

STATE OF CALIFORNIA

# CALIFORNIA LAW REVISION COMMISSION

TENTATIVE RECOMMENDATION

## Time Limits for Discovery in an Unlawful Detainer Case

June 2006

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

**COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN September 30, 2006.**

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

California Law Revision Commission  
4000 Middlefield Road, Room D-1  
Palo Alto, CA 94303-4739  
650-494-1335  
<commission@clrc.ca.gov>

## SUMMARY OF TENTATIVE RECOMMENDATION

An unlawful detainer case is a special proceeding by a landlord to recover possession of real property from a tenant. The procedure for an unlawful detainer case is prescribed by statute. It is designed to provide an expeditious means for a landlord to recover possession when a tenant wrongfully refuses to leave.

Consistent with the goal of promoting expeditious resolution of landlord-tenant disputes, a number of provisions in the Civil Discovery Act specify a special deadline, notice period, or other time limit for an unlawful detainer case. These time limits are substantially shorter than the corresponding time limits for other types of cases.

In most of these discovery provisions, the language establishing a special time limit for an unlawful detainer case is mixed with language specifying the time limit for other types of cases. See Code Civ. Proc. §§ 2030.020, 2030.260, 2031.020, 2031.030, 2031.260, 2033.020, 2033.250. This drafting technique creates ambiguities. The Law Revision Commission recommends that these ambiguities be eliminated by amending each provision to separately state the special time limit for an unlawful detainer case.

The Commission also recommends amending a provision in which the special time limit for an unlawful detainer case is separately stated, but unclear in its application (Code Civ. Proc. § 2025.270). The proposed amendment would make clear that the twenty day notice requirement for a deposition involving production of personal records of a consumer applies even in an unlawful detainer case. The existing statutory scheme provides means of adjusting this requirement, related deadlines, and the unlawful detainer procedures to accommodate the particular circumstances of each case. The proposed amendment would also clarify how the statute applies when employment records of an employee are subpoenaed. Similar clarifying revisions would be made in several other discovery provisions.

The Commission further recommends that each provision establishing a special time limit for discovery in an unlawful detainer case be made expressly applicable to other types of summary proceedings for possession of real property (forcible entry and forcible detainer). The same expedited discovery procedures should apply in all of these types of proceedings.

Finally, the Commission recommends that a new provision be added to the Code of Civil Procedure, which would establish a shortened five day notice requirement for a discovery motion in an unlawful detainer case or other summary proceeding for possession of real property. This would help promote expeditious resolution of landlord-tenant disputes.

This tentative recommendation was prepared pursuant to Resolution Chapter 1 of the Statutes of 2006.

## TIME LIMITS FOR DISCOVERY IN AN UNLAWFUL DETAINER CASE

1 The Civil Discovery Act<sup>1</sup> includes a number of provisions that specify a special  
2 time limit for an unlawful detainer case.<sup>2</sup> In most of these provisions, the language  
3 specifying the special time limit for an unlawful detainer case is mixed with  
4 language specifying the time limit for other types of cases. This drafting technique  
5 creates ambiguities.<sup>3</sup>

6 The Law Revision Commission recommends that these ambiguities be  
7 eliminated by amending each provision to separately state the special time limit  
8 for an unlawful detainer case. The Commission also recommends amending a  
9 provision in which the special time limit for an unlawful detainer case is  
10 separately stated but unclear in its application. The Commission further  
11 recommends that the special time limits for discovery in an unlawful detainer case  
12 be revised to expressly apply to discovery in other types of summary proceedings  
13 for possession of real property. In addition, the Commission recommends that a  
14 new provision be added to the codes, which would establish a special notice period  
15 for a discovery motion in an unlawful detainer case.

16 The Commission solicits comment on these proposed reforms relating to  
17 discovery in an unlawful detainer case. The Commission also welcomes  
18 suggestions regarding other areas of civil discovery in need of reform.<sup>4</sup>

---

1. Code Civ. Proc. §§ 2016.010-2036.050. Unless otherwise specified, all further statutory references are to the Code of Civil Procedure.

2. An unlawful detainer case is a proceeding by a landlord to recover possession of real property from a tenant (e.g., a lawsuit by a landlord to regain possession of an apartment after the tenant fails to pay rent). See Section 1161.

The unlawful detainer statutes establish an expeditious procedure for a landlord to recover possession wrongfully withheld by a tenant. *Deal v. Municipal Court*, 157 Cal. App. 3d 991, 995, 204 Cal. Rptr. 79 (1984); see also Section 1179a. The statutes were enacted to promote peaceful resolution of landlord-tenant disputes. *Deal*, 157 Cal. App. 3d at 995.

3. These ambiguities predate the 2004 nonsubstantive reorganization of the Civil Discovery Act, which was enacted on recommendation of the Law Revision Commission. 2004 Cal. Stat. ch. 182; *Civil Discovery: Nonsubstantive Reform*, 33 Cal. L. Revision Comm'n Reports 789 (2003). The Commission did not attempt to eliminate such ambiguities when reorganizing the Civil Discovery Act, because that might have prompted concerns about whether the reorganization was truly nonsubstantive. Now that the Civil Discovery Act has been reorganized into short sections, it is easier to address the ambiguities than in the past, when the ambiguities were buried in lengthy provisions and there was no room to insert new subdivisions or paragraphs clarifying the ambiguous points.

4. The Commission's study of civil discovery is ongoing. Several reforms recommended by the Commission have already been enacted. See *supra* note 2; see also 2005 Cal. Stat. ch. 294; *Report of the California Law Revision Commission on Chapter 294 of the Statutes of 2005 (Assembly Bill 333)*, 35 Cal. L. Revision Comm'n Reports 77 (2005); *Civil Discovery: Correction of Obsolete Cross-References*, 34 Cal. L. Revision Comm'n Reports 161 (2004); *Civil Discovery: Statutory Clarification and Minor Substantive Improvements*, 34 Cal. L. Revision Comm'n Reports 137 (2004).

