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Deering's California Codes Annotated
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*** This document is current through the 2016 Supplement ***
(All 2015 legislation)

CODE OF CIVIL PROCEDURE
Part 4. Miscellaneous Provisions
Title 4. Civil Discovery Act
Chapter 9. Oral Deposition Inside California
Article 2. Deposition Notice

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Code Civ Proc § 2025.220 (2016)

§ 2025.220. Contents of deposition notice

(a) A party desiring to take the oral deposition of any person shall give notice in writing. The deposition notice shall state all of the following:

(1) The address where the deposition will be taken.

(2) The date of the deposition, selected under Section 2025.270, and the time it will commence.

(3) The name of each deponent, and the address and telephone number, if known, of any deponent who is not a party to the action. If the name of the deponent is not known, the deposition notice shall set forth instead a general description sufficient to identify the person or particular class to which the person belongs.

(4) The specification with reasonable particularity of any materials or category of materials, including any electronically stored information, to be produced by the deponent.

(5) Any intention by the party noticing the deposition to record the testimony by audio or video technology, in addition to recording the testimony by the stenographic method as required by Section 2025.330 and any intention to record the testimony by stenographic method through the instant visual display of the testimony. If the deposition will be conducted using instant visual display, a copy of the deposition notice shall also be given to the deposition officer. Any offer to provide the instant visual display of the testimony or to provide rough draft transcripts to any party which is accepted prior to, or offered at, the deposition shall also be made by the deposition officer at the deposition to all parties in attendance. Any party or attorney requesting the provision of the instant visual display of the testimony, or rough draft transcripts, shall pay the reasonable cost of those services, which may be no greater than the costs charged to any other party or attorney.

(6) Any intention to reserve the right to use at trial a video recording of the deposition testimony of a treating or consulting physician or of any expert witness under subdivision (d) of Section 2025.620. In this event, the operator of the video camera shall be a person who is authorized to administer an oath, and shall not be financially interested in the action or be a relative or employee of any attorney of any of the parties.

(7) The form in which any electronically stored information is to be produced, if a particular form is desired.

(8)

(A) A statement disclosing the existence of a contract, if any is known to the noticing party, between the noticing party or a third party who is financing all or part of the action and either of the following for any service beyond the noticed deposition:

(i) The deposition officer.

(ii) The entity providing the services of the deposition officer.

(B) A statement disclosing that the party noticing the deposition, or a third party financing all or part of the action, directed his or her attorney to use a particular officer or entity to provide services for the deposition, if applicable.

(b) Notwithstanding subdivision (a), where under Article 4 (commencing with Section 2020.410) only the production by a nonparty of business records for copying is desired, a copy of the deposition subpoena shall serve as the notice of deposition.

HISTORY:

Added Stats 2004 ch 182 § 23 (AB 3081), operative July 1, 2005. Amended Stats 2012 ch 72 § 20 (SB 1574), effective January 1, 2013; Stats 2015 ch 346 § 2 (AB 1197), effective January 1, 2016.

NOTES:

Amendments:

2012 Amendment:

Added (1) ", including any electronically stored information," in subd (a)(4); and (2) subd (a)(7).

2015 Amendment:

Added subd (a)(8).

Historical Derivation:

Former CCP § 2025(c), 1st and 2nd snt, (d), intro clause, (1)-(5) an (6), 1st para, added Stats 1986 ch 1334 § 2, amended Stats 1987 ch 86 § 8, Stats 1988 ch 160 § 20 (ch 553 prevails), ch 553 § 3, Stats 1989 ch 1137 § 1, ch 1360 § 13, ch 1416 § 29.5, Stats 1990 ch 1491 § 11.5, Stats 1991 ch 1090 § 10, Stats 1993 ch 926 § 9, Stats 1994 ch 660 § 5, Stats 1995 ch 576 § 7, Stats 1997 ch 395 § 1, Stats 1998 ch 875 § 1, ch 932 § 22, ch 974 § 4, Stats 1999 ch 892 § 13, Stats 2000 ch 474 § 1, Stats 2001 ch 812 § 9.6, Stats 2002 ch 1068 § 2.

Note

Stats 2015 ch 346 provides:

SECTION 1. This act shall be known and may be cited as the John Zandonella Act of 2015.

Law Revision Commission Comments:**2004**

The introductory clause of subdivision (a) of Section 2025.220 continues the first sentence of former Section 2025(c) and the introductory clause of former Section 2025(d) without substantive change. Subdivision (a)(1) continues former Section 2025(d)(1) without change. Subdivision (a)(2) continues former Section 2025(d)(2) without change, except to conform the cross-reference. Subdivision (a)(3) continues former Section 2025(d)(3) without change. Subdivision (a)(4) continues former Section 2025(d)(4) without change. Subdivision (a)(5) continues former Section 2025(d)(5) without change, except to conform the cross-reference. Subdivision (a)(6) continues the first paragraph of former Section 2025(d)(6) without change, except to conform the cross-reference.

Subdivision (b) continues the second sentence of former Section 2025(c) without substantive change.

For the consequences of noncompliance with the requirements of a deposition notice, see Section 2025.410.

Editor's Notes

For notes of decisions derived from cases decided under former CCP § 2025, see *CCP § 2025.010*.

Collateral References:

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

Cal. Points & Authorities (Matthew Bender(R)) ch 89A "Discovery: Review Of Discovery Orders" § 89A.31.

Matthew Bender(R) Practice Guide: *Cal. Trial and Post Trial Civil Procedure § 11.54[1]*.

Matthew Bender(R) Practice Guide: *California E-Discovery and Evidence, 12.16*.

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

Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.30.

Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.31.

Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.32.

Law Review Articles:

Case Strategy: Corporate Depositions in State and Federal Court. *29 LA Law 31* (Fall, 2006).

Why Many Meritorious Elder Abuse Cases in California Are Not Litigated. *47 USF L. Rev. 619*.

Hierarchy Notes:

Pt. 4 Note

Pt. 4, Tit. 4 Note

Pt. 4, Tit. 4, Ch. 9 Note

Pt. 4, Tit. 4, Ch. 9, Art. 2 Note

Emerging Issues Analysis

2012 Changes to the California Electronic Discovery Act

California's 2012 "clean up" legislation expands and clarifies application of the Electronic Discovery Act and specifically extends the application of numerous sections of the Civil Discovery Act to electronically stored information ("ESI"). This commentary addresses changes affecting the general provisions of the Civil Discovery Act, subpoenas, ESI that is not reasonably accessible, sanctions, and inadvertent production of privileged ESI.