



1 of 8 DOCUMENTS

DEERING'S CALIFORNIA CODES ANNOTATED
Copyright (c) 2010 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
7, AND 8, AND URGENCY LEGISLATION THROUGH CH 713 OF THE 2010 REGULAR SESSION

CODE OF CIVIL PROCEDURE
Part 4. Miscellaneous Provisions
Title 4. Civil Discovery Act
Chapter 18. Simultaneous Exchange of Expert Witness Information
Article 2. Demand for Exchange of Expert Witness Information

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Code Civ Proc § 2034.230 (2009)

§ 2034.230. Demand to be in writing; Requirements; Specification of date

(a) A demand for an exchange of information concerning expert trial witnesses shall be in writing and shall identify, below the title of the case, the party making the demand. The demand shall state that it is being made under this chapter.

(b) The demand shall specify the date for the exchange of lists of expert trial witnesses, expert witness declarations, and any demanded production of writings. The specified date of exchange shall be 50 days before the initial trial date, or 20 days after service of the demand, whichever is closer to the trial date, unless the court, on motion and a showing of good cause, orders an earlier or later date of exchange.

HISTORY:

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

NOTES:

Historical Derivation:

Former CCP § 2034(c), added Stats 1986 ch 1336 § 2, amended Stats 1987 ch 86 § 17, Stats 1988 ch 553 § 7, Stats 1990 ch 771 § 2, ch 1392 § 2, Stats 1992 1301 § 1, Stats 1993 ch 3 § 1, Stats 1993 ch 678 § 1, Stats 1995 ch 797 § 1, Stats 2004 ch 171 § 6.

Law Revision Commission Comments:**2004**

Subdivision (a) of Section 2034.230 continues the first paragraph of former Section 2034(c) without change, except to replace "section" with "chapter."

Subdivision (b) continues the second paragraph of former Section 2034(c) (as amended by 2004 Cal. Stat. ch. 171, § 6) without change, except to delete the third sentence as surplusage. See Section 2016.060 (computation of time when last day falls on Saturday, Sunday, or holiday).

Editor's Notes

For notes of decisions derived from cases decided under former CCP § 2034, see *CCP § 2034.010*.

Collateral References:

Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 85 "Automobiles: Discovery".

Cal. Points & Authorities (Matthew Bender(R)) ch 88 "Discovery: Exchange Of Expert Witness Information" § 88.14.

Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.14.

Law Review Articles:

Meet and Confer: Counsel Should Not Rely on Bench Officers to Resolve Basic Pretrial Procedural Issues. 29 *LA Law* 26 (October, 2006).

Hierarchy Notes:

Pt. 4, Tit. 4 Note

Pt. 4, Tit. 4, Ch. 18 Note

NOTES OF DECISIONS 1. Generally

1. Generally

Where no demand for the exchange of expert witness information is made by any party, no party is required to comply with the statutory exchange requirements. *Hirano v. Hirano (2007, 2d Dist) 2007 Cal App LEXIS 2054*.

Although employee who brought a wrongful discharge suit did not produce her experts' reports and writings by the

date specified for a mutual exchange of information pursuant to *CCP* § 2034.230(b), there was no violation of *CCP* § 2034.270 because the reports and writings were not in existence on that date and employee's conduct was reasonable under *CCP* § 2034.300; moreover, her employer had opportunity to depose her experts and chose not to do so. *Boston v. Penny Lane Centers, Inc.* (2009, 2d Dist) 2009 Cal App LEXIS 92.