

<a href="#">My Lexis™</a>	<a href="#">Search</a>	<a href="#">Get a Document</a>	<a href="#">Shepard's®</a>	<a href="#">More</a>	<a href="#">History</a>	<a href="#">Alerts</a>
---------------------------	------------------------	--------------------------------	----------------------------	----------------------	-------------------------	------------------------

Source: [Legal > States Legal - U.S. > California > Find Statutes, Regulations, Administrative Materials & Court Rules > CA - Deering's California Codes Annotated, Constitution, Court Rules & ALS, Comb](#)  
[- Book Browse](#) 

TOC: [Deerings California Code Annotated, Court Rules and ALS > CODE OF CIVIL PROCEDURE > Part 4. Miscellaneous Provisions > Title 4. Civil Discovery Act > Chapter 9. Oral Deposition Inside California > Article 5. Transcript or Recording > § 2025.510. Transcription of testimony; Costs; Who may obtain copies and when; Retention of stenographic notes; Access to recorded testimony; Stenographic testimony as official record](#)

Section: [Cal Code Civ Proc § 2025.510](#)

*Cal Code Civ Proc § 2025.510*

Deering's California Codes Annotated  
 Copyright © 2015 by Matthew Bender & Company, Inc.  
 a member of the LexisNexis Group.  
 All rights reserved.

\*\*\* This document is current through the 2015 Supplement \*\*\*  
 (All 2014 legislation)

CODE OF CIVIL PROCEDURE  
 Part 4. Miscellaneous Provisions  
 Title 4. Civil Discovery Act  
 Chapter 9. Oral Deposition Inside California  
 Article 5. Transcript or Recording

[GO TO CALIFORNIA CODES ARCHIVE DIRECTORY](#)

Cal Code Civ Proc § 2025.510 (2015)

**§ 2025.510. Transcription of testimony; Costs; Who may obtain copies and when; Retention of stenographic notes; Access to recorded testimony; Stenographic testimony as official record**

**(a)** Unless the parties agree otherwise, the testimony at a deposition recorded by stenographic means shall be transcribed.

**(b)** The party noticing the deposition shall bear the cost of the transcription, unless the court, on motion and for good cause shown, orders that the cost be borne or shared by another party.

**(c)** Notwithstanding subdivision (b) of Section 2025.320, any other party or the deponent, at the expense of that party or deponent, may obtain a copy of the transcript.

**(d)** If the deposition officer receives a request from a party for an original or a copy of the deposition transcript, or any portion thereof, and the full or partial transcript will be available to that party prior to the time the original or copy would be available to any other party, the deposition officer shall immediately notify all other parties attending the deposition of the request, and shall, upon request by

**Practitioner's Toolbox**  

 [History](#)

 [Comments](#)

 [Notes](#)

 [Notes of Decisions](#)

**Resources & Practice Tools**

 **Collateral References**

> [Cal. Forms Pleading & Practice \(Matthew Bender\(R\)\) ch 193 "Discovery: Depositions".](#)

> [Cal. Fam. Law Practice & Procedure \(Matthew Bender\(R\)\), § 110.14.](#)

any party other than the party making the original request, make that copy of the full or partial deposition transcript available to all parties at the same time.

**(e)** Stenographic notes of depositions shall be retained by the reporter for a period of not less than eight years from the date of the deposition, where no transcript is produced, and not less than one year from the date on which the transcript is produced. The notes may be either on paper or electronic media, as long as it allows for satisfactory production of a transcript at any time during the periods specified.

**(f)** At the request of any other party to the action, including a party who did not attend the taking of the deposition testimony, any party who records or causes the recording of that testimony by means of audio or video technology shall promptly do both of the following:

**(1)** Permit that other party to hear the audio recording or to view the video recording.

**(2)** Furnish a copy of the audio or video recording to that other party on receipt of payment of the reasonable cost of making that copy of the recording.

**(g)** If the testimony at the deposition is recorded both stenographically and by audio or video technology, the stenographic transcript shall be the official record of that testimony for the purpose of the trial and any subsequent hearing or appeal.

**(h)**

**(1)** The requesting attorney or party appearing in propria persona shall timely pay the deposition officer or the entity providing the services of the deposition officer for the transcription or copy of the transcription described in subdivision (b) or (c), and any other deposition product or service that is requested either orally or in writing.

**(2)** This subdivision shall apply unless responsibility for the payment is otherwise provided by law or unless the deposition officer or entity is notified in writing at the time the services or products are requested that the party or another identified person will be responsible for payment.

**(3)** This subdivision does not prohibit or supersede an agreement between an attorney and a party allocating responsibility for the payment of deposition costs to the party.

**(4)** Nothing in the case of [Serrano v. Stefan Merli Plastering Co., Inc. \(2008\) 162 Cal.App.4th 1014](#) shall be construed to alter the standards by which a court acquires personal jurisdiction over a nonparty to an action.

**(5)** The requesting attorney or party appearing in propria persona, upon the written request of a deposition officer who has obtained a final judgment for payment of services provided pursuant to this subdivision, shall provide to the deposition officer an address that can be used to effectuate service for the purpose of Section 708.110 in the manner specified in Section 415.10.

