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Deering's California Codes Annotated
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CALIFORNIA RULES OF COURT
Title 3. Civil Rules
Division 11. Law and Motion
Chapter 6. Particular Motions
Article 4. Discovery Motions

Cal Rules of Court, Rule 3.1345 (2010)

Rule 3.1345. Format of discovery motions

(a) Separate statement required Any motion involving the content of a discovery request or the responses to such a request must be accompanied by a separate statement. The motions that require a separate statement include a motion:

- (1) To compel further responses to requests for admission;
- (2) To compel further responses to interrogatories;
- (3) To compel further responses to a demand for inspection of documents or tangible things;
- (4) To compel answers at a deposition;
- (5) To compel or to quash the production of documents or tangible things at a deposition;
- (6) For medical examination over objection; and
- (7) For issue or evidentiary sanctions.

(Subd (a) amended effective January 1, 2007; previously amended effective July 1, 1987, January 1, 1992, January 1, 1997, and July 1, 2001.)

(b) Separate statement not required A separate statement is not required when no response has been provided to the request for discovery.

(Subd (b) adopted effective July 1, 2001.)

(c) Contents of separate statement A separate statement is a separate document filed and served with the

discovery motion that provides all the information necessary to understand each discovery request and all the responses to it that are at issue. The separate statement must be full and complete so that no person is required to review any other document in order to determine the full request and the full response. Material must not be incorporated into the separate statement by reference. The separate statement must include--for each discovery request (e.g., each interrogatory, request for admission, deposition question, or inspection demand) to which a further response, answer, or production is requested--the following:

- (1) The text of the request, interrogatory, question, or inspection demand;
- (2) The text of each response, answer, or objection, and any further responses or answers;
- (3) A statement of the factual and legal reasons for compelling further responses, answers, or production as to each matter in dispute;
- (4) If necessary, the text of all definitions, instructions, and other matters required to understand each discovery request and the responses to it;
- (5) If the response to a particular discovery request is dependent on the response given to another discovery request, or if the reasons a further response to a particular discovery request is deemed necessary are based on the response to some other discovery request, the other request and the response to it must be set forth; and
- (6) If the pleadings, other documents in the file, or other items of discovery are relevant to the motion, the party relying on them must summarize each relevant document.

(Subd (c) amended effective January 1, 2007; previously repealed and adopted effective July 1, 2001.)

(d) Identification of interrogatories, demands, or requests A motion concerning interrogatories, inspection demands, or admission requests must identify the interrogatories, demands, or requests by set and number.

(Subd (d) amended effective January 1, 2007; adopted as subd (b) effective January 1, 1984; previously amended effective July 1, 1987; previously relettered effective July 1, 2001.)

HISTORY:

Rule 3.1345 renumbered effective January 1, 2009; adopted as rule 335 effective January 1, 1984; previously amended effective July 1, 1987, January 1, 1992, January 1, 1997, and July 1, 2001; previously amended and renumbered as rule 3.1020 effective January 1, 2007.

NOTES:

Cross References:

Format of supplemental and further discovery motion: *CRC Rule 3.1000*.

Service of motion papers on nonparty deponent: *CRC Rule 3.1025*.

Discovery from a non-party: *CCP § 2020.010* et seq.

Oral depositions inside California: *CCP §§ 2025.010* et seq.

Oral depositions outside California: *CCP §§ 2026.010, 2027.010*.

Depositions by written questions: *CCP § 2028.010*.

Depositions in actions pending outside California: *CCP § 2029.010*.

Inspection and production of documents, things, and land or other property: *CCP §§ 2031.010 et seq.*

Requests for admission: *CCP §§ 2033.010 et seq.*

Collateral References:

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

Cal Jur 3d (Rev) Discovery and Depositions §§ 63, 135, 148, 197, 245, 298.

Cal Civil Procedure Before Trial (CEB)§§ 1.1 et seq.

Rutter, Cal Prac Guide, Civil Procedure Before Trial §§ 8:1136 et seq., 8:1482 et seq., 8:1559 et seq., 8:1732 et seq.

Hierarchy Notes:

Chapter 6. Note

NOTES OF DECISIONS 1. Generally

1. Generally

In a case where plaintiffs sued a bank based on the fact that checks plaintiffs had written to a company in which they were investors were not deposited into the company's bank account, but were deposited into the account of a different entity with a similar name, trial court properly denied plaintiffs' motion to compel discovery because their separate statement in support of their motion to compel failed to comply with the requirements of former Cal. R. Ct. 335 (now *Cal. Rules of Court, Rule 3.1020*.) *Mills v. U.S. Bank* (2008, 4th Dist) 166 Cal App 4th 871, 83 Cal Rptr 3d 146, 2008 Cal App LEXIS 1408, rehearing denied *Milles v. U.S. Bank* (2008, Cal. App. 4th Dist.) 2008 Cal. App. LEXIS 1655, review denied *Mills (John T.) v. U.S. Bank* (2008, Cal.) 2008 Cal. LEXIS 14156.