1 **Service of a Response to Written Discovery**

2 Under the provision governing service of a response to interrogatories,<sup>5</sup> the  
3 response is due thirty days after service of the interrogatories. In an unlawful  
4 detainer case, however, the response is due five days after service of the  
5 interrogatories.

6 A court may shorten the thirty day deadline on motion of the propounding party,  
7 and may extend that deadline on motion of the responding party. A court may also  
8 shorten the five day unlawful detainer deadline on motion of the propounding  
9 party. Because of the way the statute is drafted, however, it is unclear whether a  
10 court may extend the five day unlawful detainer deadline on motion of the  
11 responding party.

12 Specifically, the first sentence of the provision suggests that a court may extend  
13 the five day unlawful detainer deadline over a party's objection, while the second  
14 sentence suggests that a court may not do so:

15 2030.260. (a) Within 30 days after service of interrogatories, *or in unlawful*  
16 *detainer actions within five days after service of interrogatories* the party to  
17 whom the interrogatories are propounded shall serve the original of the response  
18 to them on the propounding party, unless on motion of the propounding party the  
19 court has shortened the time for response, or unless on motion of the responding  
20 party the court has extended the time for response. *In unlawful detainer actions,*  
21 *the party to whom the interrogatories are propounded shall have five days from*  
22 *the date of service to respond unless on motion of the propounding party the court*  
23 *has shortened the time for response.*

24 ....<sup>6</sup>

25 Similar ambiguities exist in the provisions governing service of a response to an  
26 inspection demand<sup>7</sup> and service of a response to a request for admissions.<sup>8</sup>

27 As a matter of policy, a court should be permitted to extend the deadlines for  
28 responding to written discovery in an unlawful detainer case, even if a party  
29 objects. Those five day deadlines are very short. It might not always be realistic to  
30 expect a party to respond in the period provided. Often, the parties may be able to  
31 resolve such problems by agreement.<sup>9</sup> But if a party refuses a reasonable request

---

5. Section 2030.260.

6. Emphasis added. The predecessor of Section 2030.260, former Section 2030(h), contained identical language. See 1991 Cal. Stat. ch. 1090, § 11; Section 2030.260 Comment.

7. Section 2031.260; see also former Section 2031(i), 2000 Cal. Stat. ch. 688, § 12 (predecessor of Section 2031.260).

8. Section 2033.250; see also former Section 2033(h), 1991 Cal. Stat. ch. 1090, § 13 (predecessor of Section 2033.250).

9. See Sections 2016.030 (unless court orders otherwise, parties may modify discovery procedures by written stipulation), 2030.270 (parties may agree to extend time for service of response to interrogatories), 2031.270 (parties may agree to extend time for service of response to inspection demand), 2033.260 (parties may agree to extend time for service of response to request for admissions).

1 for an extension, it may be appropriate for a court to extend the deadline over the  
2 party's objection.

3 The Law Revision Commission therefore recommends that the provision  
4 governing service of a response to interrogatories be amended to make clear that a  
5 court may extend, as well as shorten, the five day unlawful detainer deadline.<sup>10</sup>  
6 The Commission also recommends similar amendments of the provisions  
7 governing service of a response to an inspection demand and service of a response  
8 to a request for admissions.<sup>11</sup>

9 **Commencement of Written Discovery By the Plaintiff**

10 The Civil Discovery Act includes restrictions on how soon a plaintiff may  
11 commence written discovery after filing a lawsuit. For example, the provision  
12 governing when a plaintiff may propound interrogatories states:

13 A plaintiff may propound interrogatories to a party without leave of court at any  
14 time that is 10 days after the service of the summons on, or in unlawful detainer  
15 actions five days after service of the summons on or appearance by, that party,  
16 whichever occurs first.<sup>12</sup>

17 The provisions governing when a plaintiff may make an inspection demand<sup>13</sup> and  
18 when a plaintiff may make requests for admission<sup>14</sup> are similar.

19 Each of these provisions establishes a ten day hold period for most cases, and a  
20 special five day hold period for unlawful detainer cases. But there is a significant  
21 ambiguity. The statute is susceptible to several possible interpretations:

- 22 • Both the five day and the ten day hold periods run from service of the  
23 summons on, or appearance by, the party subject to discovery, whichever  
24 occurs first.
- 25 • The five day hold period runs from service of the summons on the party  
26 subject to discovery, while the ten day hold period runs from service of the  
27 summons on, or appearance by, the party subject to discovery, whichever  
28 occurs first.
- 29 • The ten day hold period runs from service of the summons on the party  
30 subject to discovery, while the five day hold period runs from service of the  
31 summons on, or appearance by, the party subject to discovery, whichever  
32 occurs first.

---

10. See proposed amendment to Section 2030.260 *infra*.

11. See proposed amendments to Sections 2031.260 and 2033.250 *infra*.

12. Section 2030.020(b). The predecessor of this provision, former Section 2030(b), contained identical language. See 1991 Cal. Stat. ch. 1090, § 11; Section 2030.020 Comment.

13. Section 2031.020(b); see also former Section 2031(b), 2000 Cal. Stat. ch. 688, § 12 (predecessor of Section 2031.020).

14. Section 2033.020(b); see also former Section 2033(b), 1991 Cal. Stat. ch. 1090, § 13 (predecessor of Section 2033.020).

