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Cal Code Civ Proc § 2024.010

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Deering's California Codes are current through Chapter 1-103, 105-112, 114, 115, 117-123, 125-142, 145-160, 162-171, 173-184, 186-188, 192-209, 213-215, 219, 233-235, 253, 254, 259, 260, 264-272, 274-276, 279, 286, 290, 294, 307, 320, 322, 324-326, 335-339, 351-354, 362, 368-371, 394, 415-417, 419, 424, 427, 435-437, 441-444, 447-450, 452-458, 464-474, 476, 482, 487, 494-496, 509, 511, 516-523, 531-533, 540, 543-545, 594-596, 598-600, 620, 650, 651, 653, 654, 656-658, 671, 672, 680-684, 734, 737, 739-741, 757, 759-761, 765, 766, and 768 of the 2021 Regular Session.

[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 8 Time for Completion of Discovery \(§§ 2024 – 2024.060\)](#)

§ 2024.010. Discovery completion date

As used in this chapter, discovery is considered completed on the day a response is due or on the day a deposition begins.

History

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

Annotations

Notes

Derivation:

Former CCP § 2024(a), 3rd snt, added Stats 1986 ch 1334 § 2, amended [Stats 1987 ch 86 § 7](#), [Stats 1991 ch 1090 § 9.5](#), [Stats 1998 ch 932 § 21](#), [Stats 2000 ch 688 § 11](#), [Stats 2004 ch 171 § 5](#).

Commentary

Law Revision Commission Comments:

2004—

[Section 2024.010](#) continues the third sentence of former [Section 2024\(a\)](#) without change, except to replace “section” with “chapter.”

Notes to Decisions

Decisions Under Former CCP § 2024 (1986)

1. Generally

2. Construction

3. Extensions

4. Cutoff date

5. Estoppel

Decisions Under Former CCP § 2024 (1986)

1. Generally

[CCP § 437c](#) does not require that a motion for summary judgment be filed within 58 days prior to the initial trial date (30 days prior to date of trial, plus 28 days for notice); although this interpretation would be consistent with discovery rules that require discovery to be filed 30 days prior to the date initially set for trial (former CCP § 2024), the fact that the Legislature wrote the discovery time limit expressly with reference to an initial trial date indicates that the Legislature’s omission to do so in setting the time limit for summary judgment motions was deliberate; further, a rule requiring the filing of such a motion 58 days prior to the initial trial date would be inconsistent with the principle that a party is not limited to one motion for summary judgment. [Sentry Ins. Co. v. Superior Court \(Cal. App. 1st Dist. Jan. 26, 1989\)](#), [207 Cal. App. 3d 526](#), [255 Cal. Rptr. 13](#), [1989 Cal. App. LEXIS 42](#).

2. Construction

In the case of a mistrial, order granting a new trial, or remand for a new trial after reversal of a judgment on appeal, discovery is reopened and the last date for completing discovery is 15 days before the date initially set for the new trial of the action. [Fairmont Ins. Co. v. Superior Court \(Cal. Jan. 27, 2000\)](#), [22 Cal. 4th 245](#), [92 Cal. Rptr. 2d 70](#), [991 P.2d 156](#), [2000 Cal. LEXIS 16](#).

3. Extensions

Peremptory writ of mandate was issued in a case where a trial court abused its discretion by refusing to reopen discovery to allow the designation of an expert witness in a negligence case, where the evidence showed that prior counsel was unable to properly prepare the case for trial due to the effects of a terminal illness; further, an injured party used diligence in attempting to find another attorney, and a driver was unable to show that any real prejudice would have resulted from the addition of an expert witness or a continuance of the case. [Hernandez v. Superior Court \(Cal. App. 2d Dist. Feb. 23, 2004\)](#), [115 Cal. App. 4th 1242](#), [9 Cal. Rptr. 3d 821](#), [2004 Cal. App. LEXIS 206](#).

4. Cutoff date

In a products liability action subject to the Trial Court Delay Reduction Act ([Gov C §§ 68600](#) et seq.), the trial court abused its discretion when, at an evaluation conference mandated by a local rule, it set a discovery cutoff date before a trial date had been set. Former CCP § 2024(a) provides that any party is entitled, as a matter of right, to complete discovery up to 30 days before the initial trial date, and trial courts do not have statutory authority to adopt local rules shortening discovery time periods; although pre-1990 versions of [Gov C § 68612](#), did authorize courts to shorten statutory time periods under their local rules, such authority was deleted from the 1990 version of the statute; moreover, the local rule at issue did not, in fact, allow the trial court to adopt a discovery deadline before setting a trial date, but merely allowed the court to adopt such a deadline at the conclusion of the evaluation conference. [Wagner v. Superior Court \(Cal. App. 4th Dist. Jan. 28, 1993\)](#), [12 Cal. App. 4th 1314](#), [16 Cal. Rptr. 2d 534](#), [1993 Cal. App. LEXIS 76](#), modified, [\(Cal. App. 4th Dist. Feb. 25, 1993\)](#), [1993 Cal. App. LEXIS 182](#).

