



**Upcoming System Maintenance: July 13th & 14th 2019** - Maintenance activities are scheduled for Saturday July 13 between 1:00-6:30 AM EDT. **Lexis Advance® and other New LexisNexis Platform products will be unavailable during this time.** Additional maintenance is scheduled for Sunday July 14 between 1:00-5:00 AM EDT. During this second maintenance window, **Lexis Advance® and other New LexisNexis Platform products will be available** excluding Work Folder and History services, but some performance degradation is anticipated. We apologize for any inconvenience.

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## Cal Code Civ Proc § 2030.310

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[Deering's California Codes Annotated](#) [CODE OF CIVIL PROCEDURE \(§§ 1 – 2107\)](#) [Part 4](#)  
[Miscellaneous Provisions \(§§ 1834 – 2107\)](#) [Title 4 Civil Discovery Act \(Chs. 1 – 20\)](#) [Chapter 13](#)  
[Written Interrogatories \(Arts. 1 – 3\)](#) [Article 2 Response to Interrogatories \(§§ 2030.210 – 2030.310\)](#)

### § 2030.310. Amended answer to interrogatory; Use and effect; Motion that initial order be deemed binding; Monetary sanction

(a) Without leave of court, a party may serve an amended answer to any interrogatory that contains information subsequently discovered, inadvertently omitted, or mistakenly stated in the initial interrogatory. At the trial of the action, the propounding party or any other party may use the initial answer under [Section 2030.410](#), and the responding party may then use the amended answer.

(b) The party who propounded an interrogatory to which an amended answer has been served may move for an order that the initial answer to that interrogatory be deemed binding on the responding party for the purpose of the pending action. This motion shall be accompanied by a meet and confer declaration under [Section 2016.040](#).

(c) The court shall grant a motion under subdivision (b) if it determines that all of the following conditions are satisfied:

(1) The initial failure of the responding party to answer the interrogatory correctly has substantially prejudiced the party who propounded the interrogatory.

(2) The responding party has failed to show substantial justification for the initial answer to that interrogatory.

(3) The prejudice to the propounding party cannot be cured either by a continuance to permit further discovery or by the use of the initial answer under [Section 2030.410](#).

(d) The court shall impose a monetary sanction under Chapter 7 (commencing with [Section 2023.010](#)) against any party, person, or attorney who unsuccessfully makes or opposes a motion to deem binding an initial answer to an interrogatory, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

### History

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

▼ Annotations

## Notes

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### ↓ Historical Derivation:

### ↓ Editor's Notes—

### ↑ Historical Derivation:

Former CCP § 2030(m), added Stats 1986 ch 1334 § 2, amended [Stats 1987 ch 86 § 12](#), [Stats 1988 ch 553 § 4](#), ch 575 § 1, [Stats 1991 ch 1090 § 11](#).

### ↑ Editor's Notes—

For notes of decisions derived from cases decided under former CCP § 2030, see [CCP § 2030.010](#).

## Commentary

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### Law Revision Commission Comments:

#### 2004—

Subdivision (a) of Section **2030.310** continues the first paragraph of former Section 2030(m) without change, except to conform the cross-reference.

Subdivision (b) continues the first and second sentences of the second paragraph of former Section 2030(m) without substantive change.

Subdivision (c) continues the third sentence of the second paragraph of former Section 2030(m) without substantive change.

Subdivision (d) continues the third paragraph of former Section 2030(m) without change, except to conform the cross-reference.

## Notes to Decisions

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### ↓ 1. Generally

### ↓ 2. Particular Determinations

#### ↑ 1. Generally

There was no legal support for a unilateral assertion that plaintiffs were bound by their original responses to interrogatories because defendants did not move for an order compelling further responses or for an order deeming plaintiffs bound by their original responses after those responses were amended; the trial court should have considered amended responses submitted with plaintiffs' opposition to a motion for summary judgment. [Ahn v. Kumho Tire U.S.A., Inc. \(Cal. App. 4th Dist. Jan. 22, 2014\)](#), [223 Cal. App. 4th 133](#), [166 Cal. Rptr. 3d 852](#), [2014 Cal. App. LEXIS 54](#).

#### ↑ 2. Particular Determinations

Binding an insurance company to its initial responses to interrogatories in a statutory fraud action against a doctor was error, whether or not the company showed substantial justification, because the record did not support findings of substantial prejudice or that any prejudice could not have been cured. [People ex rel. Government Employees Ins. Co. v. Cruz \(Cal. App. 4th Dist. Jan. 22, 2016\)](#), [244 Cal. App. 4th 1184](#), [198 Cal. Rptr. 3d 566](#), [2016 Cal. App. LEXIS 117](#).

## Research References & Practice Aids

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### Treatises:

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 194](#) "Discovery: Interrogatories".

[Cal. Points & Authorities \(Matthew Bender\) ch 84](#) "Discovery: Interrogatories" § 84.70.

[Cal. Fam. Law Practice & Procedure \(Matthew Bender\), § 110.13.](#)

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

**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. 13](#)

[Cal Code Civ Proc Pt. 4, Tit. 4, Ch. 13, Art. 2](#)

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