1 The statute should be revised to make clear which of these interpretations is  
2 correct.

3 As a matter of policy, it is logical to apply the same rule to both the five day and  
4 the ten day hold periods. If a party has been served with a summons, or has  
5 appeared in an action, the clock should start ticking for taking discovery from that  
6 party. That should be the rule regardless of whether the case is an unlawful  
7 detainer case or another type of case.

8 The Law Revision Commission recommends that each provision be amended to  
9 clearly implement that approach. That can be done by stating the special unlawful  
10 detainer hold period in a separate subdivision, instead of including it in the same  
11 subdivision as the general rule.<sup>15</sup> Amending the provisions in this manner would  
12 help to prevent confusion over how to calculate the hold periods.

### 13 **Time of Inspection**

14 An inspection demand must “[s]pecify a reasonable time for the inspection that  
15 is at least 30 days after service of the demand, or in unlawful detainer actions five  
16 days after service of the demand, unless the court for good cause shown has  
17 granted leave to specify an earlier date.”<sup>16</sup> It is ambiguous from this language  
18 whether the good cause exception exists for unlawful detainer cases, other types of  
19 case, or both.

20 The Law Revision Commission recommends that the provision be amended to  
21 separately state the special five day unlawful detainer rule, making clear that the  
22 good cause exception applies both to that rule and to the thirty day rule for other  
23 types of cases.<sup>17</sup> Applying the good cause exception in both contexts is sound  
24 policy, ensuring leeway to deviate from the statutorily specified time periods when  
25 justified.<sup>18</sup>

### 26 **Time of Taking an Oral Deposition**

27 An oral deposition must be scheduled at least ten days after service of the  
28 deposition notice.<sup>19</sup> If the deponent is required to produce personal records of a  
29 consumer pursuant to a subpoena, the deposition must be scheduled at least twenty  
30 days after issuance of the subpoena.<sup>20</sup>

---

15. See proposed amendments to Sections 2030.020, 2031.020, and 2033.020 *infra*.

16. Section 2031.030(c)(2). The predecessor of this provision, former Section 2031(c)(2), contained identical language. 2000 Cal. Stat. ch. 688, § 12; Section 2031.030 Comment.

17. See proposed amendment to Section 2031.030 *infra*.

18. See generally *Deal v. Municipal Court*, 157 Cal. App. 3d 991, 997-98, 204 Cal. Rptr. 79 (1984) (referring to good cause exception in rejecting due process challenge to five day deadline to respond to unlawful detainer complaint).

19. Section 2025.270(a).

20. *Id.*

1 The provision stating these rules includes an exception for an unlawful detainer  
2 case. An oral deposition in such a case must be scheduled at least five days after  
3 service of the deposition notice, but not later than five days before trial.<sup>21</sup> This  
4 special notice period for an unlawful detainer case is stated in a separate  
5 subdivision, not mixed with the language specifying the notice period for other  
6 types of cases.

7 It is unclear, however, whether the unlawful detainer exception applies when  
8 personal records of a consumer are subpoenaed in an unlawful detainer case. The  
9 statute could be interpreted such that the special five day unlawful detainer notice  
10 period applies regardless of whether personal records of a consumer are  
11 subpoenaed. Alternatively, the statute could be interpreted such that the twenty  
12 day notice period, not the five day notice period, applies when personal records of  
13 a consumer are subpoenaed in an unlawful detainer case.<sup>22</sup> There does not appear  
14 to be any published decision addressing this point.

15 The statute should be amended to eliminate the ambiguity. It should clearly  
16 indicate which notice period applies when personal records of a consumer are  
17 subpoenaed in an unlawful detainer case.

18 The five day notice period for a deposition in an unlawful detainer case is  
19 designed to facilitate expeditious and peaceful resolution of such disputes, helping  
20 to safeguard the property rights of the landlord.<sup>23</sup> The twenty day notice  
21 requirement for a deposition in which personal records of a consumer are  
22 subpoenaed is designed to protect consumer privacy by giving the consumer  
23 ample time to object to production of the personal records.<sup>24</sup> A notice period like  
24 this is mandated by the state constitutional right of privacy;<sup>25</sup> personal records of a

---

21. Section 2025.270(b).

22. The predecessor of Section 2025.270, former Section 2025(f), contained the same ambiguity. It read:

(f) An oral deposition shall be scheduled for a date at least 10 days after service of the deposition notice. If, as defined in subdivision (a) of Section 1985.3, the party giving notice of the deposition is a subpoenaing party, and the deponent is a witness commanded by a deposition subpoena to produce personal records of a consumer, the deposition shall be scheduled for a date at least 20 days after issuance of that subpoena. However, in unlawful detainer actions, an oral deposition shall be scheduled for a date at least five days after service of the deposition notice, but not later than five days before trial.

On motion or ex parte application of any party or deponent, for good cause shown, the court may shorten or extend the time for scheduling a deposition, or may stay its taking until the determination of a motion for a protective order under subdivision (i).

2002 Cal. Stat. ch. 1068, § 2.

23. See generally *Lindsey v. Normet*, 405 U.S. 56, 70-73 (1972); *Deal v. Municipal Court*, 157 Cal. App. 3d 991, 995, 996, 204 Cal. Rptr. 79 (1984).

24. *Lantz v. Superior Court*, 28 Cal. App. 4th 1839, 1848, 34 Cal. Rptr. 2d 358 (1994); *Sasson v. Katash*, 146 Cal. App. 3d 119, 124, 194 Cal. Rptr. 46 (1983).

