

DISCOVERY DEADLINES

NOTES: These are just a few of the discovery deadlines; the list is by no means exhaustive. All of the notice dates are the minimum required. Try to give more notice where possible. Plan ahead to serve requests for documents (and set production dates) well in advance of the date you need the documents. Be sure to calendar the last dates to serve discovery (by hand, mail, etc.) in compliance with the discovery cut-off and motion cut-off dates. Always keep in mind the effect of C.C.P. § 1013 when you serve and respond to discovery.

<u>Commencing Discovery</u>	<i>Discovery is commenced when the discovery request is served.</i>
Deposition (“depo”)	<ul style="list-style-type: none"> Plaintiff may not serve notice of depo earlier than 20 days after defendant is served or appears in the action. No time restriction on defendant.
Interrogatories (“Rogs”); Requests for Admission (“RFA’s”); Inspection Demands (“I/D”)	<ul style="list-style-type: none"> Plaintiff may not serve Rogs, RFA’s, or I/D earlier than 10 days after defendant is served or appears in the action, whichever is first. No time restriction on defendant.
Demand to exchange list of experts	<ul style="list-style-type: none"> Must be served within 10 days after setting of initial trial date, or 70 days before that trial date, whichever is closer to trial date. Exchange date must be within 50 days before initial trial date, or 20 days after service of demand, whichever is closer to trial date. Supplemental list of expert witnesses may be served within 20 days after the initial exchange.
<u>Completing Discovery (“Discovery Cut-off”):</u>	<i>A depo is “completed” on the day it begins. Written discovery is “completed” on the day the responses are due. See note re effect of C.C.P. § 1013 below.</i>
Non-expert discovery	<ul style="list-style-type: none"> Must be completed at least 30 days prior to initial trial date.
Expert discovery	<ul style="list-style-type: none"> Must be completed at least 15 days prior to initial trial date.
<u>Noticing Depo:</u>	<i>See note re effect of C.C.P. § 1013 below.</i>
Depo of party (appearance only)	<ul style="list-style-type: none"> Notice of depo must be served at least 10 days prior to depo.
Depo of party where documents are sought	<ul style="list-style-type: none"> Notice of depo must be served at least 10 days prior to depo (and consider need to add reasonable time for deponent to locate, produce documents, and travel to depo).
Depo of non-party (appearance only)	<ul style="list-style-type: none"> Serve notice of depo at least 10 days prior to depo. Serve depo subpoena on witness a sufficient time in advance of depo to provide deponent a reasonable time to travel to place of depo.
Depo of non-party where non-consumer/non-employee documents are sought	<ul style="list-style-type: none"> Serve notice of depo at least 10 days prior to depo. Serve depo subpoena on witness a sufficient time in advance of depo to allow deponent a reasonable opportunity to locate and produce requested documents and travel to place of depo.

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Depo of non-party where consumer records or employee records are sought	<ul style="list-style-type: none"> • Set depo at least 20 days after depo subpoena is issued. • Serve notice of depo at least 10 days before production date. • Serve notice to consumer at least 5 days before witness is served with depo subpoena, and at least 10 days before production date. • Serve witness at least 5 days after notice to consumer is served and sufficient time in advance of depo to allow deponent a reasonable opportunity to locate and produce requested documents and travel to place of depo.
Production of business records only (no appearance)	<ul style="list-style-type: none"> • Schedule production no earlier than 20 days after issuance of depo subpoena or 15 days after service of depo subpoena, whichever is later. • Serve notice to consumer at least 5 days before witness is served with depo subpoena, and 10 days before production date. • Serve witness at least 5 days after the notice to consumer is served on the consumer, and at least 15 days before the depo date, or earlier to allow a reasonable opportunity to locate and produce the documents.
<u>Objecting to Depo:</u>	
Objection alleging defect in notice	<ul style="list-style-type: none"> • Must be served at least 3 days prior to depo. Personal service recommended (<i>see note re effect of C.C.P. § 1013 below</i>).
Objection to production of consumer records	<ul style="list-style-type: none"> • Party must serve motion to quash at least 5 days before production date. • Non-party may serve objection any time prior to production date.
<u>Responding to Discovery:</u>	<i>To calculate response due dates, see note re effect of C.C.P. § 1013 below.</i>
Rogs, RFA's, I/D	<ul style="list-style-type: none"> • 30 days after service of discovery request.
I/D production date	<ul style="list-style-type: none"> • On date set forth in I/D, which must be no earlier than 30 days after service of I/D.
<u>Serving and Hearing Motions to Compel:</u>	<i>See notes re effect of C.C.P. § 1013 and 1005(b) below.</i>
Re further responses to Rogs, RFA's, or I/D	<ul style="list-style-type: none"> • Must be served within 45 days after responses were served and at least 16 court days prior to hearing date. • Must be heard at least 15 days before initial trial date.
Re expert-related discovery	<ul style="list-style-type: none"> • Must be served at least 16 court days prior to hearing date. • Must be heard at least 10 days before initial trial date.
Re further answers or production of documents or things at depo	<ul style="list-style-type: none"> • Must be served within 60 days after completion of depo record and at least 16 court days prior to hearing date. • Must be heard at least 15 days before initial trial date.

NOTES: C.C.P. § 1013 extends: (i) the time within which to give notice of a depo if notice is served by a means other than hand delivery, and (ii) the time within which to act (e.g., respond to discovery or serve notice of motion to compel further responses), if the document which triggered the running of the time within which to act was served by a means other than hand delivery. If served by regular mail to a recipient within CA, add 5 days; if mailed to a recipient outside CA, but in the U.S., add 10 days; if mailed to a recipient outside the U.S., add 20 days; if served by fax, express mail, or overnight delivery, add 2 COURT days.

C.C.P. §1005(b) increases the 16 court day notice of motion period if the notice is served by a means other than hand delivery. The extensions are the same as those under C.C.P. § 1013, except substitute 2 days for 2 COURT days. See Section 2.3, "The Effect of Various Methods of Service" for further information.