

Cal Rules of Court, Rule 3.1345

This document reflects first and last orders received through November 26, 2019. Rules are current through December 17, 2019.

CA - California Local, State & Federal Court Rules > CALIFORNIA RULES OF COURT > Title 3. Civil Rules > Division 11. Law and Motion > Chapter 6. Particular Motions > Article 4. Discovery Motions

Rule 3.1345. Format of discovery motions

(a) Separate statement required Except as provided in (b), any motion involving the content of a discovery request or the responses to such a request must be accompanied by a separate statement. The motions that require a separate statement include a motion:

- (1) To compel further responses to requests for admission;
- (2) To compel further responses to interrogatories;
- (3) To compel further responses to a demand for inspection of documents or tangible things;
- (4) To compel answers at a deposition;
- (5) To compel or to quash the production of documents or tangible things at a deposition;
- (6) For medical examination over objection; and
- (7) For issue or evidentiary sanctions.

(Subd (a) amended effective January 1, 2020; previously amended effective July 1, 1987, January 1, 1992, January 1, 1997, July 1, 2001, and January 1, 2007.)

(b) Separate statement not required A separate statement is not required under the following circumstances:

- (1) When no response has been provided to the request for discovery; or
- (2) When a court has allowed the moving party to submit--in place of a separate statement--a concise outline of the discovery request and each response in dispute.

(Subd (b) amended effective January 1, 2020; adopted effective July 1, 2001.)

(c) Contents of separate statement A separate statement is a separate document filed and served with the discovery motion that provides all the information necessary to understand each discovery request and all the responses to it that are at issue. The separate statement must be full and complete so that no person is required to review any other document in order to determine the full request and the full response. Material must not be incorporated into the separate statement by reference. The separate statement must include--for each discovery request (e.g., each interrogatory, request for admission, deposition question, or inspection demand) to which a further response, answer, or production is requested--the following:

- (1) The text of the request, interrogatory, question, or inspection demand;

(2)The text of each response, answer, or objection, and any further responses or answers;

(3)A statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute;

(4)If necessary, the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it;

(5)If the response to a particular discovery request is dependent on the response given to another discovery request, or if the reasons a further response to a particular discovery request is deemed necessary are based on the response to some other discovery request, the other request and the response to it must be set forth; and

(6)If the pleadings, other documents in the file, or other items of discovery are relevant to the motion, the party relying on them must summarize each relevant document.

(Subd (c) amended effective January 1, 2007; previously repealed and adopted effective July 1, 2001.)

(d)Identification of interrogatories, demands, or requests A motion concerning interrogatories, inspection demands, or admission requests must identify the interrogatories, demands, or requests by set and number.

(Subd (d) amended effective January 1, 2007; adopted as subd (b) effective January 1, 1984; previously amended effective July 1, 1987; previously relettered effective July 1, 2001.)

