FVAP

Family Violence Appellate Project

Requesting Statements of Decision in Family Law and Domestic Violence Cases

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Training outline

Introduction to Family Violence Appellate Project

What is a Statement of Decision (SOD)?

- What is the legal basis for requesting a SOD?
- Why request a SOD?

Requesting a SOD

- When to ask
- How to ask
  - Legally
  - Strategically
- What to ask for
- Drafting and objections

Statement of reasons versus SOD

Who is FVAP?

Non-profit agency dedicated to appealing cases in California on behalf of survivors of domestic violence

We:

- Represent clients in appeals (prosecute and defend)
  - Co-counsel with legal aid/pro bono attorneys
- File amicus briefs in cases of statewide importance
- Request publication of important unpublished DV opinions

Who is FVAP?

We (cont.):

- Train attorneys and domestic violence advocates on issues pertinent to appeals
- Provide technical assistance with trial court matters headed to possible appeal, and we are a State Bar recognized support center for Qualified Legal Service Providers
- Assist pro per litigants
- Work with law students to become the next generation of advocates

What is a statement of decision?

It is an explanation of the **factual and legal** basis for a court's decision as to each of the principal controverted issues at trial made at the request of any party appearing at the trial. (Code Civ. Proc., § 632.)

It must be written unless

- the parties agree otherwise
- the trial is concluded within one calendar day or fewer than 8 hours (C.C.P., § 632.)

What is the legal basis to request a SOD?

- Statements of decision are specifically authorized in certain family law proceedings:
  - Custody proceedings (Fam. Code, § 3022.3)
  - Orders modifying, terminating, or setting aside a support order (F.C., § 3654)
- All other proceedings (C.C.P., § 632)
- California Rules of Court, rule 3.1590 (primarily governs trials lasting more than 8 hours)

C.C.P. § 632

"In superior courts, **upon the trial of a question of fact by the court,** written findings of fact and conclusions of law shall not be required. The court shall issue a statement of decision explaining the factual and legal basis for its decision as to each of the principal controverted issues at trial **upon the request of any party** appearing at the trial. . . . The request for a statement of decision **shall specify** those controverted issues as to which the party is requesting a statement of decision. After a party has requested the statement, any party may **make proposals** as to the content of the statement of decision.

"The statement of decision shall be **in writing**, unless the parties appearing at trial agree otherwise; however, when the trial is concluded within one calendar day or in less than 8 hours over more than one day, the statement of decision may be made **orally on the record in the presence of the parties**."

What is a "trial of a question of fact" under C.C.P. § 632?

It can be difficult to identify whether a particular hearing is a "trial" within the meaning of the statute.

Family law matters can be tricky to identify as "trials" because often they go on over several hearings, and sometimes never lead to a "judgment."

What is *not* a trial under C.C.P. § 632?

A ruling on a motion does not require a SOD, even if there is an extensive evidentiary hearing.[1]

A hearing on a preliminary injunction is not a "trial" requiring a SOD.[2]

- Note a TRO in DV cases is a special type of preliminary injunction

Can I ask for a SOD even if I'm not entitled to one?

Yes – you can always ask for a SOD, but in certain situations you're not *entitled* to one under the case law.

There's nothing *preventing* the judge from issuing a SOD upon request even in situations in which you might not be entitled to a SOD.[3]

In an ambiguous situation, you might need to be prepared to make an argument about why the hearing or proceeding was a "trial."

How can I argue that the matter is a "trial" under C.C.P. § 632?

While the courts of appeal have considered some situations under C.C.P. § 632, they have not contemplated many.

If a hearing gives rise to a judgment, that is a strong argument that it is a trial. (See, e.g., C.C.P., § 631.8, subds. (a) & (c).)

"Since the proceeding on respondent's order to show cause was not a trial and was not *followed by a judgment*, under the general rule, the trial court was not required to issue a statement of decision."[4]

Are DVPA restraining order hearings "trials?"

FVAP's position is that DVPA restraining order hearings are "trials" for purposes of C.C.P. § 632. There is no statutory/case law basis to think otherwise.

But, not everyone agrees – be prepared to argue for right to request SOD.

Reminder to use the specific statutes for family law when possible (e.g., custody, support)

Why request a SOD?

After trial, written findings of fact and conclusions of law are not required.

