

## First Supplement to Memorandum 2006-24

### **Time Limits for Discovery in an Unlawful Detainer Case**

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In considering Memorandum 2006-24, the Commission should be aware of the following matters not previously discussed.

#### **Input on the Draft Tentative Recommendation**

Cara Vonk, an attorney with the Administrative Office of the Courts, emailed Memorandum 2006-24 to the members of the Small Claims and Limited Cases Subcommittee of the Judicial Council Civil and Small Claims Advisory Committee. She received only one response, from Tom Surh, a court commissioner in Alameda County. He wrote:

These proposed revisions appear to be needed and well considered. I don't feel any need for discussion.

The Commission should take Mr. Surh's comments into account in deciding whether to approve the draft tentative recommendation attached to Memorandum 2006-24.

#### **Notice Period for a Discovery Motion in an Unlawful Detainer Case**

Memorandum 2006-11 (available from the Commission, [www.clrc.ca.gov](http://www.clrc.ca.gov)) discusses the possibility of adding a new provision to the codes, which would establish a 5-day notice requirement for a discovery motion in an unlawful detainer case. The draft tentative recommendation attached to Memorandum 2006-24 incorporates the suggested new provision (proposed Code Civ. Proc. § 1170.8) in the form shown in Memorandum 2006-11.

At page 6 of the First Supplement to Memorandum 2006-11 (available from the Commission, [www.clrc.ca.gov](http://www.clrc.ca.gov)), the staff suggests a modification of the suggested new provision. At page 6 of the Third Supplement to Memorandum 2006-11 (available from the Commission, [www.clrc.ca.gov](http://www.clrc.ca.gov)), the staff suggests supplementing that provision with another new provision, which would specify a briefing schedule for a discovery motion in an unlawful detainer case and certain other unlawful detainer motions.

If the Commission decides to adopt the suggestions made in the First and Third Supplements to Memorandum 2006-11, revisions reflecting those suggestions should be made in the draft tentative recommendation attached to Memorandum 2006-24.

Respectfully submitted,

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