

**ASSEMBLY BILL**

**No. 2020**

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**Introduced by Assembly Member Obernolte**

February 16, 2016

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An act to amend Section 2025.270 of the Code of Civil Procedure, relating to depositions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2020, as introduced, Obernolte. Discovery: depositions.

Existing law provides that a deposition to produce personal records of a consumer or employment records of an employee must be scheduled at least 20 days after the issuance of the subpoena.

This bill would instead require the deposition to be scheduled no earlier than 20 days after the issuance, or 15 days after the service, of the deposition subpoena, whichever date is later.

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 2025.270 of the Code of Civil Procedure
- 2 is amended to read:
- 3 2025.270. (a) An oral deposition shall be scheduled for a date
- 4 at least 10 days after service of the deposition notice.
- 5 (b) Notwithstanding subdivision (a), in an unlawful detainer
- 6 action or other proceeding under Chapter 4 (commencing with
- 7 Section 1159) of Title 3 of Part 3, an oral deposition shall be
- 8 scheduled for a date at least five days after service of the deposition
- 9 notice, but not later than five days before trial.

1 (c) Notwithstanding subdivisions (a) and (b), if, as defined in  
2 Section 1985.3 or 1985.6, the party giving notice of the deposition  
3 is a subpoenaing party, and the deponent is a witness commanded  
4 by a deposition subpoena to produce personal records of a  
5 consumer or employment records of an employee, the deposition  
6 shall be scheduled for a date ~~at least~~ *that is no earlier than 20*  
7 *days after the issuance, or 15 days after the service, of that the*  
8 *deposition subpoena, whichever date is later.*  
9 (d) On motion or ex parte application of any party or deponent,  
10 for good cause shown, the court may shorten or extend the time  
11 for scheduling a deposition, or may stay its taking until the  
12 determination of a motion for a protective order under Section  
13 2025.420.