

AMENDED IN SENATE AUGUST 7, 2012  
AMENDED IN ASSEMBLY JANUARY 4, 2012  
AMENDED IN ASSEMBLY APRIL 26, 2011  
AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1354**

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**Introduced by Assembly Member Huber**

February 18, 2011

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An act to amend Section 2031.240 of the Code of Civil Procedure, relating to discovery.

LEGISLATIVE COUNSEL'S DIGEST

AB 1354, as amended, Huber. Civil procedure: discovery: objections.

The Civil Discovery Act permits a party to a civil action to obtain discovery, as specified, by inspecting documents, tangible things, and land or other property in the possession of any other party to the action. The act provides for procedures that must be followed when the responding party objects to part or all of an inspection demand.

This bill would require the responding party, when that party objects to a demand on the basis of privilege or work product, to provide sufficient factual information in its response for other parties to evaluate the merits of that claim, including, if necessary, a privilege log.

*This bill would state the intent of the Legislature to codify the concept of a privilege log as that term is used in California case law.*

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 2031.240 of the Code of Civil Procedure  
2 is amended to read:

3 2031.240. (a) If only part of an item or category of item in a  
4 demand for inspection, copying, testing, or sampling is  
5 objectionable, the response shall contain a statement of compliance,  
6 or a representation of inability to comply with respect to the  
7 remainder of that item or category.

8 (b) If the responding party objects to the demand for inspection,  
9 copying, testing, or sampling of an item or category of item, the  
10 response shall do both of the following:

11 (1) Identify with particularity any document, tangible thing,  
12 land, or electronically stored information falling within any  
13 category of item in the demand to which an objection is being  
14 made.

15 (2) Set forth clearly the extent of, and the specific ground for,  
16 the objection. If an objection is based on a claim of privilege, the  
17 particular privilege invoked shall be stated. If an objection is based  
18 on a claim that the information sought is protected work product  
19 under Chapter 4 (commencing with Section 2018.010), that claim  
20 shall be expressly asserted.

21 (c) (1) If an objection is based on a claim of privilege or a  
22 claim that the information sought is protected work product, the  
23 response shall provide sufficient factual information for other  
24 parties to evaluate the merits of that claim, including, if necessary,  
25 a privilege log.

26 (2) *It is the intent of the Legislature to codify the concept of a*  
27 *privilege log as that term is used in California case law. Nothing*  
28 *in this subdivision shall be construed to constitute a substantive*  
29 *change in case law.*

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