The only way to learn the factual and legal basis for the decision may be to **request a statement of decision.** (C.C.P., § 632.)

Why request a SOD? (cont.)

Without the factual and legal basis for the decision, it is very, very hard to appeal (especially when there are no transcripts). In that case, the court of appeal will presume that the trial court made all findings of fact necessary to support the prevailing party. This is due to the "doctrine of implied findings."

However, a SOD can defeat the "doctrine of implied findings" in an appeal, so long as you object to any omissions or ambiguities in the SOD. (C.C.P, § 634.)

Why request a SOD? (cont.)

A settled statement is NOT the same as a SOD.

A.G. v. C.S. (2016) 246 Cal.App.4th 1269

Father filed petition for sole legal and physical custody of parties' 3 boys

Mother filed request for DVRO, denied: no abuse

Court adopted a prior agreement between parties giving sole custody to father, mother to see boys for 4 hours Sunday

Mother not represented, father had attorney

Mother appealed

No court reporter at either DVRO hearing or custody trial

Therefore, parties had to create settled statement for appeal

This is authorized by C.R.C. in lieu of reporter's transcript

Neither party requested a Statement of Decision (SOD)

Why request a SOD? (cont.)

Generally, under the *doctrine of implied findings*, when parties waive SOD expressly or by not requesting one on time, appellate courts must presume trial court made all factual findings necessary to support judgment for which there is substantial evidence.

C.S. argued that settled statement showed trial court's errors, so doctrine of implied findings did not apply.

Appellate court disagreed.

Why request a SOD? (cont.)

Appellate court held:

Use of settled statement in lieu of reporter's transcript does not negate doctrine of implied findings where parties waived SOD

Comment: If SOD is given in child custody action, provides Court of Appeal with trial court's reasoning on disputed issues and is touchstone to determine whether or not trial court's decision is supported by facts and law

The settled statement used by the parties does not contain an express statement by the trial court that it complied with the procedures required for adopting a statement of decision and that the settled statement serves as the court's statement of decision.

Thus, the doctrine of implied findings applied

Why request a SOD? (cont.)

It can force the trial judge to focus on the hard issues and give reasons to support his or her resolution of those issues.

You can draft the SOD or objections to the SOD as a guide to attempt to lead the court to the right outcome, or set up your appeal.

The trial court may change its mind or modify its tentative decision.

Why request a SOD? (cont.)

A SOD can establish an abuse of discretion and lack of substantial evidence argument if the record doesn't support the trial court's reasoning.

You can use the SOD to strengthen favorable findings with more details and weaken unfavorable findings to bolster your position in an appeal.

It can help establish baseline circumstances for future hearings on custody or support where "changed circumstances" will be reviewed.

Why *not* request a SOD?

If you win, the more general the court's decision is, the more likely it will be upheld on appeal.

In that case, the doctrine of implied findings works in your favor–the Court of Appeal assumes any issue not specified in the order was decided in your favor.

This only works *if* you win . . . and you can't wait to find out the result before deciding whether to ask for a SOD.

Why *not* request a SOD? (cont.)

A detailed SOD with rulings against you or omissions in the court's reasoning could make it more likely the order will be overturned on appeal.

But, it also can help shore up a victory with clear, justifiable reasons for the court's decision, making it difficult to overturn.

Why *not* request a SOD? (cont.)

It may annoy the judge

- You may (or may not) decide to consider this, but remember your job is to advocate for your client.
- Consider a standard policy of requesting SODs so no individual judge feels targeted.
- You can always withdraw it before the case is submitted if you feel confident you will win and don't need a SOD.

So . . . should I request a SOD?

Ultimately, it is up to your professional judgment as to what is in your client's best interests!

Requesting a SOD: When

Legal requirements

If trial was 1 day or less, or fewer than 8 hours over several days, the request must be made **before the matter is submitted for decision**.

If trial was longer, the request must be made **within 10 days** after the court announces a tentative decision. (C.C.P., § 632.)

There is no bar on asking before trial commences.

C.R.C., rule 3.1590(n): Trial within one day

"When a trial is completed within one day or in less than eight hours over more than one day, a request for statement of decision must be made before the matter is submitted for decision and the statement of decision may be made orally on the record in the presence of the parties."

Extending time

Rule 3.1590(m): Extension of time; relief from noncompliance

"The court may, by written order, extend **any of the times** prescribed by this rule and at any time before the entry of judgment may, for good cause shown and on such terms as may be just, excuse a noncompliance with the time limits prescribed for doing any act required by this rule."

