

Cal Code Civ Proc § 2017.010

Deering's California Codes are current with urgency legislation through Chapter 12 of the 2017 Regular Session.

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§ 2017.010. Matters subject to discovery

Unless otherwise limited by order of the court in accordance with this title, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may relate to the claim or defense of the party seeking discovery or of any other party to the action. Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter, as well as of the existence, description, nature, custody, condition, and location of any document, electronically stored information, tangible thing, or land or other property.

Notice of Motion for Order Limiting Scope of Discovery

[Title of Court and Cause]

To all parties and to their attorneys of record:

You will please take notice that on _____ the _____ day of _____, _____, at _____ o'clock _____ .m., or as soon thereafter as the matter may be heard, in _____ [the Law and Motion Department *or* Department _____] of the above-entitled Court, at the courthouse at _____ [address], _____ [moving party] will move the court for an order limiting the scope of discovery as follows: _____ [briefly set out the discovery requested and the limitations sought], and imposing costs, expenses, and attorney's fees as follows: _____ [set forth amount and person against whom monetary sanction is sought].

This motion will be made pursuant to CCP § _____ on the ground that the _____ [burden *or* expense *or* intrusiveness] of discovery that has been requested clearly outweighs the likelihood that the information sought will lead to the discovery of admissible evidence, and on the further ground that the requested discovery constitutes an abuse of the discovery process, as set forth in the attached supporting declaration of _____.

The request for sanctions will be made on the ground that _____ [party *or* party's attorney] has made reasonable and good faith attempts to resolve the issues raised

by this motion, and that these attempts have failed because of the unjustified refusal of _____ *[opposing party or opposing party's attorney]* to agree to the requested limitations on discovery, as set forth more fully in the attached supporting declaration of _____.

This motion is based on this notice, the pleadings, records, and papers on file herein, the attached memorandum of points and authorities, the attached declaration of _____, served and filed herewith, and on such other oral or documentary evidence as may be presented at the time of the hearing.

Dated: _____.

[Signature]

Declaration Supporting Motion for Order Limiting Scope of Discovery

[Title of Court and Cause]

I, _____, declare:

I am the attorney for _____, party in the above-entitled action.

This declaration is in support of _____ *[party's]* motion for an order limiting the scope of discovery in the above-entitled matter as follows:

_____ *[set forth discovery that has been requested, and facts supporting conclusion that burden, expense, or intrusiveness outweighs likelihood that information sought will lead to discovery of admissible evidence.]*

The following attempts have been made to resolve this matter: _____
[describe attempts at informal resolution of each issue raised above.]

The requested discovery itself constitutes an abuse of the discovery process, and _____ *[opposing party's]* insistence on the above-described requested discovery constitutes a further abuse of the discovery process for the following reasons:
_____ *[set forth facts showing why the information sought will not lead to the discovery of admissible evidence.]*

_____ *[Set forth facts, such as attorney hours spent preparing and presenting motion, in support of amount of costs, expenses, and attorney's fees requested as monetary sanction.]*

Executed _____, _____, at _____, California.

I declare under penalty of perjury that the foregoing is true and correct.

[Signature]

Order Limiting Scope of Discovery

[Title of Court and Cause]

The motion of _____ *[party]* for an order limiting the scope of discovery in the above-entitled matter came on for hearing before me this _____ day of _____ on notice duly served,

_____ appearing as attorney for _____, and
_____ appearing as attorney for _____, and good
cause appearing,

IT IS HEREBY ORDERED that the scope of discovery in this action be limited as follows:
_____ [set forth limitations on discovery.]

Costs, expenses, and attorney's fees are imposed as a monetary sanction against
_____ as follows: _____; and
_____ is hereby required to file an undertaking approved by the court to
secure such payment.

Dated _____, _____.

Notice of Motion to Discover Information Concerning Plaintiff's Sexual Conduct

[Title of Court and Cause]

To _____, and to _____,
[his or her] attorney of record:

Please take notice that on _____, the _____ day of
_____, _____, at _____ o'clock
_____.m., or as soon thereafter as the matter may be heard, in
_____ [the Law and Motion Department or Department
_____] of the above-entitled Court, at the courthouse located at
_____ [address], _____ [moving party] will move
the Court for an order seeking discovery concerning plaintiff's sexual conduct with individuals
other than _____, the alleged perpetrator of the sexual tort complained of
herein, and for an order imposing costs, expenses, and attorney's fees as follows:
_____ [set forth amount and person against whom monetary sanction is
requested].

The motion will be made pursuant to CCP § _____ on the ground that the matter
sought to be discovered is relevant to the subject matter of this action and is reasonably
calculated to lead to discovery of admissible evidence, as set forth in the attached supporting
declaration of _____.

The motion will be based on this notice, the pleadings, records, and papers on file herein, the
attached memorandum of points and authorities, and the attached supporting declaration of
_____, served and filed herewith.

Dated: _____, _____.

[Signature]

Declaration Supporting Motion for Discovery Concerning Plaintiff's Sexual Conduct

[Title of Court and Cause]

I, _____, declare:

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I am the _____ *[party or attorney for party]* in the above–entitled action.

This declaration is in support of _____ *[party's]* motion for discovery of plaintiff's sexual conduct with individuals other than _____, the alleged perpetrator of the _____ *[sexual harassment or sexual assault or sexual battery]* complained of herein. Discovery of these facts is necessary to present an adequate defense, for the following reasons: _____ *[set forth specific facts showing good cause for discovery]*.

Defendant herein seeks to _____ *[state discovery method requested, such as: depose plaintiff or propound interrogatories to plaintiff, etc.]* as follows:
 _____ *[describe scope of requested discovery or attach copy of discovery request]*.

A reasonable and good faith effort has been made to resolve the issues raised by this motion informally and voluntarily, as follows: _____ *[list each attempt to confer in person, by telephone, or by letter with opposing party or attorney in attempting to resolve issues informally]*.

I will have spent _____ hours, and expect to spend _____ more hours, at the rate of _____ dollars per hour, in preparing and presenting this motion. Further costs and expenses in the amount of _____ dollars have been incurred as follows: _____ *[list costs and expenses]*. I therefore request that the amount of _____ dollars be imposed against _____ as a monetary sanction.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on _____, _____, at _____, California.

[Signature]

History

Added [Stats 2004 ch 182 § 23 \(AB 3081\)](#), operative July 1, 2005. Amended [Stats 2012 ch 72 § 8 \(SB 1574\)](#), effective January 1, 2013.

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