



1 of 3 DOCUMENTS

DEERING'S CALIFORNIA CODES ANNOTATED
Copyright (c) 2010 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
7, AND 8, AND URGENCY LEGISLATION THROUGH CH 713 OF THE 2010 REGULAR SESSION

CODE OF CIVIL PROCEDURE
Part 4. Miscellaneous Provisions
Title 4. Civil Discovery Act
Chapter 9. Oral Deposition Inside California
Article 2. Deposition Notice

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Code Civ Proc § 2025.270 (2009)

§ 2025.270. Days between service of deposition notice or issuance of deposition subpoena and scheduling of oral deposition; Unlawful detainer actions; Motion to shorten or extend time or for stay

- (a) An oral deposition shall be scheduled for a date at least 10 days after service of the deposition notice.
- (b) Notwithstanding subdivision (a), in an unlawful detainer action or other proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3, an oral deposition shall be scheduled for a date at least five days after service of the deposition notice, but not later than five days before trial.
- (c) Notwithstanding subdivisions (a) and (b), if, as defined in Section 1985.3 or 1985.6, the party giving notice of the deposition is a subpoenaing party, and the deponent is a witness commanded by a deposition subpoena to produce personal records of a consumer or employment records of an employee, the deposition shall be scheduled for a date at least 20 days after issuance of that subpoena.
- (d) On motion or ex parte application of any party or deponent, for good cause shown, the court may shorten or extend the time for scheduling a deposition, or may stay its taking until the determination of a motion for a protective order under Section 2025.420.

HISTORY:

Added Stats 2004 ch 182 § 23 (AB 3081), operative July 1, 2005. Amended Stats 2007 ch 113 § 6 (AB 1126), effective January 1, 2008.

NOTES:

Amendments:**2007 Amendment:**

(1) Deleted the former second sentence of subd (a) which read: "If, as defined in subdivision (a) of Section 1985.3, the party giving notice of the deposition is a subpoenaing party, and the deponent is a witness commanded by a deposition subpoena to produce personal records of a consumer, the deposition shall be scheduled for a date at least 20 days after issuance of that subpoena."; (2) added "or other proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3," in subd (b); (3) added subd (c); and (4) redesignated former subd (c) to be subd (d).

Historical Derivation:

Former CCP § 2025(f), 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 2025.270 continues the first and second sentences of former Section 2025(f) without change.

Subdivision (b) continues the third sentence of former Section 2025(f) without substantive change.

Subdivision (c) continues the second paragraph of former Section 2025(f) without change, except to conform the cross-reference.

For the consequences of noncompliance with the requirements of a deposition notice, see Section 2025.410.

2007

Section 2025.270 is amended to clarify its application when personal records of a consumer are subpoenaed in an unlawful detainer case. The provision is also amended to clarify its application when employment records of an employee are subpoenaed. Further, the amendment makes clear that the special notice requirement for an unlawful detainer case also applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see Section 1160).

Under subdivision (c), a litigant must give twenty days notice when subpoenaing personal records of a consumer or employment records of an employee. This rule applies even in an unlawful detainer case or other summary proceeding for possession of real property.

Under subdivision (d), a court may adjust the notice period for good cause shown. Likewise, on a showing of good

cause, a court may shorten the time limits for serving a consumer or a custodian of records under Section 1985.3, provided that the rights of witnesses and consumers are preserved. See Section 1985.3(h). Similarly, on a showing of good cause, a court may shorten the time limits for serving an employee or a custodian of records under Section 1985.6, provided that the rights of witnesses and employees are preserved. See Section 1985.6(g). In addition, under specified circumstances, a court may continue the trial date or extend other time limits in an unlawful detainer case or other summary proceeding for possession of real property. See Sections 1167.3, 1167.5, 1170.5; see also *Deal v. Municipal Court*, 157 Cal. App. 3d 991, 997-98, 204 Cal. Rptr. 79 (1984).

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 85 "Automobiles: Discovery".

Cal. Points & Authorities (Matthew Bender(R)) ch 83 "Discovery: Depositions" § 83.40.

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

Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.30.

12 Witkin Summary (10th ed) Real Property § 736.

Hierarchy Notes:

Pt. 4, Tit. 4 Note

LexisNexis 50 State Surveys, Legislation & Regulations

Unlawful Detainer & Eviction