5. Estoppel

In an insurance bad faith case, equitable estoppel excused an untimely discovery motion under former CCP § 2024(a) because of an attorney’s false assurances that he would produce the documents after they were due, along

with other delaying conduct. [Sears, Roebuck & Co. v. National Union Fire Ins. Co. of Pittsburgh \(Cal. App. 2d Dist. Aug. 15, 2005\)](#), [131 Cal. App. 4th 1342](#), [32 Cal. Rptr. 3d 717](#), 2005 Cal. App. LEXIS 1269.

Research References & Practice Aids

Cross References:

Exchange of valuation data in eminent domain proceedings: [CCP §§ 1258.210](#) et seq.

"Action": [CCP § 2016.020](#).

"Court": [CCP § 2016.020](#).

Stipulations modifying discovery procedures: [CCP § 2016.030](#).

Simultaneous exchange of expert witness information: [CCP §§ 2034.010](#) et seq.

Application of article to arbitration proceedings under uninsured motorists policies: [Ins C § 11580.2](#).

Jurisprudences

Am Jur 2d (Rev) Depositions and Discovery § 8.

Cal Jur 3d (Rev) Discovery and Depositions § 8.

Law Review Articles:

Potential Innovations in Civil Discovery: Lessons for California from the State and Federal Courts. [32 McGeorge L. Rev. 1051](#).

Review of Selected 1987 Legislation. 19 Pac. L.J. 514.

Appealing Before Trial: In Family Law Litigation, Developing A Pendente Lite Strategy That Considers An Appeal Can Serve The Client's Interest. [39 Los Angeles Lawyer 30](#).

Treatises:

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 85 "Automobiles: Discovery"](#).

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 190 "Depositions and Discovery" I, Forms 1, 2](#).

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 190 "Discovery: Scope, Regulation, and Timing"](#).

[Cal. Points & Authorities \(Matthew Bender\) ch 80 "Discovery: Scope Regulation And Timing" § 80.110](#).

[Cal. Points & Authorities \(Matthew Bender\) ch 88 "Discovery: Exchange Of Expert Witness Information" § 88.13](#).

[Cal. Fam. Law Practice & Procedure \(Matthew Bender\), § 110.11](#).

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

Obtaining Discovery: Initiating and Responding to Discovery Procedures. CEB Action Guide, Winter 1993.

Moving to compel discovery and other discovery motions. CEB Action Guide, Winter 1993.

Moving to compel discovery and other discovery motions. CEB Action Guide, Winter 1991.

Obtaining discovery: Initiating and responding to discovery procedures. CEB Action Guide, Spring 1991.

Preparing for Discovery Under the New Act. (1986, CEB) pp 136-137.

Rutter Cal Prac Guide, Civil Procedure Before Trial §§ 8:445 et seq.

Rutter Cal Prac Guide, Personal Injury §§ 6:173 et seq., 8:130 et seq., 8:203 et seq., 8:218 et seq.

Practice Guides

Matthew Bender® Practice Guide: [California Civil Discovery, chs. 1, 13](#).

Matthew Bender® Practice Guide: California Landlord–Tenant Litigation, ch. 1.

Matthew Bender® Practice Guide: California E-Discovery and Evidence, 12.11.

Annotations:

Time for filing and serving discovery interrogatories. [74 ALR2d 534](#).

Hierarchy Notes:

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

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

[Cal Code Civ Proc Pt. 4, Title 4, Ch. 8](#)

Forms

SUGGESTED FORMS

Notice of Motion to [Extend or Re-open] Discovery

[Title of Court and Cause]

To all parties and their attorneys of record:

Please take notice that on _____, the _____ day of _____, _____, at _____ o'clock _____m, or as soon thereafter as the matter can 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 _____ [extending or re-opening] discovery pursuant to CCP § _____ as follows: _____ [specify discovery proceedings and requested completion date or specify motion concerning discovery and requested hearing date or specify additional discovery needed after new trial date has been set].

This motion is made on the ground that there is good cause for the order sought in that _____ [briefly state necessity and reasons for the additional discovery], as set forth more fully in the attached supporting declaration of _____. This motion is based on this notice, the pleadings, records, and files in this action, the attached memorandum of points and authorities, and the attached declaration of _____, served and filed herewith.

Dated: _____, _____.

[Signature]

Agreement to Extend Time for Discovery Proceedings

[Title of Court and Cause]

_____ [Party] and _____ [party], parties to the above–entitled action, hereby enter into an agreement to extend the time for completion of discovery proceedings and for hearings of motions

Document:

Cal Code Civ Proc § 2024.010



Actions



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[Signature of party]

[Signature of party's attorney]

[Signature of party]

[Signature of party's attorney]

Deering's California Codes Annotated
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