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AB-383 Civil actions: discovery status conference. (2017-2018)

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Assembly Bill No. 383

CHAPTER 189

An act to add Section 2016.080 to the Code of Civil Procedure, relating to civil actions.

[Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 383, Chau. Civil actions: discovery status conference.

Existing law establishes the Civil Discovery Act, which governs the rules and procedures related to discovery in all civil cases, and specifies, among other things, the time for completion of discovery. The act authorizes a party to resolve certain discovery disputes by filing a noticed motion.

This bill, until January 1, 2023, would authorize a court to conduct an informal discovery conference between the parties to a civil action upon request by a party or on the court's own motion to discuss discovery matters in dispute between the parties, as specified. The bill would authorize a court that grants or orders an informal discovery conference to toll the deadline for filing a discovery motion, or make any other appropriate discovery order. If an informal discovery conference is not held within 30 calendar days from the date the court granted the request, the bill would require that the request for an informal discovery conference be deemed denied, and that any tolling period previously ordered by the court would continue to apply. The bill would further provide that the outcome of an informal discovery conference does not bar a party from filing a discovery motion or prejudice the disposition of a discovery motion.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

2016.080. (a) If an informal resolution is not reached by the parties, as described in Section 2016.040, the court may conduct an informal discovery conference upon request by a party or on the court's own motion for the purpose of discussing discovery matters in dispute between the parties.

(b) If a party requests an informal discovery conference, the party shall file a declaration described in Section 2016.040 with the court. Any party may file a response to a declaration filed pursuant to this subdivision. If a court is in session and does not grant, deny, or schedule the party's request within 10 calendar days after the initial request, the request shall be deemed denied.

(c) (1) If a court grants or orders an informal discovery conference, the court may schedule and hold the conference no later than 30 calendar days after the court granted the request or issued its order, and before the discovery cut-off date.

(2) If an informal discovery conference is granted or ordered, the court may toll the deadline for filing a discovery motion or make any other appropriate discovery order.

(d) If an informal discovery conference is not held within 30 calendar days from the date the court granted the request, the request for an informal discovery conference shall be deemed denied, and any tolling period previously ordered by the court shall continue to apply to that action.

(e) The outcome of an informal discovery conference does not bar a party from filing a discovery motion or prejudice the disposition of a discovery motion.

(f) This section does not prevent the parties from stipulating to the timing of discovery proceedings as described in Section 2024.060.

(g) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2023, deletes or extends that date.