25. Cal. Const. art. I, § 1.

1 consumer cannot constitutionally be produced without affording the consumer  
2 reasonable notice and an opportunity to object to production.<sup>26</sup>

3 Because of this constitutional constraint, it would be problematic to apply the  
4 five day notice period when personal records pertaining to a consumer are  
5 subpoenaed for a deposition in an unlawful detainer case. It would be pointless to  
6 permit a party to take such a deposition on five days notice to the other litigants  
7 instead of the usual twenty days, unless adjustments were also made in:

- 8 (1) The requirement that the consumer be served with the subpoena not less  
9 than ten days before the date set for production.<sup>27</sup>
- 10 (2) The requirement that the consumer be served with the subpoena at least five  
11 days before service on the custodian of records.<sup>28</sup>
- 12 (3) The requirement that the custodian of records be given a reasonable time to  
13 locate and produce the records, no earlier than twenty days after the  
14 issuance, or fifteen days after the service, of the deposition subpoena,  
15 whichever is later.<sup>29</sup>

16 If these three steps were condensed into a five day time period, however, the  
17 timing would be too tight to adequately protect the consumer's constitutional right  
18 of privacy.

19 On initial consideration, it would likewise seem to be problematic to apply the  
20 twenty day notice period when personal records of a consumer are subpoenaed for  
21 a deposition in an unlawful detainer case. If a defendant appears in an unlawful  
22 detainer case, trial is to be held "not later than the 20th day following the date that  
23 the request to set the time of the trial is made."<sup>30</sup> The short time period for

---

26. See, e.g., *Valley Bank of Nevada v. Superior Court*, 15 Cal. 3d 652, 658, 542 P.2d 977, 125 Cal. Rptr. 553 (1975) ("[B]efore confidential customer information may be disclosed in the course of civil discovery proceedings, [a] bank must take reasonable steps to notify its customer of the pendency and nature of the proceedings and to afford the customer a fair opportunity to assert his interests by objecting to disclosure, by seeking an appropriate protective order, or by instituting other legal proceedings to limit the scope or nature of the matters sought to be discovered."); *Gilbert v. City of San Jose*, 114 Cal. App. 4th 606, 615-16, 7 Cal. Rptr. 3d 692 (2003) ("[B]efore defendant discloses personal information collected under the Ordinance, it must take reasonable steps to notify the person to whom the information pertains of the pendency and nature of the request for the information and to afford the person a fair opportunity to object to disclosure, to join in resisting disclosure, or to resist disclosure or limit the scope or nature of the matters sought to be discovered."); *Sehlmeyer v. Department of General Services*, 17 Cal. App. 4th 1072, 1080-81, 21 Cal. Rptr. 840 (1993) ("[B]efore third party personal records may be disclosed in the course of an administrative proceeding, the subpoenaing party must take reasonable steps to notify the third party of the pendency and nature of the proceedings and to afford the third-party a fair opportunity to assert her interests by objecting to disclosure, by seeking an appropriate protective order from the administrative tribunal, or by instituting other legal proceedings to limit the scope or nature of the matters sought to be discovered.").

27. Section 1985.3(b)(2).

28. Section 1985.3(b)(3).

29. Sections 1985.3(d), 2020.410(c).

30. Section 1170.5(a).



1 scheduling an unlawful detainer trial could be viewed as inconsistent with  
2 requiring twenty days notice when subpoenaing consumer records in an unlawful  
3 detainer case.

4 But there are a number of mitigating factors. A request for trial in an unlawful  
5 detainer case cannot be made until after the defendant appears.<sup>31</sup> The defendant is  
6 not required to respond to the complaint until five days after it is served (more if  
7 ordered by the court for good cause shown).<sup>32</sup> The trial date can be continued upon  
8 taking certain steps to protect the landlord's interests.<sup>33</sup> Further, the notice  
9 requirement for a deposition involving production of records can be shortened for  
10 good cause shown.<sup>34</sup> Likewise, the special statutory deadlines for notifying a  
11 consumer regarding a request for production of personal records<sup>35</sup> or notifying a  
12 custodian of records regarding such a request<sup>36</sup> can be shortened "[u]pon good  
13 cause shown and provided that the rights of witnesses and consumers are  
14 preserved ...."<sup>37</sup>

15 There is thus leeway to accommodate both the unlawful detainer deadlines and  
16 the statutory requirements for producing consumer records. The short fuse for trial  
17 in an unlawful detainer case does not necessarily require deviation from the  
18 normal requirements for subpoenaing consumer records. The Law Revision  
19 Commission therefore recommends that the provision governing the time of taking  
20 an oral deposition be amended to make clear that the twenty day notice  
21 requirement for a deposition involving production of personal records of a  
22 consumer applies even in an unlawful detainer case.<sup>38</sup>

---

31. See Judicial Council Form UD-150.

32. Code Civ. Proc. § 1167.3.

33. Code Civ. Proc. § 1170.5(b)-(c); see also Code Civ. Proc. § 1167.5.

34. Code Civ. Proc. § 2025.270(c).

35. A consumer must be served with the subpoena, any supporting affidavit, a statutorily prescribed Notice of Privacy Rights, and a proof of service. This service must be made at least ten days before the date set for production of the personal records and at least five days before service on the custodian of records. Section 1985.3(b).

36. A custodian of records must be served with the subpoena and either (i) proof of serving the required documents on the consumer or (ii) a properly executed written authorization to release the consumer's records. Section 1985.3(c). This service must be made "in sufficient time to allow the witness a reasonable time, as provided in Section 2020.410, to locate and produce the records or copies thereof." Section 1985.3(d). The date for production shall thus be "no earlier than 20 days after the issuance, or 15 days after the service, of the deposition subpoena, whichever date is later." Section 2020.410(c). As a practical matter, because the consumer must be served at least five days before the custodian, and the custodian must be served at least 15 days before the date of production, the consumer must be served at least 20 days before the date of production. Weil & Brown, California Practice Guide: Civil Procedure Before Trial Depositions § 8:590.1, at 8E-60 (2005).

