

#36.370

10/3/73

Memorandum 73-91

Subject: Study 36.370 - Condemnation (Comprehensive Statute: Chapter 7--
Discovery)

At the last meeting, Chapter 7 (Discovery; Exchange of Valuation Data) was approved for printing. This memorandum presents one suggested revision in the approved chapter for your consideration.

Section 1258.210 deals with the demand for an exchange of lists of expert witnesses and statements of valuation data. As revised by the Commission at the last meeting, subdivision (a) of this section reads:

(a) Not later than the earlier of the date a trial date is selected or 60 days following the filing and service of a defendant's answer, any party may file and serve on that defendant, and that defendant may file and serve on any party, a demand to exchange lists of expert witnesses and statements of valuation data. Thereafter, the court may, upon noticed motion and a showing of good cause, permit any party to serve such a demand upon any adverse party.

The staff suggests that this subdivision be revised to read:

(a) Not later than the date a trial date is selected, any party may file and serve on any other party a demand to exchange lists of expert witnesses and statements of valuation data. Thereafter, the court may, upon noticed motion and a showing of good cause, permit a party to serve such a demand upon an adverse party.

We think the suggested revision will greatly simplify the procedure without any significant adverse consequences.

Respectfully submitted,

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