

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 926

Introduced by Assembly Member Evans

February 22, 2007

An act to ~~add Section 2016.080 to~~ amend Sections 2031.210, 2031.270, and 2031.280 of the Code of Civil Procedure, relating to civil discovery.

LEGISLATIVE COUNSEL'S DIGEST

AB 926, as amended, Evans. Civil discovery.

The Civil Discovery Act permits a party to a civil action to obtain discovery, as specified, by inspecting documents, tangible things, and land or other property in the possession of any other party to the action. Existing law requires the party to whom an inspection demand has been directed to respond separately to each item or category of item by any of certain responses, including a statement that the party will comply with the particular demand for inspection and any related activities.

~~This bill would require the Judicial Council to create a working group to address the process for obtaining electronic discovery and other issues within the Civil Discovery Act to streamline discovery while preserving openness and civility.~~

This bill would require that statement to provide that the party will comply with the particular demand for inspection by the date set for inspection pursuant to a specified provision.

The Civil Discovery Act permits the party demanding inspection and the responding party to agree to extend the time for service of a response

to a set of inspection demands, or to particular items or categories of items in a set, to a date beyond that provided in a specified provision.

This bill would permit the parties to agree to extend the date for inspection beyond those provided in specified provisions.

The Civil Discovery Act requires any documents produced in response to an inspection demand to be produced as they are kept in the usual course of business, or be organized and labeled to correspond with the categories in the demand.

This bill would clarify that those documents are to be produced on the date described above or as agreed to by the parties pursuant to an extension.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2031.210 of the Code of Civil Procedure
2 is amended to read:

3 2031.210. (a) The party to whom an inspection demand has
4 been directed shall respond separately to each item or category of
5 item by any of the following:

6 (1) A statement that the party will comply with the particular
7 demand for inspection *by the date set for inspection pursuant to*
8 *paragraph (2) of subdivision (c) of Section 2031.030* and any
9 related activities.

10 (2) A representation that the party lacks the ability to comply
11 with the demand for inspection of a particular item or category of
12 item.

13 (3) An objection to the particular demand.

14 (b) In the first paragraph of the response immediately below
15 the title of the case, there shall appear the identity of the responding
16 party, the set number, and the identity of the demanding party.

17 (c) Each statement of compliance, each representation, and each
18 objection in the response shall bear the same number and be in the
19 same sequence as the corresponding item or category in the
20 demand, but the text of that item or category need not be repeated.

21 SEC. 2. Section 2031.270 of the Code of Civil Procedure is
22 amended to read:

23 2031.270. (a) The party demanding an inspection and the
24 responding party may agree to extend *the date for inspection or*

1 the time for service of a response to a set of inspection demands,
2 or to particular items or categories of items in a set, to a date *or*
3 *dates* beyond ~~that those~~ provided in ~~Section~~ *Sections 2031.030,*
4 *2031.210, 2031.260, and 2031.280.*

5 (b) This agreement may be informal, but it shall be confirmed
6 in a writing that specifies the extended date for *inspection or*
7 *service of a response.*

8 (c) Unless this agreement expressly states otherwise, it is
9 effective to preserve to the responding party the right to respond
10 to any item or category of item in the demand to which the
11 agreement applies in any manner specified in Sections 2031.210,
12 2031.220, 2031.230, 2031.240, and 2031.280.

13 *SEC. 3. Section 2031.280 of the Code of Civil Procedure is*
14 *amended to read:*

15 2031.280. (a) Any documents produced in response to an
16 inspection demand shall either be produced as they are kept in the
17 usual course of business, or be organized and labeled to correspond
18 with the categories in the demand.

19 (b) *The documents shall be produced on the date specified in*
20 *the inspection demand pursuant to paragraph (2) of subdivision*
21 *(c) of Section 2031.030, unless an objection has been made to that*
22 *date. If the date for inspection has been extended pursuant to*
23 *Section 2031.270, the documents shall be produced on the date*
24 *agreed to pursuant to that section.*

25 ~~(b)~~

26 (c) If necessary, the responding party at the reasonable expense
27 of the demanding party shall, through detection devices, translate
28 any data compilations included in the demand into reasonably
29 usable form.

30 ~~SECTION 1. Section 2016.080 is added to the Code of Civil~~
31 ~~Procedure, to read:~~

32 ~~2016.080. The Judicial Council shall create a working group~~
33 ~~to address the process for obtaining electronic discovery and other~~
34 ~~issues within this title to streamline discovery while preserving~~
35 ~~openness and civility.~~