37. Section 1985.3(h).

38. See proposed amendment to Section 2025.270 *infra*.

1 **Employment Records of an Employee**

2 Just as there are special rules for producing personal records pertaining to a  
3 consumer,<sup>39</sup> there are also special rules for producing employment records of an  
4 employee.<sup>40</sup> The provision governing the latter situation was enacted after and  
5 modeled on the provision governing production of personal records pertaining to a  
6 consumer. The procedure for producing employment records of an employee is  
7 closely similar to the procedure for producing personal records pertaining to a  
8 consumer.

9 Although the provision governing the time of taking an oral deposition<sup>41</sup>  
10 expressly states how it applies when the deposing party seeks personal records  
11 pertaining to a consumer, the provision does not state how it applies when the  
12 deposing party seeks employment records of an employee. This appears to be an  
13 oversight. The Law Revision Commission recommends that the provision be  
14 amended to clarify its application to a deposition involving production of  
15 employment records of an employee.<sup>42</sup>

16 Similar gaps exist in several other discovery provisions; these provisions refer to  
17 the procedure for producing personal records pertaining to a consumer but do not  
18 refer to the procedure for producing employment records of an employee.<sup>43</sup> These  
19 gaps in coverage should also be remedied.<sup>44</sup>

20 **Forcible Entry and Forcible Detainer**

21 An unlawful detainer case is not the only type of summary proceeding for  
22 possession of real property. Other such proceedings include forcible entry<sup>45</sup> and  
23 forcible detainer.<sup>46</sup>

---

39. Section 1985.3.

40. Section 1985.6.

41. Section 2025.270.

42. See proposed amendment to Section 2025.270 *infra*.

43. See Sections 1987.1, 2020.510, 2025.240.

44. See proposed amendments to Sections 1987.1, 2020.510, and 2025.240 *infra*.

45. Section 1159 defines forcible entry as:

1159. Every person is guilty of a forcible entry who either:

1. By breaking open doors, windows, or other parts of a house, or by any kind of violence or circumstance of terror enters upon or into any real property; or,

2. Who, after entering peaceably upon real property, turns out by force, threats, or menacing conduct, the party in possession.

The “party in possession” means any person who hires real property and includes a boarder or lodger, except those persons whose occupancy is described in subdivision (b) of Section 1940 of the Civil Code.

46. Section 1160 defines forcible detainer as:

1160. Every person is guilty of a forcible detainer who either:

1. By force, or by menaces and threats of violence, unlawfully holds and keeps the possession of any real property, whether the same was acquired peaceably or otherwise; or,

1 The statutory provisions governing forcible entry and forcible detainer are in the  
2 same chapter of the Code of Civil Procedure as the provisions governing unlawful  
3 detainer.<sup>47</sup> The procedure for these types of proceedings is essentially the same as  
4 the procedure for an unlawful detainer case.<sup>48</sup> Like an unlawful detainer case, a  
5 proceeding for forcible entry or forcible detainer is entitled to trial setting  
6 precedence over almost all other civil actions, so that such proceedings “shall be  
7 quickly heard and determined.”<sup>49</sup>

8 Nonetheless, the various special time limits for discovery in an unlawful  
9 detainer case do not expressly apply to discovery in a proceeding for forcible entry  
10 or forcible detainer.<sup>50</sup> The Law Revision Commission recommends that the  
11 discovery provisions be amended such that the special time limits expressly apply  
12 to a proceeding for forcible entry or forcible detainer, as well as an unlawful  
13 detainer case.<sup>51</sup> The same expedited discovery procedures should be used in all  
14 summary proceedings for possession of real property.

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

16 The Legislature has mandated that courts handle unlawful detainer cases and  
17 other summary proceedings for possession of real property on an expedited basis.<sup>52</sup>  
18 The special short time requirements for many procedural steps in an unlawful  
19 detainer case serve that purpose. For example, a party in an unlawful detainer case  
20 may calendar a summary judgment motion on five days notice, rather than the  
21 seventy-five days notice required in other types of cases.<sup>53</sup>

---

2. Who, in the night-time, or during the absence of the occupant of any lands, unlawfully enters upon real property, and who, after demand made for the surrender thereof, for the period of five days, refuses to surrender the same to such former occupant.

The occupant of real property, within the meaning of this subdivision, is one who, within five days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.

47. See Sections 1159-1179a.

48. M. Moskovitz, N. Lenvin, et al., *California Landlord-Tenant Practice Terminating the Tenancy* § 8.145, at 753 (2d ed. 2006); see generally *Jordan v. Talbot*, 55 Cal. 2d 597, 604, 361 P.2d 20, 12 Cal. Rptr. 597 (1961).

49. Section 1179a.

50. See Sections 2025.270, 2030.020, 2030.260, 2031.020, 2031.030, 2031.260, 2033.020, 2033.250.

51. See proposed amendments to Sections 2025.270, 2030.020, 2030.260, 2031.020, 2031.030, 2031.260, 2033.020, and 2033.250 *infra*.

52. Section 1179a.

53. Section 437c(a), 1170.7; see also Sections 1167.3 (five day period for responding to complaint in unlawful detainer case), 1170.5 (trial in unlawful detainer case must be set no later than 20th day following date of request to set trial), 2025.270 (five day notice requirement for deposition in unlawful detainer case), 2030.020 (five day hold on interrogatories propounded by plaintiff in unlawful detainer case), 2030.260 (five day period for responding to interrogatories in unlawful detainer case), 2031.020 (five day hold on inspection demand by plaintiff in unlawful detainer case), 2031.030 (five day notice requirement for inspection in unlawful detainer case), 2031.260 (five day period for responding to inspection demand in unlawful detainer case), 2033.020 (five day hold on requests for admission by plaintiff in unlawful detainer case), 2033.250 (five day period for responding to requests for admission in unlawful detainer case).

