposal for a User Friendlier CCP § 664.6” which was published in Los Angeles Lawyer magazine. My	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**SPR24-10**

**Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction** (amend Cal. Rules of Court, rule 3.1385; revise form CIV-110)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>article highlighted some of the problems with the procedure to request the trial court to reserve jurisdiction before a settled case is dismissed, including the fact that some parties fail to ask the trial court to retain jurisdiction beyond simply agreeing to that in their settlement agreement—the classic ineffective secret handshake.</p> <p>My article suggested revising Judicial Council form CIV-110 (Request for Dismissal) to add a new “check the box” option to request dismissal of an action with the court retaining jurisdiction under Code of Civil Procedure section 664.6. My idea generated Proposal SPR24-10 by the Judicial Council Civil and Small Claims Advisory Committee titled “Civil Practice and Procedure: Case Dismissal With Retained Jurisdiction.”</p>	
			<p>Proposal SPR24-10 appropriately addresses the stated purpose. Merging a request for dismissal with a request for the court to retain jurisdiction provides a foolproof solution to ensure that the court retains jurisdiction before a case is dismissed, which allows courts to dismiss cases and retain jurisdiction to enforce settlement terms. The entire process is reduced to one form, which reduces paperwork to be filed with the court. Proposal SPR24-10 with the revised CIV-110 allows the parties to check item 1a(3) to dismiss the case without prejudice and with the court retaining jurisdiction.</p>	<p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**SPR24-10**

**Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction** (amend Cal. Rules of Court, rule 3.1385; revise form CIV-110)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>Comment: The Judicial Council should consider allowing the parties to check item 1a(3) to dismiss the case with prejudice and with the court retaining jurisdiction. When the parties enter into a settlement agreement they want final closure to a litigated case. Final closure typically includes filing a request to dismiss the entire action with prejudice. Once the parties request the court to reserve jurisdiction by checking item 1a(3) in the revised CIV-110, the entire case can be dismissed, with prejudice.</p> <p>This is true for cases with conditional terms of settlement that are not to be performed within 45 days of the date of settlement, or cases with settlement terms that require less time to be performed in full. If a party later requires the court’s assistance to enforce the settlement agreement after the case is dismissed (even if the case is dismissed with prejudice), such party may file a motion with the court to enforce the settlement pursuant to Code of Civil Procedure section 664.6. This suggested modification obviates the need for the parties to file another Judicial Council form CIV-110 to dismiss the case with prejudice after full performance of the settlement terms.</p> <p>Comment: Proposal SPR24-10 (and the proposed revised form CIV-110) appear to indicate that when the parties check item 1a(3) in the CIV-110, the deputy clerk’s ministerial duties include the ability to cause the trial court to retain jurisdiction</p>	<p>The committee does not recommend revisions based on this suggestion as amended Code of Civil Procedure section 664.6 only authorizes the court to “dismiss the case as to the settling parties <i>without prejudice</i> and retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement” (emphasis added).</p> <p>The committee does not recommend revisions based on this comment as neither Code of Civil Procedure section 664.6 nor <i>Mesa RHF Partners, L.P v. City of Los Angeles</i> (2019) 33 Cal.App.5th</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**SPR24-10**

**Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction** (amend Cal. Rules of Court, rule 3.1385; revise form CIV-110)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>before the deputy clerk enters the dismissal of the action. This process appears to find support in Mesa RHF Partners, L.P v. City of Los Angeles (2019) 33 Cal.App.5th 913. In Mesa, the parties filed requests for dismissal on Judicial Council form CIV-110. Counsel inserted language into the forms, such as: “The Court shall retain jurisdiction to enforce the settlement agreement per Code of Civil Procedure § 664.6.” A deputy clerk entered the dismissal “as requested” on the same day. (Id. at p. 916.)</p> <p>The Court of Appeal determined that the requests for dismissal did not operate as requests to the trial court that it retain jurisdiction under section 664.6 to enforce the parties’ settlement agreements, because the requests for dismissal were not signed by the “parties” (or even a single “party”). (Id. at p. 917.) Proposal SPR24-10 and the revised CIV-110 solve that problem by expressly stating on the revised CIV-110, “If item 1a(3) is checked, all parties must sign.”</p> <p>I conclude by simply raising the issue of whether the deputy clerk’s ministerial duties include the ability to cause the trial court to retain jurisdiction before dismissal is entered by the clerk, or whether after the CIV-110 is filed, it should first be transmitted to the trial court for an order indicating that the court has reserved jurisdiction (an order within the CIV-110 form) before the case is dismissed by the deputy clerk.</p>	<p>913 appears to require the court to issue an order to retain jurisdiction.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**SPR24-10**

**Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction** (amend Cal. Rules of Court, rule 3.1385; revise form CIV-110)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
3.	Marc E. Hankin Managing Partner Los Angeles	A	This change would simplify and streamline the process and should be approved forthwith.	The committee appreciates the information provided.
4.	Orange County Bar Association by Christina Zabat-Fran President	A	The proposal appropriately addresses the stated purpose.	The committee appreciates the information provided.
5.	Superior Court of Orange County Family Law and Juvenile Divisions by Katie Tobias Operations Analyst	NI	<i>Does the proposal appropriately address the state purpose?</i> Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the information provided.
			<i>Would the proposal provide cost savings? If so, please quantify.</i> No, the proposal does not appear to provide any cost savings.	The committee appreciates the information provided.
			<i>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?</i> Implementation would require revising procedures, providing communication to judicial officers and staff, and conducting staff training (approximately 10 minutes).	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**SPR24-10**

**Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction** (amend Cal. Rules of Court, rule 3.1385; revise form CIV-110)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i>                      Yes, three months would provide sufficient time for implementation in Orange County.</p>	<p>The committee appreciates the information provided.</p>
			<p><i>How well would this proposal work in courts of different sizes?</i>                      Our court is a large court, and this could work for Orange County.</p>	
6.	<p>Superior Court of Riverside County                      Riverside                      by Sarah Hodgson                      Chief Deputy of Legal Services /                      General Counsel</p>	NI	<p>Suggestions: Since this rule requires signatures of all parties, suggesting that an attachment form is created as majority of the cases will have more than two parties.</p> <p>Does the proposal appropriately address the stated purpose?</p> <ul style="list-style-type: none"> <li>• Yes, it addresses the stated purpose</li> </ul> <p>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?</p> <ul style="list-style-type: none"> <li>• Update case management system</li> <li>• Revise procedures/processes</li> <li>• Advise staff and judicial officers</li> </ul>	<p>In light of this suggestion and others, the committee recommends including a checkbox in item 3 of form CIV-110 for parties to indicate that additional signatures are attached.</p> <p>The committee appreciates the information provided.</p> <p>The committee appreciates the information provided.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.



**SPR24-10**

**Civil Practice and Procedures: Case Dismissal with Retained Jurisdiction** (amend Cal. Rules of Court, rule 3.1385; revise form CIV-110)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
7.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	<p>Q: Does the proposal appropriately address the stated purpose?  <b>A: Yes.</b></p>	The committee appreciates the information provided.
			<p>Q: Would the proposal provide cost savings? If so, please quantify.  <b>A: No.</b></p>	The committee appreciates the information provided.
			<p>Q: 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?  <b>A: Implementation will require updating the case management system and internal procedures to reflect changes to CIV-110.</b></p>	The committee appreciates the information provided.
			<p>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?  <b>A: Yes.</b></p>	The committee appreciates the information provided.
			<p>Q: How well would this proposal work in courts of different sizes?  <b>A: This proposal should work well, regardless of the size of the court.</b></p>	The committee appreciates the information provided.
			<b>CIV-110:</b>	In light of this suggestion and others, the committee recommends including a check box in

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			Should additional signature blocks be added to accommodate the signatures of multiple parties/attorneys? If item 1.a.(3) is checked, all parties must sign to acknowledge they agree to retention of jurisdiction.	item 3 of form CIV-110 for parties to indicate that additional signatures are attached.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.