

6-07/420.20 Service Deadline

CT RULE 3.110 (b) requires service of the complaint in a civil action on all named defendants, and proof of service filed, within 60 days after filing of the complaint. If a complaint or cross-complaint is amended, an added party must be served and the proof of service filed within 30 days after filing. Where a cross-complaint adds new parties, the cross-complaint must be served on all parties and proof of service on the new parties filed within 30 days of filing the cross-complaint. The plaintiff may obtain an extension of time if service could not be made with due diligence. (GC 68616(a))

Failure to serve timely may result in the court issuing an Order to Show Cause why sanctions should not be imposed on counsel. A lawsuit may be dismissed for delay in prosecution if the action is not brought to trial or settled within two years after filing (CCP 583.410) or if the summons and complaint have not been served within three years. (CCP 583.210) *Because local court rules are subject to change, service should be attempted in compliance with a plaintiff's instructions that indicate that service is subject to a court rule deadline.*