Requesting a SOD: How

Strategy

You can ask before trial, in writing, or wait until you are at trial.

A generic request, filed along with other early filings, may preserve your right without alerting or annoying the judge, but must be served on the other party.

Requesting a SOD: How (cont.)

Strategy

A written request can be very specific and help identify the controverted issues.

Ideally, an oral request should still be read from a specific statement, not ad hoc (so you do not forget to list any controverted issues on which you want a SOD).

Requesting a SOD: What to ask for

The request must specify the controverted issues as to which the party is requesting a SOD. (C.C.P., § 632.)

You want to identify the key pieces of evidence needed to support the findings that support your position—whether you won; or, if you lost, for when you need to show on appeal that the court has abused its discretion because there was not substantial evidence to support the judgment.

The judge is not required to issue a SOD that outlines a ruling on every single piece of evidence. Rather, the judge needs to address the "principal" issues, ultimate facts, and legal rules. The court may deny requests that are too broad or too detailed.[5]

Requesting a SOD: What to ask for (cont.)

General examples

- Findings on credibility of witnesses
  - *Potential risk*: If the court specifically finds that your client is not credible, it will be difficult to overturn the decision on appeal.
- Findings on disputed and/or central facts

Requesting a SOD: What to ask for (cont.)

DVRO case examples

- Was there a past act or acts of abuse? What are they?
- Did Respondent intentionally or recklessly cause bodily harm when [event] happened?
- Did Respondent hit Petitioner in the back of her head on 1/14?
- Sexually assault Petitioner? Force her to engage in sex?
- Place petitioner in reasonable apprehension of imminent harm to her children when [event] happened? Her mother? Her dog?

Requesting a SOD: What to ask for (cont.)

DVRO case examples

- Were there acts of abuse that disturbed the peace, including [list]?
- Do you find Respondent posted nude pictures of Petitioner on [website] on or around [date]?
- Did Respondent grab Petitioner's breast at her work after break up?
- Was there harassing behavior on [date]?
- Do you find Respondent telephoned Petitioner 675 times in the course of the week of [dates]?

Requesting a SOD: What to ask for (cont.)

DVRO case examples

- What are your reasons for granting or denying the restraining order request?
- Ancillary requests:
  - What are your reasons for granting custody to Respondent? (See F.C., § 3044.)
  - How does the custody exchange order protect the petitioner's safety?
  - Explain the legal basis for granting or denying the interim spousal support order?

Requesting a SOD: What to ask for (cont.)

DVRO case examples: Mutual orders (F.C., § 6305)

- Does the court find that the Petitioner / Respondent acted primarily as an aggressor and not in self-defense?
  - What evidence is the court relying on in making that determination?
- Given the definition of "dominant aggressor" in the Penal Code,[6] does the court find that both parties acted as dominant aggressors?
  - Which factors did the court use to determine that the parties were dominant aggressors?

Requesting a SOD: What to ask for (cont.)

Custody case examples

Identify the evidentiary and factual issues in your case and get them into the SOD.

Did you object to evidence? Ask the court, on the record, to decide whether the evidence formed part of the basis for its decision; this helps prove "prejudicial error" on appeal.

- E.g., Were the supervised visitation reports the basis for concluding joint custody was in the children's best interest?

Requesting a SOD: What to ask for (cont.)

Custody case examples

- Is there a finding of abuse (what, when, and against whom)?
  - List applicable persons under F.C. §§ 3011 & 3044–e.g., is there a finding that one parent committed abuse towards other children, other partners, other family members.

Requesting a SOD: What to ask for (cont.)

Custody case examples

- Does F.C. § 3044 apply (presumption against awarding abusers custody)?
  - If not, why not?
  - If so, how was it rebutted? Which factors did you consider, and explain how each was applied?

Requesting a SOD: What to ask for (cont.)

Custody case examples

- F.C. § 3044 factors as SOD questions:
  - Does the court find that joint or sole custody to OP is in the best interests of the child, excluding the preference for frequent and continuing contact? (subd. (b)(1))
  - Has OP successfully completed batterers' treatment program? (subd. (b)(2))
  - Has OP successfully completed any alcohol or drug abuse counseling? (subd. (b)(3))

Requesting a SOD: What to ask for (cont.)