**(i)** For purposes of this section, "deposition product or service" means any product or service provided in connection with a deposition that qualifies as shorthand reporting, as described in [Section 8017 of the Business and Professions Code](#), and any product or service derived from that shorthand reporting.

#### **History:**

Added [Stats 2004 ch 182 § 23 \(AB 3081\)](#), operative July 1, 2005. Amended [Stats 2007 ch 115 § 1 \(AB 1211\)](#), effective January 1, 2008; [Stats 2012 ch 125 § 1 \(AB 2372\)](#), effective January 1, 2013; [Stats 2014 ch 913 § 12 \(AB 2747\)](#), effective January 1, 2015.

## 📌 Notes:

- 📌 1. Amendments
- 📌 2. Historical Derivation
- 📌 3. Editor's Notes

- 📌 1. Amendments:
  - 📌 2007 Amendment
  - 📌 2012 Amendment
  - 📌 2014 Amendment

### 📌 2007 Amendment:

Added subds (h) and (i).

### 📌 2012 Amendment:

Added subd (h)(4).

### 📌 2014 Amendment:

(1) Substituted "a deposition" for "any deposition" in subd (a); (2) substituted "the transcription" for "that transcription" in subd (b); (3) substituted "The notes may" for "Those notes may" in the second sentence of subd (e); (4) amended subd (g) by (a) deleting the comma after "both stenographically"; and (b) substituting "shall be the" for "is the"; (5) substituted "product or service that is" for "products or services that are" in subd (h)(1); (6) added subd (h)(4); and (7) redesignated former subd (h)(4) to be subd (h)(5).

- 📌 2.

## Historical Derivation:

Former CCP § 2025(p), 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](#).

- 📌 3.

## Editor's Notes

For notes of decisions derived from cases decided under former CCP § 2025, see [CCP § 2025.010](#).

## 📌 Comments:

### Law Revision Commission Comments:

#### 2004

Subdivision (a) of Section 2025.510 continues the first sentence of former Section 2025(p) without

change.

Subdivision (b) continues the second sentence of former Section 2025(p) without change.

Subdivision (c) continues the third sentence of former Section 2025(p) without substantive change.

Subdivision (d) continues the fourth sentence of former Section 2025(p) without change.

Subdivision (e) continues the fifth and sixth sentences of former Section 2025(p) without change.

Subdivision (f) continues the seventh sentence of former Section 2025(p) without substantive change.

Subdivision (g) continues the second paragraph of former Section 2025(p) without change.

#### **Collateral References:**

Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 193 "Discovery: Depositions".

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

#### **Hierarchy Notes:**

Pt. 4 Note

Pt. 4, Tit. 4 Note

Pt. 4, Tit. 4, Ch. 9 Note

Pt. 4, Tit. 4, Ch. 9, Art. 5 Note

#### **LexisNexis 50 State Surveys, Legislation & Regulations**

Depositions & Interrogatories

#### **Notes of Decisions:**

-  1. Generally
-  2. Copy of Transcript
-  3. Copy of Transcript: Reasonable Fee

#### **1. Generally**

Unfair competition action alleging that a court reporter had charged a non-noticing party excessive fees for copies of deposition transcripts in a previous action was properly dismissed for lack of subject matter jurisdiction because the non-noticing party had not sought to enforce its right to a reasonable copy rate under [CCP § 2025.510\(c\)](#) by motion to the judge presiding over the previous action. [Las Canoas Co., Inc. v. Kramer \(2013, 2d Dist\) 216 Cal App 4th 96, 156 Cal Rptr 3d 561, 2013 Cal App LEXIS 359, review denied, The Las Canoas Co., Inc. v. Kramer \(2013, Cal.\) -- P.3d --, 2013 Cal. LEXIS 6686.](#)

Although neither the case law nor [CCP § 2025.510](#) expressly prohibits a separate action to enforce the statutory right of a non-noticing party to copies at a reasonable rate, a separate action would be impractical and inefficient and would undermine the authority under [CCP § 128\(a\)\(5\)](#) of the judge in the previous action. Accordingly, absent extraordinary circumstances, the court in the action in which the dispute arises is the only court to resolve the issue. [Las Canoas Co., Inc. v. Kramer \(2013, 2d Dist\) 216 Cal App 4th 96, 156 Cal Rptr 3d 561, 2013 Cal App LEXIS 359, review denied, The Las Canoas Co., Inc. v. Kramer \(2013, Cal.\) -- P.3d --, 2013 Cal. LEXIS 6686.](#)

## 📌 2. Copy of Transcript

Requirement that deposition reporter provide a copy of a deposition transcript to non-noticing party in a pending action for a reasonable fee is limited to circumstances where: (1) There is no relevant contractual relationship between the deposition reporter and the non-noticing party relating to the cost of a copy of the deposition transcript; and (2) court intervention is required to ensure that the deposition reporter provide a copy of a deposition transcript to a non-noticing party in a pending action where the reporter has either refused to provide such a copy, or is willing to do so only on the condition that the non-noticing party pay what it believes to be an unreasonable fee. [Serrano v. Stefan Merli Plastering Co., Inc. \(2008, 2d Dist\) 162 Cal App 4th 1014, 76 Cal Rptr 3d 559, 2008 Cal App LEXIS 680, reh'g denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Co., Inc. \(2008, Cal. App. 2d Dist.\) 2008 Cal. App. LEXIS 1013, review denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Company, Inc./ \(Coast Court Reporters\) \(2008, Cal.\) 2008 Cal. LEXIS 10230.](#)