1       There is, however, no special shortened time requirement for a discovery motion  
2 in an unlawful detainer case. Rather, a party bringing such a motion must give  
3 sixteen court days notice of the hearing on the motion, the same as in most other  
4 civil cases.<sup>54</sup>

5       It is incongruous to allow a potentially dispositive summary judgment motion to  
6 be heard on five days notice, while requiring a full sixteen court days notice for a  
7 motion to resolve a mere discovery dispute. To eliminate this unwarranted  
8 disparity in treatment, the Law Revision Commission recommends that a new  
9 provision be added to the Code of Civil Procedure, which would establish a five  
10 day notice requirement for a discovery motion in an unlawful detainer case or  
11 other summary proceeding for possession of real property.<sup>55</sup>

---

54. Section 1005(b).

55. See proposed Section 1170.8 *infra*.

## PROPOSED LEGISLATION

1 **Code Civ. Proc. § 1170.8 (added). Time for discovery motion**

2 SEC. \_\_\_\_\_. Section 1170.8 is added to the Code of Civil Procedure, to read:

3 1170.8. In any action under this chapter, a discovery motion may be made at any  
4 time upon giving five days notice.

5 **Comment.** Section 1170.8 is new. The section provides for an expedited hearing on a  
6 discovery motion in a forcible entry or forcible or unlawful detainer case, consistent with the  
7 precedence for such cases expressed in Section 1179a. The section is modeled on Section 1170.7  
8 (five days notice required for summary judgment motion in action under this chapter).

9 **Note.** Proposed Section 1170.8 does not specify a briefing schedule or other procedural  
10 details for a discovery motion in an unlawful detainer case. Should a statute direct the Judicial  
11 Council to promulgate a rule on that subject? If so, should the statute also direct the Judicial  
12 Council to specify a briefing schedule and other procedural details for (1) a summary judgment  
13 motion in an unlawful detainer case (Code Civ. Proc. § 1170.7), or (2) a motion to stay, dismiss,  
14 or quash service of summons in an unlawful detainer case (Code Civ. Proc. § 1167.4)? The  
15 Commission is interested in any comments on proposed Section 1170.8 but particularly solicits  
16 comments on these points.

17 **Code Civ. Proc. § 1987.1 (amended). Motion to quash, modify, or condition subpoena**

18 SEC. \_\_\_\_\_. Section 1987.1 of the Code of Civil Procedure is amended to read:

19 1987.1. When a subpoena requires the attendance of a witness or the production  
20 of books, documents or other things before a court, or at the trial of an issue  
21 therein, or at the taking of a deposition, the court, upon motion reasonably made  
22 by the party, the witness, ~~or~~ any consumer described in Section 1985.3, or any  
23 employee described in Section 1985.6, or upon the court's own motion after  
24 giving counsel notice and an opportunity to be heard, may make an order quashing  
25 the subpoena entirely, modifying it, or directing compliance with it upon such  
26 terms or conditions as the court shall declare, including protective orders. In  
27 addition, the court may make any other order as may be appropriate to protect the  
28 parties, the witness, ~~or~~ the consumer, or the employee from unreasonable or  
29 oppressive demands including unreasonable violations of ~~a witness's or~~  
30 ~~consumer's~~ the right of privacy of a witness, consumer, or employee. Nothing  
31 herein shall require any ~~witness or party~~ person to move to quash, modify, or  
32 condition any subpoena duces tecum of personal records of any consumer served  
33 under paragraph (1) of subdivision (b) of Section 1985.3 or employment records  
34 of any employee served under paragraph (1) of subdivision (b) of Section 1985.6.

35 **Comment.** Section 1987.1 is amended to clarify its application when employment records of  
36 an employee are subpoenaed under Section 1985.6.

1 **Code Civ. Proc. § 2020.510 (amended). Subpoena for production of tangible items and**  
2 **attendance and testimony of deponent**

3 SEC. \_\_\_\_\_. Section 2020.510 of the Code of Civil Procedure is amended to  
4 read:

5 2020.510. (a) A deposition subpoena that commands the attendance and the  
6 testimony of the deponent, as well as the production of business records,  
7 documents, and tangible things, shall:

8 (1) Comply with the requirements of Section 2020.310.

9 (2) Designate the business records, documents, and tangible things to be  
10 produced either by specifically describing each individual item or by reasonably  
11 particularizing each category of item.

12 (3) Specify any testing or sampling that is being sought.

13 (b) A deposition subpoena under subdivision (a) need not be accompanied by an  
14 affidavit or declaration showing good cause for the production of the documents  
15 and things designated.

16 (c) Where, as described in Section 1985.3, the person to whom the deposition  
17 subpoena is directed is a witness, and the business records described in the  
18 deposition subpoena are personal records pertaining to a consumer, the service of  
19 the deposition subpoena shall be accompanied either by a copy of the proof of  
20 service of the notice to the consumer described in subdivision (e) of Section  
21 1985.3, or by the consumer's written authorization to release personal records  
22 described in paragraph (2) of subdivision (c) of Section 1985.3.

23 (d) Where, as described in Section 1985.6, the person to whom the deposition  
24 subpoena is directed is a witness, and the business records described in the  
25 deposition subpoena are employment records pertaining to an employee, the  
26 service of the deposition subpoena shall be accompanied either by a copy of the  
27 proof of service of the notice to the employee described in subdivision (e) of  
28 Section 1985.6, or by the employee's written authorization to release personal  
29 records described in paragraph (2) of subdivision (c) of Section 1985.6.

