ASSEMBLY BILL   No. 1875

Introduced by Assembly Member Gatto
(Coauthor: Assembly Member Ammiano)

February 22, 2012

An act to add Section 2025.290 to the Code of Civil Procedure, relating to depositions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1875, as amended, Gatto. Civil procedure: depositions.

Existing law authorizes the use of depositions in discovery in civil actions. Any party to a civil action may take an oral deposition of any person, including other parties to the action, following service of a deposition notice notifying the deponent of the date, location, and time of the deposition, as well as any materials to be produced by the deponent.

This bill would limit a deposition of any person to one day of 7 hours or to no more than 7 hours over 2 or more days if a witness is ill or over 65 years of age, except as specified. Under the bill, the court would be required to allow additional time if necessary to fairly examine the deponent. The court would also be required to allow additional time if the deponent, another person, or any other circumstance impedes or delays the examination.

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 2025.290 is added to the Code of Civil
2 Procedure, to read:
3   2025.290. (a) Except as provided in subdivision (b),~~or unless~~
4 ~~otherwise stipulated to~~ or *as* ordered by the court, a deposition is
5 limited to one day of seven hours or no more than seven hours
6 over two or more days if a witness is ill or is over 65 years of age.
7 The court shall allow additional time if needed to fairly examine
8 the deponent or if the deponent, another person, or any other
9 circumstance impedes or delays the examination.
10   (b) This section shall not apply if the parties have stipulated
11 that this section will not apply to a specific deposition or to the
12 entire proceeding.

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