



Judicial Council of California

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Subject Details (With Text)

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4/15/2016	1	Judicial Council	approved	Pass

Title

Forms: Disability Access Litigation (Action Required)

Summary

The Civil and Small Claims Advisory Committee recommended that certain statutorily mandated Disability Access Litigation forms used in construction-related accessibility claims be revised and that a verified answer form be approved for optional use. The forms are used for parties to apply for, and the court to grant, stays and mandatory evaluation conferences in this type of litigation. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assem. Comm. on Judiciary; Stats. 2015, ch.755), enacted on October 10, 2015, as urgency legislation-and thus operative upon enactment-to (1) add a new category of defendants that may request a stay and early evaluation conference, (2) allow defendants to request a joint inspection, (3) provide certain information in the statutory advisory form for building owners and tenants, and (4) provide a verified answer form.

Recommendation

The Civil and Small Claims Advisory Committee recommended that the Judicial Council, effective July 1, 2016:

1. Approve *Answer-Disability Access* (form DAL-002) to provide a statutorily mandated, verified answer that includes certain affirmative defenses, whether the defendant has made a request for an early evaluation conference and to meet in person at the subject premises, and whether the defendant qualifies for reduced damages;
2. Revise *Important Advisory Information for Building Owners and Tenants* (DAL-001) to provide verbatim, additional statutorily mandated information;
3. Revise *Defendant's Application for Stay of Proceedings and Early Evaluation Conference, Joint Inspection* (form DAL-005) to add a check box in the form name for a defendant to indicate whether a joint inspection is requested and in the body of the form to provide information about the plaintiff's status as a high-frequency litigant; and
4. Revise *Notice of Stay of Proceedings and Early Evaluation Conference, Joint Inspection* (form DAL-010) to add a check box in the form name to indicate whether the notice includes a joint inspection and in the body of the form to provide related information.

