

AMENDED IN SENATE JUNE 25, 2012
AMENDED IN ASSEMBLY MAY 30, 2012
AMENDED IN ASSEMBLY MAY 7, 2012
AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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, except as *under* specified *circumstances*. 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 as
- 4 ordered by the court, a deposition is limited to one day of seven
- 5 hours. The court shall allow additional time if needed to fairly
- 6 examine the deponent or if the deponent, another person, or any
- 7 other circumstance impedes or delays the examination.
- 8 (b) This section shall not apply under any of the following
- 9 circumstances:
- 10 (1) If the parties have stipulated that this section will not apply
- 11 to a specific deposition or to the entire proceeding.
- 12 (2) To any deposition of a witness designated as an expert
- 13 pursuant to Sections 2034.210 to 2034.310, inclusive.
- 14 (3) To any case designated as complex by the court pursuant to
- 15 Rule 3.400 of the California Rules of Court, ~~if that case has more~~
- 16 ~~than five defendants~~ *unless a licensed physician attests in a*
- 17 *declaration served on the parties that the deponent suffers from*
- 18 *an illness or condition that raises substantial medical doubt of*
- 19 *survival of the deponent beyond six months, in which case the*
- 20 *deposition shall be limited to two days of no more than seven hours*
- 21 *each day.*
- 22 (4) *To any case brought by an employee or applicant for*
- 23 *employment against an employer for acts or omissions arising out*
- 24 *of or relating to the employment relationship.*
- 25 (5) *To any deposition of a person who is designated as the most*
- 26 *qualified person to be deposed under Section 2025.230.*

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