30 **Comment.** Section 2020.510 is amended to clarify its application when employment records of  
31 an employee are subpoenaed under Section 1985.6.

32 **Code Civ. Proc. § 2025.240 (amended). Service of deposition notice and related documents**

33 SEC. \_\_\_\_\_. Section 2025.240 of the Code of Civil Procedure is amended to  
34 read:

35 2025.240. (a) The party who prepares a notice of deposition shall give the notice  
36 to every other party who has appeared in the action. The deposition notice, or the  
37 accompanying proof of service, shall list all the parties or attorneys for parties on  
38 whom it is served.

39 (b) Where, as defined in subdivision (a) of Section 1985.3 or 1985.6, the party  
40 giving notice of the deposition is a subpoenaing party, and the deponent is a  
41 witness commanded by a deposition subpoena to produce personal records of a

1 consumer or employment records of an employee, the subpoenaing party shall  
2 serve on that consumer or employee all of the following:

3 (1) A notice of the deposition.

4 (2) The notice of privacy rights specified in subdivision (e) of Section 1985.3  
5 ~~and in Section or~~ 1985.6.

6 (3) A copy of the deposition subpoena.

7 (c) If the attendance of the deponent is to be compelled by service of a  
8 deposition subpoena under Chapter 6 (commencing with Section 2020.010), an  
9 identical copy of that subpoena shall be served with the deposition notice.

10 **Comment.** Section 2025.240 is amended to clarify its application when employment records of  
11 an employee are subpoenaed under Section 1985.6.

12 **Code Civ. Proc. § 2025.270 (amended). Time of taking oral deposition**

13 SEC. \_\_\_\_\_. Section 2025.270 of the Code of Civil Procedure is amended to  
14 read:

15 2025.270. (a) An oral deposition shall be scheduled for a date at least 10 days  
16 after service of the deposition notice. ~~If, as defined in subdivision (a) of Section~~  
17 ~~1985.3, the party giving notice of the deposition is a subpoenaing party, and the~~  
18 ~~deponent is a witness commanded by a deposition subpoena to produce personal~~  
19 ~~records of a consumer, the deposition shall be scheduled for a date at least 20 days~~  
20 ~~after issuance of that subpoena.~~

21 (b) Notwithstanding subdivision (a), in an unlawful detainer action or other  
22 proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3,  
23 an oral deposition shall be scheduled for a date at least five days after service of  
24 the deposition notice, but not later than five days before trial.

25 (c) Notwithstanding subdivisions (a) and (b), if, as defined in Section 1985.3 or  
26 1985.6, the party giving notice of the deposition is a subpoenaing party, and the  
27 deponent is a witness commanded by a deposition subpoena to produce personal  
28 records of a consumer or employment records of an employee, the deposition shall  
29 be scheduled for a date at least 20 days after issuance of that subpoena.

30 (d) On motion or ex parte application of any party or deponent, for good cause  
31 shown, the court may shorten or extend the time for scheduling a deposition, or  
32 may stay its taking until the determination of a motion for a protective order under  
33 Section 2025.420.

34 **Comment.** Section 2025.270 is amended to clarify its application when personal records of a  
35 consumer are subpoenaed in an unlawful detainer case. The provision is also amended to clarify  
36 its application when employment records of an employee are subpoenaed. Further, the  
37 amendment makes clear that the special notice requirement for an unlawful detainer case also  
38 applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see Section  
39 1160).

40 Under subdivision (c), a litigant must give twenty days notice when subpoenaing personal  
41 records of a consumer or employment records of an employee. This rule applies even in an  
42 unlawful detainer case or other summary proceeding for possession of real property.

43 Under subdivision (d), a court may adjust the notice period for good cause shown. Likewise, on  
44 a showing of good cause, a court may shorten the time limits for serving a consumer or a

1 custodian of records under Section 1985.3, provided that the rights of witnesses and consumers  
2 are preserved. See Section 1985.3(h). Similarly, on a showing of good cause, a court may shorten  
3 the time limits for serving an employee or a custodian of records under Section 1985.6, provided  
4 that the rights of witnesses and employees are preserved. See Section 1985.6(g). In addition,  
5 under specified circumstances, a court may continue the trial date or extend other time limits in  
6 an unlawful detainer case or other summary proceeding for possession of real property. See  
7 Sections 1167.3, 1167.5, 1170.5; see also Deal v. Municipal Court, 157 Cal. App. 3d 991, 997-  
8 98, 204 Cal. Rptr. 79 (1984).

9 **Note.** When a party subpoenas personal records pertaining to a consumer in an unlawful  
10 detainer case or other summary proceeding for possession of real property, there is tension  
11 between (1) the interest in protecting the consumer's right to privacy by giving the consumer  
12 adequate notice and an opportunity to object before producing the personal records, and (2) the  
13 interest in expeditiously resolving disputes over possession of real property. Is the proposed  
14 amendment of Section 2025.270 the best means of accommodating these competing interests?  
15 The Commission is interested in any comments on the proposed amendment but particularly  
16 solicits comments on this point.

17 **Code Civ. Proc. § 2030.020 (amended). Time of propounding interrogatories**

18 SEC. \_\_\_\_\_. Section 2030.020 of the Code of Civil Procedure is amended to  
19 read:

20 2030.020. (a) A defendant may propound interrogatories to a party to the action  
21 without leave of court at any time.

22 (b) A plaintiff may propound interrogatories to a party without leave of court at  
23 any time that is 10 days after the service of the summons on, ~~or in unlawful~~  
24 ~~detainer actions five days after service of the summons on~~ or appearance by, that  
25 party, whichever occurs first.

