

User Name: KLGALLO!
Date and Time: 05/27/2013 5:49 PM EDT
Job Number: 2996132

Document(1)

1. Cal Code Civ Proc § 2032.510

Client/matter: -None-

Cal Code Civ Proc § 2032.510

This document is current with urgency legislation through Chapter 3 of the 2013 Regular Session of the 2013-2014 Legislature.

[Deering's California Code Annotated](#) > [CODE OF CIVIL PROCEDURE](#) > [Part 4.](#) > [Title 4.](#) > [Chapter 15.](#) > [Article 5.](#)

§ 2032.510. Attendance of attorney for examinee or attorney's representative at physical examination; Recording and monitoring; Right to suspend examination pending motion for protective order; Monetary sanction

- (a) The attorney for the examinee or for a party producing the examinee, or that attorney's representative, shall be permitted to attend and observe any physical examination conducted for discovery purposes, and to record stenographically or by audio technology any words spoken to or by the examinee during any phase of the examination.
- (b) The observer under subdivision (a) may monitor the examination, but shall not participate in or disrupt it.
- (c) If an attorney's representative is to serve as the observer, the representative shall be authorized to so act by a writing subscribed by the attorney which identifies the representative.
- (d) If in the judgment of the observer the examiner becomes abusive to the examinee or undertakes to engage in unauthorized diagnostic tests and procedures, the observer may suspend it to enable the party being examined or producing the examinee to make a motion for a protective order.
- (e) If the observer begins to participate in or disrupt the examination, the person conducting the physical examination may suspend the examination to enable the party at whose instance it is being conducted to move for a protective order.
- (f) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion for a protective order under this section, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

History

Added Stats 2004 ch 182 § 23 (AB 3081), operative July 1, 2005. Amended Stats 2005 ch 294 § 10 (AB 333), effective January 1, 2006.

Historical Derivation:

Former CCP § 2032(g)(1), 1st to 3rd paras, added Stats 1986 ch 1336 § 1, amended Stats 1987 ch 86 § 14, Stats 1988 ch 553 § 5, Stats 1992 ch 163 § 65, (ch 615 prevails), ch 615 § 6, Stats 1993 ch 219 § 71.

Deering's California Codes Annotated

Copyright © 2013 by Matthew Bender & Company, Inc. a member of the LexisNexis Group. All rights reserved.