Custody case examples

- F.C. § 3044 factors as SOD questions:
  - Has OP successfully completed any court-ordered parenting classes? (subd. (b)(4))
  - Is OP on probation or parole? Has OP complied with its terms? (subd. (b)(5))
  - Is OP restrained by a protective order? Has OP complied with its terms? (subd. (b)(6))
  - Has OP committed any further acts of domestic violence? What and against whom? (subd. (b)(7))

Requesting a SOD: What to ask for (cont.)

Custody cases: "Statement of reasons" requirement

- Under F.C. § 3011, when there are allegations of DV and the court orders sole or joint custody to the abuser, § 3011, subdivision (e), already requires the court to "state its reasons in writing or on the record."
  - So even if you forget to ask for a SOD, we can appeal cases on this basis where courts fail to state reasons.
  - But a SOD can provide more information.

  (We discuss statement of reasons versus SOD *infra*.)

Requesting a SOD: Short v. long trials

There are more specific rules governing SOD requests that are made after a trial that is more than 8 hours long under C.R.C., rule 3.1590.

For trials that are less than one day or 8 hours, the rules are more ambiguous when it comes to timelines for drafting and objections.

Requesting a SOD: Drafting

Trials that are more than 8 hours:

Any party may request a SOD within 10 days after announcement or service* of the tentative decision. (C.C.P., § 632; C.R.C., rule 3.1590(d).)

*Remember C.C.P. § 1013 extends deadline by 5 days if served by mail.

If one party has requested the SOD, any other party may make proposals as to the content of the statement of decision within 10 days after the date of request for a statement of decision. (C.R.C., rule 3.1590(e).)

This means you can (and probably should) draft it! Offer to take this off the judge's plate.

Requesting a SOD: Proposed SOD

Trials that are more than 8 hours:

C.R.C., rule 3.1590(f): Preparation and service of proposed statement of decision and judgment

"If a party requests a statement of decision under (d), the court must, **within 30 days of announcement or service of the tentative decision**, prepare and serve a proposed statement of decision and a proposed judgment on all parties that appeared at the trial, **unless the court has ordered a party to prepare the statement**.

"A party that has been ordered to prepare the statement must within 30 days after the announcement or service of the tentative decision, serve and submit to the court a proposed statement of decision and a proposed judgment. If the proposed statement of decision and judgment are not served and submitted within that time, any other party that appeared at the trial may within 10 days thereafter: (1) prepare, serve, and submit to the court a proposed statement of decision and judgment or (2) serve on all other parties and file a notice of motion for an order that a statement of decision be deemed waived."

Requesting a SOD: Proposed SOD (cont.)

Trials that are more than 8 hours

C.R.C., rule 3.1590(g): Objections to proposed statement of decision

"**Any party may**, within 15 days after the proposed statement of decision and judgment have been served, serve and file objections to the proposed statement of decision or judgment."

Requesting a SOD: Objections

Trials that are more than 8 hours

Any party may file objections to the proposed SOD, even if it is not called a "proposed" SOD.

- Objections must sufficiently bring to the trial court's attention any specific omission or ambiguity in the SOD; generalized disagreement will not defeat the doctrine of implied findings.[7]
- If SOD is ambiguous on an issue and you fail to object, the **doctrine of implied findings** will apply. But, the doctrine of implied findings does not apply to ambiguity in SOD if the defect was called to the trial court's attention. (C.C.P., § 634.)[8]

Requesting a SOD: Objections (cont.)

Adequacy of SOD: A statement of ultimate facts is acceptable–i.e., a statement of evidentiary facts is not required.

But a statement that is so general that it does not comply with C.C.P. § 632 is defective.

Issuance of a SOD that is so inadequate as to constitute a failure to issue an SOD altogether constitutes reversible error per se.

Requesting a SOD: Objections (cont.)

Trials that are more than 8 hours

After getting objections, or if there are no objections, the court should issue a final SOD.

However, the court can order a hearing on the objections to the proposed SOD before issuing the final SOD. (C.R.C., rule 3.1590(k).)

Tip: If there is no "proposed" SOD (i.e., just a SOD issued by the court) you should treat that SOD like a "proposed" SOD and file objections anyway.

