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AB-1349 Civil actions: discovery. (2019-2020)

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Assembly Bill No. 1349

CHAPTER 190

An act to amend Sections 2030.210 and 2033.210, of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1349, Obernolte. Civil actions: discovery.

Existing law governs discovery in civil actions, and allows a party to obtain discovery from another party through written interrogatories and requests for admission, among others. Under existing law, each response by the responding party to these discovery requests is required to include the same number or letter, and be in the same sequence, as the corresponding discovery request, as specified, but is not required to repeat the text of the particular discovery request.

In order to facilitate the discovery process, this bill would, upon request in one of the aforementioned discovery methods, require a party to provide the requesting party with the document propounding or responding to the discovery request in electronic format within 3 court days of the request, except as specified. If a responding party requests and receives a discovery request in electronic format, the bill would require the responding party to include the text of the interrogatory immediately preceding any response. The bill would also provide that a party may provide the requested electronic format in any format, and may transmit the document by any method, as agreed upon by the parties, except as specified.

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

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

SECTION 1. Section 2030.210 of the Code of Civil Procedure is amended to read:

2030.210. (a) The party to whom interrogatories have been propounded shall respond in writing under oath separately to each interrogatory by any of the following:

- (1) An answer containing the information sought to be discovered.
- (2) An exercise of the party's option to produce writings.
- (3) An objection to the particular interrogatory.

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

(c) Each answer, exercise of option, or objection in the response shall bear the same identifying number or letter and be in the same sequence as the corresponding interrogatory. The text of that interrogatory need not be repeated, except as provided in paragraph (6) of subdivision (d).

(d) In order to facilitate the discovery process:

(1) Except as provided in paragraph (5), upon request by the responding party, the propounding party shall provide the interrogatories in an electronic format to the responding party within three court days of the request.

(2) Except as provided in paragraph (5), upon request by the propounding party after receipt of the responses to the interrogatories, the responding party shall provide the responses in an electronic format to the propounding party within three court days of the request.

(3) A party may provide the interrogatories or responses to the interrogatories requested pursuant to paragraphs (1) and (2) in any format agreed upon by the parties. If the parties are unable to agree on a format, the interrogatories or responses to interrogatories shall be provided in plain text format.

(4) A party may transmit the interrogatories or responses to the interrogatories requested pursuant to paragraphs (1) and (2) by any method agreed upon by the parties. If the parties are unable to agree on a method of transmission, the interrogatories or responses to interrogatories shall be transmitted by electronic mail to an email address provided by the requesting party.

(5) If the interrogatories or responses to interrogatories were not created in an electronic format, a party is not required to create the interrogatories or response to interrogatories in an electronic format for the purpose of transmission to the requesting party.

(6) A responding party who has requested and received the interrogatories in an electronic format pursuant to paragraph (1) shall include the text of the interrogatory immediately preceding the response.

SEC. 2. Section 2033.210 of the Code of Civil Procedure is amended to read:

2033.210. (a) The party to whom requests for admission have been directed shall respond in writing under oath separately to each request.

(b) Each response shall answer the substance of the requested admission, or set forth an objection to the particular request.

(c) In the first paragraph of the response immediately below the title of the case, there shall appear the identity of the responding party, the set number, and the identity of the requesting party.

(d) Each answer or objection in the response shall bear the same identifying number or letter and be in the same sequence as the corresponding request. The text of that request need not be repeated, except as provided in paragraph (6) of subdivision (e).

(e) In order to facilitate the discovery process:

(1) Except as provided in paragraph (5), upon request by the responding party, the propounding party shall provide the requests for admission in an electronic format to the responding party within three court days of the request.

(2) Except as provided in paragraph (5), upon request by the propounding party after receipt of the responses to the requests for admission, the responding party shall provide the responses in an electronic format to the propounding party within three court days of the request.

(3) A party may provide the requests for admission or responses to the requests for admission requested pursuant to paragraphs (1) and (2) in any format agreed upon by the parties. If the parties are unable to agree on a format, the requests for admission or responses to the requests for admission shall be provided in plain text format.

(4) A party may transmit the requests for admission or responses to the requests for admission requested pursuant to paragraphs (1) and (2) by any method agreed upon by the parties. If the parties are unable to agree on a method of transmission, the requests for admission or responses to the requests for admission shall be transmitted by electronic mail to an email address provided by the requesting party.

(5) If the requests for admission or responses to the requests for admission were not created in an electronic format, a party is not required to create the requests for admission or responses in an electronic format for the purpose of transmission to the requesting party.

(6) A responding party who has requested and received requests for admission in an electronic format pursuant to paragraph (1) shall include the text of the request immediately preceding the response.