

Invitation to Comment

Title	<i>Request and Order to File New Litigation by Vexatious Litigant</i> (form MC-701)
Summary	<i>Request and Order to File New Litigation by Vexatious Litigant</i> (form MC-701) would be approved by the Judicial Council for optional use by vexatious litigants and by the courts.
Source	Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair
Staff	Patrick O'Donnell, Supervising Attorney, Civil and Small Claims Advisory Committee, 415-865-7665, patrick.o'donnell@jud.ca.gov
Discussion	<p>Code of Civil Procedure section 391.7 requires a vexatious litigant against whom a pre-filing order has been entered to obtain an order from the presiding judge permitting the filing of any new litigation. There is a current Judicial Council form for the pre-filing order, but there is no council form for use by vexatious litigants to request permission to file new litigation or for the courts to use to grant or deny permission to file.</p> <p>A court administrator, whose court has developed a simple form for this purpose, recommends that a statewide form be developed and approved. Having a Judicial Council form for this purpose appears desirable. The new form would standardize the applications, which currently are presented to the courts in many different forms. Also, the form would contain a standard order granting or denying the request, and so orders relating to requests by vexatious litigants to file new litigation would be easier to record and locate in court files.</p>
	Attachment

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/ PETITIONER: DEFENDANT/ RESPONDENT: OTHER:	
REQUEST AND ORDER TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT	CASE NUMBER: _____
Type of case: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other	

1. A *Prefiling Order–Vexatious Litigant* requires me to obtain prior court approval to file any new litigation, including any petition, application, or motion for an order under the Family or Probate Codes (except a discovery motion).
2. I have attached to this request a copy of the document to be filed and I request approval from the presiding judge of the above court to file this document (*name of document*):

3. The new filing has merit because (*give reasons*):

4. The new filing is not being filed to harass or to cause a delay because (*give reasons*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

ORDER

Approval to file the attached document is:

- a. GRANTED
- b. DENIED
- c. Other:

Date:

 (PRESIDING JUDGE)

Item SPR07-09 Response Form

Title: *Request and Order to File New Litigation by Vexatious Litigant*
(form MC-701)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Camilla Kieliger,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Camilla Kieliger
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 20, 2007
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action.*