Objecting to a SOD: Examples

DVRO

- The court's statement is vague and ambiguous as to the principal issues of fact, including [list].
- The court omitted its reasoning as to whether Petitioner's testimony was credible.
- The court omitted its reasoning for denying the Petitioner's request for a Domestic Violence Restraining Order.
- The court failed to make a specific finding as to whether abuse occurred, and whether a specific incident of abuse that Petitioner alleged occurred. (e.g., court wrote: "The incident could possibly have occurred as Respondent described.")

Tip: Use your SOD request to guide your objections!

Objecting to a SOD: Examples (cont.)

Custody

- The court omitted its reasoning as to the factors used to rebut the presumption in Family Code section 3044.
- The court failed to state its reasons for granting custody to the abusive parent under Family Code section 3011, subdivision (e).

Mutual Orders

- The court omitted its reasoning as to whether both parties acted primarily as aggressors (or did not complete a dominant aggressor analysis as required), and not in self-defense.
- The court omitted the description of the evidence relied upon in making its determination regarding mutual orders.

Requesting a SOD: Short trials

Trials that are less than 8 hours

- The rules are more ambiguous regarding the timelines.
- C.R.C., rule 3.1590(n) echoes C.C.P. § 632 in stating that, if a short trial, then the SOD request must be made before the case is submitted. The court may make its SOD orally on the record. If there is no court reporter or audio recording (and thus no record of oral proceedings), you should insist the SOD be in writing.
- **Tip:** Make objections on the record if the SOD is inadequate. Otherwise, making written objections within 20 days under C.R.C., rule 5.125(c)(2), for ordinary objections may suffice.

Requesting a SOD: Short trials (cont.)

Trials that are less than 8 hours

- There is no specific rule guiding how long a trial court has to issue a SOD if it chooses not to do so orally on the record after a request has been made during a short trial.
- If you request a SOD and the court fails to issue one at all, especially within the time that the rule of court allows for SODs for longer trials, there is a strong argument this is error.
- You can always ask the SOD be in writing even if the court technically is allowed to make it orally.

Hypothetical – Fact Pattern

Husband and Wife were married for 7 years. The parties have a two-year-old daughter. In 2010, Husband slammed Wife against the wall. In February 2012, Husband strangled Wife and she passed out. The parties ended their relationship January 2016.

After ending the relationship, Husband sent 50 threatening messages on Facebook; and after she blocked him, he used his family members' Facebook accounts to send similar threatening messages. Wife requests a DVRO and custody in June 2016. Wife testifies to all the abuse, and Husband admits to sending her some messages but denies that he committed abuse.

Court denies the DVRO after the hearing and awards joint custody.

Query: *What questions would you ask in your SOD?*

Hypothetical – SOD Questions

Does the Court find that Respondent perpetrated an act or acts of abuse against Petitioner? What are they?

Does the Court find that Husband perpetrated physical abuse against Wife?

- Does the Court find that Husband beat Wife in 2010?
- Does the Court find that Husband strangled Wife in 2012?

Does the Court find that Husband harassed Wife? Does the Court find that Husband committed acts that disturbed her peace?

- Does the Court find that Husband sent Wife 50 messages via his own Facebook account? Were the messages threatening?
- Does the Court find that Husband used his family members' accounts to send Wife threatening messages via Facebook?

What are the Court's reasons for denying the restraining order?

Hypothetical – SOD Questions (cont.)

Does the Court find that Family Code section 3044 applies?

Does the Court find that Husband has rebutted the presumption in Family Code section 3044 applies? If so, how? (List 7 factors.)

Under Family Code section 3011, subdivision (e), please explain the court's reasons for granting joint custody to Husband given the allegations of domestic violence.

How does the court's custody and visitation order, including the exchange plan, protect Petitioner's safety?

Hypothetical – Objections

The court issues a statement of decision that says the following:

> "The court does not find that Petitioner has met her burden of proof to show a restraining order is necessary, because Respondent testified that he would no longer commit any abuse against Petitioner and the court finds this to be credible. The court finds that joint legal and physical custody would be in the best interests of the child."

What objections would you make to this SOD?

Hypothetical – Objections (cont.)

Petitioner objects to the court's statement of decision as it is vague and ambiguous as to the principal issues of fact.

The court failed to make specific findings as to the incidents of alleged abuse as detailed in the statement of decision request.

The court omitted the grounds for denying petitioner's request for a RO after making a finding of abuse.

