

**PLS 53 Course Outline as of Fall 2010****CATALOG INFORMATION**

Dept and Nbr: PLS 53 Title: CIV PROC: PLEADINGS

Full Title: Civil Procedure: Pleadings

Last Reviewed: 9/14/2020

Units		Course Hours per Week		Nbr of Weeks	Course Hours Total	
Maximum	3.00	Lecture Scheduled	3.00	17.5	Lecture Scheduled	52.50
Minimum	3.00	Lab Scheduled	0	17.5	Lab Scheduled	0
		Contact DHR	0		Contact DHR	0
		Contact Total	3.00		Contact Total	52.50
		Non-contact DHR	0		Non-contact DHR	0

Total Out of Class Hours: 105.00

Total Student Learning Hours: 157.50

Title 5 Category: AA Degree Applicable

Grading: Grade Only

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly:

**Catalog Description:**

An in-depth examination of all phases of civil procedure, from the initial stages of planning and preparing the civil lawsuit to the trial, is presented in this course. Students draft typical pleadings, including complaints, motions, demurrers, answers and cross-complaints from factual situations presented in class. Common means of terminating a suit without trial, such as summary judgments, defaults, dismissals and settlement are also discussed.

**Prerequisites/Corequisites:**

Course Completion of PLS 51 and Course Completion of PLS 52 and Course Completion of BOT 85.4A and Course Completion of BOT 85.4B OR Course Completion of PLS 51 and Course Completion of PLS 52 and Course Completion of PLS 85.4 ( or BOT 85.4)

**Recommended Preparation:****Limits on Enrollment:****Schedule of Classes Information:**

Description: An in-depth examination of all phases of civil procedure, from the initial stages of planning and preparing the civil lawsuit to the trial, is presented in this course. Students draft

typical pleadings, including complaints, motions, demurrers, answers and cross-complaints from factual situations presented in class. Common means of terminating a suit without trial, such as summary judgments, defaults, dismissals and settlement are also discussed. (Grade Only)

Prerequisites/Corequisites: Course Completion of PLS 51 and Course Completion of PLS 52 and Course Completion of BOT 85.4A and Course Completion of BOT 85.4B OR Course Completion of PLS 51 and Course Completion of PLS 52 and Course Completion of PLS 85.4 (or BOT 85.4)

Recommended:

Limits on Enrollment:

Transfer Credit: CSU;

Repeatability: Two Repeats if Grade was D, F, NC, or NP

## **ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:**

<b>AS Degree:</b>	<b>Area</b>	Effective:	Inactive:
<b>CSU GE:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>IGETC:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>CSU Transfer:</b>	Transferable	Effective: Fall 2010	Inactive:
<b>UC Transfer:</b>		Effective:	Inactive:

**CID:**

**Certificate/Major Applicable:**

Not Certificate/Major Applicable

## **COURSE CONTENT**

### **Outcomes and Objectives:**

Upon completion of the course, students will be able to:

1. Draft and respond to pre-trial pleadings.
2. Amend pleadings.
3. Perform legal calendaring tasks.
4. Evaluate and compile material for trial binder.
5. Examine and review litigation files.
6. Create pre-trial checklists.
7. Create expert witness list, testimony witness lists, and trial strategy outline.

### **Topics and Scope:**

1. Introduction to Pleadings.
  - a. Types of pleadings
  - b. Causes of action
  - c. Real parties in interest
  - d. Capacity to bring suit
2. Complaints and Cross Complaints
  - a. Form pleadings and drafted pleadings
  - b. Format
  - c. Drafting allegations

- d. Pleading devices
- e. The prayer
- f. Verification
- g. Service of summons
- h. Pleading in federal courts
- i. Drafting tips
- 3. Answering the Complaint
  - a. Answering a Superior Court complaint
  - b. Denials to Superior Court complaints
  - c. Affirmative defenses
  - d. Drafting affirmative defenses
  - e. Forms of answers in Superior Court
  - f. Answering a Federal Court complaint
- 4. Attacking the Pleadings
  - a. Strategies
  - b. Demurrers and motions of judgment on the pleadings
  - c. Motions to strike
  - d. Attacking the pleadings in Federal Court
- 5. Amending the Pleadings
  - a. Amending Superior Court pleadings
  - b. Amending by right
  - c. Amending by leave of court
  - d. Considerations of the court granting leave to amend
  - e. Amending pleadings in Federal Court
- 6. Calendaring Pleadings
  - a. Trial timelines
  - b. Calendaring in Superior Court
  - c. State and local rules affecting calendaring
  - d. Statutes of Limitations
  - e. Deadlines for responses to pleadings
  - f. Dismissal statutes
  - g. Calendaring in Federal Court
  - h. California's Trial Delay Reduction Act
- 7. Law and Motion
  - a. General format rules
  - b. Motion structure and elements
  - c. Service and filing
  - d. Opposing motions
  - e. Tentative rulings
  - f. Law and motion hearings
  - g. Orders of the court
  - h. Sanctions
  - i. Ex parte motions
- 8. Summary Judgment
  - a. Grounds for summary judgment
  - b. Summary adjudication
  - c. Pleading in the alternative
  - d. Advantages and disadvantages of summary judgment motions
  - e. Form and format of motion
  - f. Timing limitations
  - g. Notice requirements
  - h. memorandum of Points and Authorities

- i. Supporting evidence
  - j. Separate Statement of Undisputed Fact
  - k. Opposing Motions for Summary Judgment and Summary Adjudication
  - l. Orders
9. Trial Setting Procedures
  10. Trial Preparation
  11. Judgments and Post-Trial Motions
    - a. Motions for fees and costs
    - b. Motion for judgment notwithstanding the verdict
    - c. Motion for new trial and to vacate the judgment
    - d. Form and format of post-trial motions
    - e. Post-trial motions in Federal Court
  12. Provisional Remedies and Extraordinary Writs
    - a. Injunctions, receiverships, and attachments
    - b. Writ of Mandamus
    - c. Writ of Certiorari

### Assignment:

1. Read textbook and outside sources of approximately 40 pages per week.
2. Draft weekly pleadings assignments.
3. Create and maintain a final project pleadings portfolio.
4. Participate in weekly discussions.
5. Solve calendaring problems.
6. Draft summary judgment motion.
7. Two to five quizzes.

### Methods of Evaluation/Basis of Grade:

**Writing:** Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Drafting legal pleadings, motions, and motion for summary judgment

Writing  
60 - 75%

**Problem Solving:** Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

Homework assignments, research procedural and substantive law, completion of final project pleadings portfolio

Problem solving  
10 - 20%

**Skill Demonstrations:** All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

None

Skill Demonstrations  
0 - 0%

**Exams:** All forms of formal testing, other than skill performance exams.

Quizzes, multiple choice, true/false, matching items

Exams  
10 - 20%

**Other:** Includes any assessment tools that do not logically fit into the above categories.

Attendance and participation in weekly discussions

Other Category  
5 - 20%

**Representative Textbooks and Materials:**

California Civil Litigation, Susan B. Luten, 5th edition, 2008, Cengage Learning.

Recommended reference: Civil Procedure Before Trial, Weil and Brown, The Rutter Group, 2008.