

ASSEMBLY BILL

No. 582

Introduced by Assembly Member Huber

February 25, 2009

An act to amend Section 70616 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 582, as introduced, Huber. Courts: complex case fees.

Existing law requires a \$550 fee to be paid by each party at the time of filing its first paper if the case is designated as a complex case, and requires payment of the same fee by each party who has not paid the fee whenever a case is determined to be a complex case. Existing law imposes a limitation of \$10,000 on the total amount of fees collected from all plaintiffs, and the same limitation on the total amount of fees collected from all defendants, intervenors, respondents, and adverse parties appearing in a complex case.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 70616 of the Government Code is
2 amended to read:
3 70616. (a) In addition to the first appearance fee required by
4 Section 70611 or 70613, a complex case fee shall be paid to the
5 clerk at the time of the filing of the first paper if the case is

1 designated as complex pursuant to the California Rules of Court.
2 However, the total complex fees collected from all plaintiffs
3 appearing in a complex case shall not exceed ten thousand dollars
4 (\$10,000).

5 (b) In addition to the first appearance fee required under Section
6 70612 or 70614, a complex case fee shall be paid on behalf of each
7 defendant, intervenor, respondent, or adverse party, whether filing
8 separately or jointly, at the time that party files its first paper in a
9 case if the case is designated or counterdesignated as complex
10 pursuant to the California Rules of Court. This additional complex
11 fee shall be charged to each defendant, intervenor, respondent, or
12 adverse party appearing in the case, but the total complex fees
13 collected from all the defendants, intervenors, respondents, or other
14 adverse parties appearing in a complex case shall not exceed ten
15 thousand dollars (\$10,000).

16 (c) In each case in which a court determines that the case is a
17 complex case pursuant to the California Rules of Court, all parties
18 who have not paid the fees required under subdivision (a) or (b)
19 shall pay the complex case fee prescribed by those subdivisions
20 to the clerk of the court within 10 calendar days of the filing of
21 the court's order.

22 (d) In each case in which the court determines that a case that
23 has been designated or counterdesignated as complex is not a
24 complex case, the court shall order reimbursement to the parties
25 of the amount of any complex case fees that the parties have
26 previously paid pursuant to subdivision (a) or (b).

27 (e) (1) In each case determined to be complex in which the total
28 fees actually collected exceed, or if collected would exceed, the
29 limit in subdivision (a), the court shall make any order as is
30 necessary to ensure that the total complex *case* fees paid by the
31 plaintiffs appearing in the case do not exceed the limit and that the
32 complex *case* fees paid by the plaintiffs are apportioned fairly
33 among the plaintiffs.

34 (2) In each case determined to be complex in which the total
35 fees actually collected exceed, or if collected would exceed, the
36 limit in subdivision (b), the court shall make any order as is
37 necessary to ensure that the total complex *case* fees paid by the
38 defendants, intervenors, respondents, or other adverse parties
39 appearing in the case do not exceed the limit and that the complex

1 *case* fees paid by those parties are apportioned fairly among those
2 parties.

3 (f) The complex ~~case-fee~~ *fees* established by this section shall
4 be five hundred fifty dollars (\$550), unless the ~~fee is~~ *fees are*
5 reduced pursuant to this section. The ~~fee~~ *fees* shall be transmitted
6 to the Trial Court Trust Fund as provided in Section 68085.1.

7 (g) The fees provided by this section are in addition to the filing
8 fee authorized by Section 70611, 70612, 70613, or 70614.

9 (h) Failure to pay the fees required by this section shall have
10 the same effect as the failure to pay a filing fee, and shall be subject
11 to the same enforcement and penalties.

12 (i) The complex fees provided for in this section shall be charged
13 in all complex cases filed on or after August 18, 2003.