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CAL CODE CIV PROC § 2025.290

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## § 2025.290. Appropriate time limit for depositions; Additional time; Exclusion; Construction

- (a) Except as provided in subdivision (b), or by any court order, including a case management order, a deposition examination of the witness by all counsel, other than the witness' counsel of record, shall be limited to seven hours of total testimony. The court shall allow additional time, beyond any limits imposed by this section, if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.
- (b) This section shall not apply under any of the following circumstances:
- (1) If the parties have stipulated that this section will not apply to a specific deposition or to the entire proceeding.
  - (2) To any deposition of a witness designated as an expert pursuant to [Sections 2034.210 to 2034.310](#), inclusive.
  - (3) To any case designated as complex by the court pursuant to [Rule 3.400 of the California Rules of Court](#), unless a licensed physician attests in a declaration served on the parties that the deponent suffers from an illness or condition that raises substantial medical doubt of survival of the deponent beyond six months, in which case the deposition examination of the witness by all counsel, other than the witness' counsel of record, shall be limited to two days of no more than seven hours of total testimony each day, or 14 hours of total testimony.

- (4) To any case brought by an employee or applicant for employment against an employer for acts or omissions arising out of or relating to the employment relationship.
- (5) To any deposition of a person who is designated as the most qualified person to be deposed under [Section 2025.230](#).
- (6) To any party who appeared in the action after the deposition has concluded, in which case the new party may notice another deposition subject to the requirements of this section.
- (c) It is the intent of the Legislature that any exclusions made by this section shall not be construed to create any presumption or any substantive change to existing law relating to the appropriate time limit for depositions falling within the exclusion. Nothing in this section shall be construed to affect the existing right of any party to move for a protective order or the court's discretion to make any order that justice requires to limit a deposition in order to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, oppression, undue burden, or expense.

## History

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Added [Stats 2012 ch 346 § 1 \(AB 1875\)](#), effective January 1, 2013.

### ▼ Annotations

#### Notes to Decisions

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##### ↓ 1. Generally

##### ↓ 2. Construction

##### ↓ 3. Particular Determinations

##### ↑ 1. Generally

[CCP § 2025.290\(c\)](#) recognizes that the court has the discretion to limit a deposition in the interests of justice and states that [CCP § 2025.290](#) does not affect the court's discretion to make any order that justice requires to limit a deposition in order to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, oppression, undue burden, or expense. [Certainteed Corp. v. Superior Court \(Cal. App. 2d Dist. Jan. 8, 2014\)](#), 222 Cal. App. 4th 1053, 166 Cal. Rptr. 3d 539, 2014 Cal. App. LEXIS 9.

This section not only authorizes the court to allow additional time to depose a witness if additional time is needed to fairly examine a deponent or if any person or circumstance impedes or delays the examination, but requires it to do so unless the court, in its discretion, determines that the deposition should be limited for another reason. [Certainteed Corp. v. Superior Court \(Cal. App. 2d Dist. Jan. 8, 2014\)](#), 222 Cal. App. 4th 1053, 166 Cal. Rptr. 3d 539, 2014 Cal. App. LEXIS 9.

## 2. Construction

Provision requiring additional time to fully examine the deponent applies not only to the seven-hour limit imposed by [CCP § 2025.290\(a\)](#), but also the 14-hour limit imposed by [CCP § 2025.290\(b\)\(3\)](#). [Certainteed Corp. v. Superior Court \(Cal. App. 2d Dist. Jan. 8, 2014\)](#), 222 Cal. App. 4th 1053, 166 Cal. Rptr. 3d 539, 2014 Cal. App. LEXIS 9.

## 3. Particular Determinations

Denial of a motion for additional time to complete plaintiff's deposition based on the trial court's interpretation of the provisions of [CCP § 2025.290\(b\)\(3\)](#) was clearly erroneous. The current state of plaintiff's health, his right to a trial preference, and the imminent trial date constituted exigent circumstances justifying immediate relief so as to increase the possibility that plaintiff's deposition could be completed without a lengthy postponement of the trial date. [Certainteed Corp. v. Superior Court \(Cal. App. 2d Dist. Jan. 8, 2014\)](#), 222 Cal. App. 4th 1053, 166 Cal. Rptr. 3d 539, 2014 Cal. App. LEXIS 9.

## Research References & Practice Aids

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### Hierarchy Notes:

[Cal Code Civ Proc Pt. 4](#)

[Cal Code Civ Proc Pt. 4, Tit. 4](#)

[Cal Code Civ Proc Pt. 4, Tit. 4, Ch. 9](#)

[Cal Code Civ Proc Pt. 4, Tit. 4, Ch. 9, Art. 2](#)

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