



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.

Dismiss

Document: Cal Code Civ Proc § 2030.410



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Cal Code Civ Proc § 2030.410

Copy Citation

Deering's California Codes are current through Chapter 5 of the 2019 Regular Session, including all legislation effective June 5, 2019 or earlier.

[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 3 Use of Interrogatory Answer \(§ 2030.410\)](#)

§ 2030.410. Use of answers to interrogatories as evidence

At the trial or any other hearing in the action, so far as admissible under the rules of evidence, the propounding party or any party other than the responding party may use any answer or part of an answer to an interrogatory only against the responding party. It is not ground for objection to the use of an answer to an interrogatory that the responding party is available to testify, has testified, or will testify at the trial or other hearing.

History

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

Annotations

Notes

Historical Derivation:

Editor's Notes—

Historical Derivation:

Former CCP § 2030(n), 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

Law Revision Commission Comments:

2004—

Section 2030.410 continues former Section 2030(n) without change.

Notes to Decisions

↓ 1. Generally

↓ 2. Applicability

↑ 1. Generally

Trucking company could not use its own interrogatory responses as evidence supporting its statement of undisputed facts in a negligence action because [CCP § 2030.410](#) precludes a responding party from using its own interrogatory responses. [Great American Ins. Cos. v. Gordon Trucking, Inc. \(Cal. App. 5th Dist. July 29, 2008\)](#), 165 Cal. App. 4th 445, 81 Cal. Rptr. 3d 65, 2008 Cal. App. LEXIS 1159.

Denials of requests for admission (RFAs) ordinarily are not admissible at trial to impeach a party, in light of express statutory provisions allowing use of depositions and interrogatories at trial and the absence of provisions allowing such use of responses to RFAs. Thus, absent allegations of inconsistency between the discovery responses and trial testimony, it was error to permit examination of a party about his negative responses to RFAs and to admit those responses in evidence. [Gonsalves v. Li \(Cal. App. 1st Dist. Jan. 13, 2015\)](#), 232 Cal. App. 4th 1406, 182 Cal. Rptr. 3d 383, 2015 Cal. App. LEXIS 26.

↑ 2. Applicability

Where insured is asked for facts supporting an allegation regarding matters not within his or her personal knowledge, and insured either represents that he or she has no knowledge of such facts or responds without identifying any such facts, another party cannot use insured's factually devoid answer to demonstrate that the subrogated insurer has no facts with which to prove its allegations. [Great American Ins. Cos. v. Gordon Trucking, Inc. \(Cal. App. 5th Dist. July 29, 2008\)](#), 165 Cal. App. 4th 445, 81 Cal. Rptr. 3d 65, 2008 Cal. App. LEXIS 1159.

To the extent insureds' interrogatory responses were factually deficient in a negligence action arising from fire damage to a truck, insureds' interrogatory responses could not be used to prove on summary judgment that the subrogated insurer lacked facts or evidence to support its claims. [Great American Ins. Cos. v. Gordon Trucking, Inc. \(Cal. App. 5th Dist. July 29, 2008\)](#), 165 Cal. App. 4th 445, 81 Cal. Rptr. 3d 65, 2008 Cal. App. LEXIS 1159.

Research References & Practice Aids

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 \(Matthew Bender\)](#), § 110.14.

Practice Guides

Matthew Bender® Practice Guide: [Cal. Trial and Post Trial Civil Procedure §§ 11.52, 11.57](#).

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. 3](#)

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