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DEERING'S CALIFORNIA CODES ANNOTATED
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*** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
7, AND 8, AND URGENCY LEGISLATION THROUGH CH 733 OF THE 2010 REGULAR SESSION
AND CH 3 OF THE 2009-2010 6TH EXTRA SESSION

CODE OF CIVIL PROCEDURE
Part 4. Miscellaneous Provisions
Title 4. Civil Discovery Act
Chapter 9. Oral Deposition Inside California
Article 4. Objections, Sanctions, Protective Orders, Motions to Compel, and Suspension of Depositions

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Cal Code Civ Proc § 2025.460 (2010)

§ 2025.460. Privileged and protected information; Waiver absent objection; Objection to errors and irregularities; Certain matters not waived by failure to object

(a) The protection of information from discovery on the ground that it is privileged or that it is a protected work product under Chapter 4 (commencing with Section 2018.010) is waived unless a specific objection to its disclosure is timely made during the deposition.

(b) Errors and irregularities of any kind occurring at the oral examination that might be cured if promptly presented are waived unless a specific objection to them is timely made during the deposition. These errors and irregularities include, but are not limited to, those relating to the manner of taking the deposition, to the oath or affirmation administered, to the conduct of a party, attorney, deponent, or deposition officer, or to the form of any question or answer. Unless the objecting party demands that the taking of the deposition be suspended to permit a motion for a protective order under Sections 2025.420 and 2025.470, the deposition shall proceed subject to the objection.

(c) Objections to the competency of the deponent, or to the relevancy, materiality, or admissibility at trial of the testimony or of the materials produced are unnecessary and are not waived by failure to make them before or during the deposition.

(d) If a deponent fails to answer any question or to produce any document or tangible thing under the deponent's control that is specified in the deposition notice or a deposition subpoena, the party seeking that answer or production may adjourn the deposition or complete the examination on other matters without waiving the right at a later time to move for an order compelling that answer or production under Section 2025.480.

HISTORY:

Added Stats 2004 ch 182 § 23 (AB 3081), operative July 1, 2005.

NOTES:**Historical Derivation:**

Former CCP § 2025(m), added Stats 1986 ch 1334 § 2, amended Stats 1987 ch 86 § 8, Stats 1988 ch 160 § 20 (ch 553 prevails), ch 553 § 3, Stats 1989 ch 1137 § 1, ch 1360 § 13, ch 1416 § 29.5, Stats 1990 ch 1491 § 11.5, Stats 1991 ch 1090 § 10, Stats 1993 ch 926 § 9, Stats 1994 ch 660 § 5, Stats 1995 ch 576 § 7,; Stats 1997 ch 395 § 1, Stats 1998 ch 875 § 1, ch 932 § 22, ch 974 § 4,; Stats 1999 ch 892 § 13, Stats 2000 ch 474 § 1, Stats 2001 ch 812 § 9.6, Stats 2002 ch 1068 § 2.

Law Revision Commission Comments:**2004**

Subdivision (a) of Section 2025.460 continues former Section 2025(m)(1) without change, except to conform the cross-reference.

Subdivision (b) continues former Section 2025(m)(2) without change, except to conform the cross-reference.

Subdivision (c) continues former Section 2025(m)(3) without change.

Subdivision (d) continues former Section 2025(m)(4) without change, except to conform the cross-reference.

Editor's Notes

For notes of decisions derived from cases decided under former CCP § 2025, see *CCP § 2025.010*.

Collateral References:

Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 551 "Trial".

Cal. Points & Authorities (Matthew Bender(R)) ch 81 "Discovery: Privileges And Other Discovery Limitations" § 81.204.

Cal. Points & Authorities (Matthew Bender(R)) ch 83 "Discovery: Depositions" § 83.31.

Cal. Points & Authorities (Matthew Bender(R)) ch 83 "Discovery: Depositions" § 83.50.

Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.14.

Law Review Articles:

Case Strategy: Defending Depositions. *29 LA Law 34* (Fall, 2006).

Hierarchy Notes:

Pt. 4, Tit. 4 Note

LexisNexis 50 State Surveys, Legislation & Regulations

Depositions & Interrogatories