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DEERING'S CALIFORNIA CODES ANNOTATED
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*** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
7, AND 8, AND URGENCY LEGISLATION THROUGH CH 141 OF THE 2010 REGULAR SESSION

CODE OF CIVIL PROCEDURE
Part 4. Miscellaneous Provisions
Title 4. Civil Discovery Act
Chapter 7. Sanctions

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Cal Code Civ Proc § 2023.040 (2009)

§ 2023.040. Request for sanction and notice of motion; What to be included therein

A request for a sanction shall, in the notice of motion, identify every person, party, and attorney against whom the sanction is sought, and specify the type of sanction sought. The notice of motion shall be supported by a memorandum of points and authorities, and accompanied by a declaration setting forth facts supporting the amount of any monetary sanction sought.

HISTORY:

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

NOTES:

Historical Derivation:

Former CCP § 2023(c), added Stats 1986 ch 1334 § 2, amended Stats 1987 ch 86 § 6.

Law Revision Commission Comments:

2004

Section 2023.040 continues former Section 2023(c) without change.

Editor's Notes

For notes of decisions derived from cases decided under former CCP § 2023, see *CCP § 2023.010*.

Collateral References:

Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 190 "Discovery: Scope, Regulation, And Timing".

Cal. Points & Authorities (Matthew Bender(R)) ch 82 "Discovery: Privileges And Other Discovery Limitations" § 82.10.

Cal. Points & Authorities (Matthew Bender(R)) ch 82 "Discovery: Privileges And Other Discovery Limitations" § 82.31.

Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.13.

Matthew Bender(R) Practice Guide: California E-Discovery and Evidence, 13.11-13.12.

Matthew Bender(R) Practice Guide: California E-Discovery and Evidence, 13.14-13.15.

Matthew Bender(R) Practice Guide: California E-Discovery and Evidence, 13.20.

Matthew Bender(R) Practice Guide: California E-Discovery and Evidence, 13.22-13.23.

Hierarchy Notes:

Pt. 4, Tit. 4 Note

Pt. 4, Tit. 4, Ch. 7 Note

NOTES OF DECISIONS

Neither a 45-day limit nor a meet-and-confer requirement applied to a motion for sanctions against an attorney pursuant to *CCP §§ 2030.290(c), 2031.300(c), 2023.040* for violation of an order compelling responses to interrogatories. *Sinaiko Healthcare Consulting, Inc. v. Pacific Healthcare Consultants (2007, 2d Dist) 2007 Cal App LEXIS 318.*