

# Secure Your Jury Verdict: Navigating California Civil Procedure After Trial

By Matthew Bourhis

**C**AVEAT: The rules regarding post-trial motions are summarized below; but note that this article is intended as a general outline and the actual rules are more detailed and nuanced than what is summarized below. Because the timing is jurisdictional, and the requirements complex, you are advised to carefully research the requirements yourself.

Winning a jury verdict is great, but the thrill of victory quickly subsides when navigating the byzantine rules of California's post-verdict procedures. In a civil action, no verdict is effectual for any purpose until it has been entered by the court. (Code Civ. Proc. § 664.)

Customarily, the prevailing party prepares and files a proposed judgment. This is more than just a jury verdict form. A judgment must express the final determination of the rights of the parties in the action. (Code Civ. Proc. § 577.) It should include the jury verdict form set out in the text of the judgment, and also specify, for example, that "Plaintiff is entitled to judgment against Defendant. It is therefore ordered, adjudged and decreed as follows:

(1) Plaintiff shall recover and have judgment against Defendant, the sum of \$ X; (2) Plaintiff shall recover cost of suit in the amount of \$ Y from Defendant; and (3) interest on this judgment shall accrue at the rate of ten percent per annum from the date of verdict until paid." California Rule of Court Rule 3.1590(j) provides: "Any party may, within 10 days after service of the proposed judgment, serve and file objections thereto."

Once the court enters the proposed judgment, it is incumbent on the party that submitted the proposed order to serve notice of entry of judgment on all parties that have appeared in the action, execute a certificate of service, and file the original notice of entry of judgment and proof of service in court. (Code Civ. Proc. § 664.5(a).)

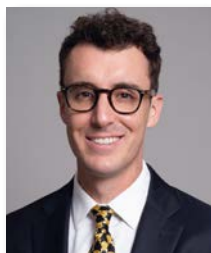
Then come post-verdict motions. While the trigger date for various deadlines varies, the general touchstone is service of notice of entry of judgment. There are three common post-judgment motions: motion for new trial, motion for judgment notwithstanding the verdict, and motion to vacate judgment. All of them are governed by the same jurisdictional deadlines that flow from the service of notice of entry of judgment (See Code Civ. Proc. §§ 629(b); 659; 660; and 663(a).) The moving party is first required to file notice of intent: for the motion for new trial within 15 days of service of notice of entry of judgment and the supporting papers must be filed within 10 days; for the other motions, they must be filed in full (i.e., including the memorandum of points and authorities, declarations, exhibits and other supporting papers)

within the original 15-day limit. (Code Civ. Proc. §§ 629(b); 659(a); 663(a)(2), (d).) Important note: the time to file a new trial motion, a motion for judgment notwithstanding the verdict (JNOV) or a motion to vacate *is not extended by section 1013* (which otherwise extends time for exercising any right following service by mail, overnight service or electronically).

The prevailing party must also serve and file a memorandum of costs within 15 days of the date of service of the notice of entry of judgment under California Rule of Court 3.1700. After filing and serving a memorandum of costs, an adverse party may move to strike or tax costs, and that motion must be noticed and served within 15 days after the service of the cost memorandum under California Rule of Court 3.1700(b)(1). Extensions to that deadline *do* apply for service by mail (Code Civ. Proc. § 1013), or electronic service (Code Civ. Proc. § 1010.6(a)(3)).

"After the time has passed for a motion to strike or tax costs or for determination of that motion, the clerk must immediately enter the costs on the judgment." (Calif. Rules of Court Rule 3.1700(e). Sometimes, the clerk will request a proposed amended judgment, interlineating the unopposed costs, but submitting a stipulated order is an option too.

Throughout the process, it is important to effectuate proper service of all documents, specifically identifying the documents being served. Calendaring deadlines with precision and submitting proposed orders will streamline the process and put you in the fast lane to consummate your victory with a well-deserved pay day. ■



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