## 📌 3. Copy of Transcript: Reasonable Fee

[CCP § 2025.510\(c\)](#) and the court's inherent authority to control its ministerial officers and other persons connected with a judicial proceeding in furtherance of justice under [CCP § 128\(a\)\(5\)](#) authorize the court to require a deposition reporter to provide a copy of a deposition transcript to a non-noticing party in a pending action for a reasonable fee which, in the absence of agreement between the interested parties, may be set by the court upon a proper evidentiary showing. [Serrano v. Stefan Merli Plastering Co., Inc. \(2008, 2d Dist\) 162 Cal App 4th 1014, 76 Cal Rptr 3d 559, 2008 Cal App LEXIS 680, reh'g denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Co., Inc. \(2008, Cal. App. 2d Dist.\) 2008 Cal. App. LEXIS 1013, review denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Company, Inc./ \(Coast Court Reporters\) \(2008, Cal.\) 2008 Cal. LEXIS 10230.](#)

Because the trial court was authorized under [CCP § 2025.510\(c\)](#) to determine whether the amounts that plaintiffs, the non-noticing parties in a pending action, were required to pay a court reporting firm for copies of deposition transcripts were reasonable, trial court's failure to exercise its discretion in this regard was error; trial court erred by ordering plaintiffs to pay the full expedited service fees charged by the firm without determining whether those amounts were reasonable. [Serrano v. Stefan Merli Plastering Co., Inc. \(2008, 2d Dist\) 162 Cal App 4th 1014, 76 Cal Rptr 3d 559, 2008 Cal App LEXIS 680, reh'g denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Co., Inc. \(2008, Cal. App. 2d Dist.\) 2008 Cal. App. LEXIS 1013, review denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Company, Inc./ \(Coast Court Reporters\) \(2008, Cal.\) 2008 Cal. LEXIS 10230.](#)

Amount that court requires a party to pay to obtain a copy of a deposition transcript in a pending action pursuant to [CCP § 2025.510\(c\)](#) must be a reasonable amount for that service, regardless of any other services that the deposition reporter may have provided for which the party requesting a copy is not responsible; cost of transcription must be borne by the party noticing the deposition unless court on motion and for good cause orders otherwise, so a reasonable fee for a copy of the transcript would not include any amount that compensates the deposition reporter for the cost to expedite the transcription. [Serrano v. Stefan Merli Plastering Co., Inc. \(2008, 2d Dist\) 162 Cal App 4th 1014, 76 Cal Rptr 3d 559, 2008 Cal App LEXIS 680, reh'g denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Co., Inc. \(2008, Cal. App. 2d Dist.\) 2008 Cal. App. LEXIS 1013, review denied, Serrano \(Porfirio\) v. Stefan Merli Plastering Company, Inc./ \(Coast Court Reporters\) \(2008, Cal.\) 2008 Cal. LEXIS 10230.](#)

If a deposition reporter either refuses to provide a copy of a deposition transcript to a non-noticing party in a pending action, for whatever reason, or imposes unacceptable conditions upon such delivery, and the court must intervene, the "expense" that the court may require the non-noticing party to pay for the transcript must be reasonable. [Serrano v. Stefan Merli Plastering Co., Inc. \(2008, 2d Dist\) 162 Cal App 4th 1014, 76 Cal Rptr 3d 559, 2008 Cal App LEXIS 680](#), reh'g denied, [Serrano \(Porfirio\) v. Stefan Merli Plastering Co., Inc. \(2008, Cal. App. 2d Dist.\) 2008 Cal. App. LEXIS 1013](#), review denied, [Serrano \(Porfirio\) v. Stefan Merli Plastering Company, Inc./ \(Coast Court Reporters\) \(2008, Cal.\) 2008 Cal. LEXIS 10230](#).

Source: [Legal](#) > [States Legal - U.S.](#) > [California](#) > [Find Statutes, Regulations, Administrative Materials & Court Rules](#) > [CA - Deering's California Codes Annotated, Constitution, Court Rules & ALS, Comb - Book Browse](#) 

TOC: [Deerings California Code Annotated, Court Rules and ALS](#) > [CODE OF CIVIL PROCEDURE](#) > [Part 4. Miscellaneous Provisions](#) > [Title 4. Civil Discovery Act](#) > [Chapter 9. Oral Deposition Inside California](#) > [Article 5. Transcript or Recording](#) > **§ 2025.510. Transcription of testimony; Costs; Who may obtain copies and when; Retention of stenographic notes; Access to recorded testimony; Stenographic testimony as official record**

Section: **Cal Code Civ Proc § 2025.510**

View: Full

Date/Time: Monday, January 5, 2015 - 3:48 PM EST