The court omitted whether Family Code section 3044 applied, and what factors it considered in its ruling that Husband rebutted the section 3044 presumption.

The court omitted its reasons for ordering joint custody pursuant to Family Code section 3011, subdivision (e).

What is the difference between a SOD and a statement of reasons?

Statements of reasons do not have the same effect as a statement of decision—they are designed to give parties a brief, understandable explanation of the reasons for the court's decision.

- Statements of reasons may be given orally on the record.
- They are not required to be as detailed as a SOD.
- Parties do not have advance input into the content.
- If a statement of reasons is required, you may still want to request a statement of decision, as it has different legal implications, especially for an appeal.

What is a "statement of reasons?"

Courts are required to give a "statement of reasons" for decisions in certain situations without a party having to ask, including if the court:

- Denies a temporary or long-term restraining order under the DVPA. (F.C., §§ 6320.5 & 6340, subd. (b).)
- Grants sole or joint custody to a parent who has committed domestic violence. (F.C., § 3011, subd. (e).)
- Awards custody to a non-parent. (F.C., § 3041, subd. (a).)
- Awards custody or visitation to a parent convicted of murdering the other parent. (F.C., § 3030, subd.(c).)

What is a "statement of reasons?" (cont.)

Additional situations in which a statement of reasons is required:

- Awards custody or visitation to a child abuser or registered sex offender. (F.C., § 3030, subd. (a).)
- Makes a permanent spousal support award. (F.C., § 4332.)
- Makes a child support order that differs from the amount that would have been ordered under the guideline established by the Family Code. (F.C., § 4056, subd. (a).)

Is there anything I can do to help memorialize the court's reasons?

Yes! Here are a few non-legal strategies you can use to try to save the court's reasoning and remember what happened at the hearing:

(1) Call the clerk and ask if there will be a court reporter present.

- Ask if there is any way to request one. (C.R.C., rules 2.956 & 5.532)
- If not, consider hiring a court reporter for the hearing or ask if there is a way to request to bring your own recording device. (*Id.*, rules 1.150, 2.952, 2.954 & 2.956)
- Or, bring one or two friends to take detailed notes of the hearing to help you remember what happens. Have them write down everything they can, including who says what.

(2) Immediately after the court hearing, write down everything you can remember from what happened at the hearing.

Tip: If you take notes of hearings without reporters, date them.

Statement of reasons: Summary

Where the trial court is required by statute to issue a statement of reasons for its decision, you should make sure to at least ask the court for that.

However, unlike a SOD with proper objections, a statement of reasons will *not* automatically defeat the doctrine of implied findings (DOIF) on appeal if it is vague or ambiguous. If it is very detailed, then the court of appeal *may* choose not to imply findings and it could defeat the DOIF. Typically, statements of reasons are short and lack specificity.

Even if the court provides a statement of reasons, you may want to ask for a SOD since it can be more helpful on appeal.

End Notes

1 *In re Marriage of Fong* (2011) 193 Cal. App. 4th 278 (motion sanctions and attorney fees); *IRMO Askmo* (2000) 85 Cal.App.4th 1032 (motion for attorney fees); *IRMO Baltins* (1989) 212 Cal.App.3d 66 (motion to set aside).

2 *City of Los Altos v. Barnes* (1992) 3 Cal.App.4th 1193, 1198.

3 *Khan v. Superior Court* (1988) 204 Cal.App.3d 1168, 1173 fn. 4

4 *IRMO Askmo*, *supra*, 85 Cal. App. 4th at p. 1040 (Italics added)

5 *City of Coachella v. Riverside County Airport Land Use Com*. (1989) 210 Cal.App.3d 1277, 1293; *People v. Casa Blanca Convalescent Homes, Inc.* (1984) 159 Cal.App.3d 509, 524.

6 "The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider (A) the intent of the law to protect victims of domestic violence from continuing abuse, (B) the threats creating fear of physical injury, (C) the history of domestic violence between the persons involved, and (D) whether either person involved acted in self-defense." (Pen. Code, § 836, subd. (c)(3))

7 *Ermoian v. Desert Hosp.* (2007) 152 Cal.App.4th 475, 494-495, 497

8 *IRMO Arceneaux* (1990) 51 Cal.3d 1130, 1133

Thank You!

Call us for technical assistance!

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- Thank you again for watching. This webinar is now concluded.