26 (c) Notwithstanding subdivision (b), in an unlawful detainer action or other  
27 proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3,  
28 a plaintiff may propound interrogatories to a party without leave of court at any  
29 time that is five days after service of the summons on, or appearance by, that  
30 party, whichever occurs first.

31 (d) Notwithstanding subdivisions (b) and (c), on motion with or without notice,  
32 the court, for good cause shown, may grant leave to a plaintiff to propound  
33 interrogatories at an earlier time.

34 **Comment.** Section 2030.020 is amended to improve clarity by separately stating the special  
35 hold period for an unlawful detainer case. The amendment also makes clear that the special hold  
36 period applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see  
37 Section 1160), as well as to an unlawful detainer case.

38 **Code Civ. Proc. § 2030.260 (amended). Service of response to interrogatories**

39 SEC. \_\_\_\_\_. Section 2030.260 of the Code of Civil Procedure is amended to  
40 read:

41 2030.260. (a) Within 30 days after service of interrogatories, ~~or in unlawful~~  
42 ~~detainer actions within five days after service of interrogatories~~ the party to whom  
43 the interrogatories are propounded shall serve the original of the response to them  
44 on the propounding party, unless on motion of the propounding party the court has



1 shortened the time for response, or unless on motion of the responding party the  
2 court has extended the time for response. ~~In unlawful detainer actions,~~

3 (b) Notwithstanding subdivision (a), in an unlawful detainer action or other  
4 proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3,  
5 the party to whom the interrogatories are propounded shall have five days from the  
6 date of service to respond, unless on motion of the propounding party the court has  
7 shortened the time for response, or unless on motion of the responding party the  
8 court has extended the time for response.

9 ~~(b)~~ (c) The party to whom the interrogatories are propounded shall also serve a  
10 copy of the response on all other parties who have appeared in the action. On  
11 motion, with or without notice, the court may relieve the party from this  
12 requirement on its determination that service on all other parties would be unduly  
13 expensive or burdensome.

14 **Comment.** Section 2030.260 is amended to improve clarity by separately stating the special  
15 deadline for an unlawful detainer case. The amendment also makes clear that the special deadline  
16 applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see Section  
17 1160), as well as to an unlawful detainer case. In addition, the amendment eliminates an  
18 ambiguity by clearly permitting a court to extend, as well as shorten, the time to respond to  
19 interrogatories in an unlawful detainer case.

20 **Code Civ. Proc. § 2031.020 (amended). Time of making inspection demand**

21 SEC. \_\_\_\_\_. Section 2031.020 of the Code of Civil Procedure is amended to  
22 read:

23 2031.020. (a) A defendant may make a demand for inspection without leave of  
24 court at any time.

25 (b) A plaintiff may make a demand for inspection without leave of court at any  
26 time that is 10 days after the service of the summons on, ~~or in unlawful detainer~~  
27 ~~actions within five days after service of the summons on~~ or appearance by, the  
28 party to whom the demand is directed, whichever occurs first.

29 (c) Notwithstanding subdivision (b), in an unlawful detainer action or other  
30 proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3,  
31 a plaintiff may make a demand for inspection without leave of court at any time  
32 that is five days after service of the summons on, or appearance by, the party to  
33 whom the demand is directed, whichever occurs first.

34 (d) Notwithstanding subdivisions (b) and (c), on motion with or without notice,  
35 the court, for good cause shown, may grant leave to a plaintiff to make an  
36 inspection demand at an earlier time.

37 **Comment.** Section 2031.020 is amended to improve clarity by separately stating the special  
38 hold period for an unlawful detainer case. The amendment also makes clear that the special hold  
39 period applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see  
40 Section 1160), as well as to an unlawful detainer case.

1 **Code Civ. Proc. § 2031.030 (amended). Form of inspection demand**

2 SEC. \_\_\_\_\_. Section 2031.030 of the Code of Civil Procedure is amended to  
3 read:

4 2031.030. (a) A party demanding an inspection shall number each set of  
5 demands consecutively.

6 (b) In the first paragraph immediately below the title of the case, there shall  
7 appear the identity of the demanding party, the set number, and the identity of the  
8 responding party.

9 (c) Each demand in a set shall be separately set forth, identified by number or  
10 letter, and shall do all of the following:

11 (1) Designate the documents, tangible things, or land or other property to be  
12 inspected either by specifically describing each individual item or by reasonably  
13 particularizing each category of item.

14 (2) Specify a reasonable time for the inspection that is at least 30 days after  
15 service of the demand, ~~or in unlawful detainer actions at least five days after~~  
16 ~~service of the demand,~~ unless the court for good cause shown has granted leave to  
17 specify an earlier date. In an unlawful detainer action or other proceeding under  
18 Chapter 4 (commencing with Section 1159) of Title 3 of Part 3, the demand shall  
19 specify a reasonable time for the inspection that is at least five days after service  
20 of the demand, unless the court for good cause shown has granted leave to specify  
21 an earlier date.

22 (3) Specify a reasonable place for making the inspection, copying, and  
23 performing any related activity.

24 (4) Specify any related activity that is being demanded in addition to an  
25 inspection and copying, as well as the manner in which that related activity will be  
26 performed, and whether that activity will permanently alter or destroy the item  
27 involved.

28 **Comment.** Subdivision (c) of Section 2031.030 is amended to improve clarity by separately  
29 stating the special time requirement for an unlawful detainer case. The amendment also makes  
30 clear that the special time requirement applies to a proceeding for forcible entry (see Section  
31 1159) of forcible detainer (see Section 1160), as well as to an unlawful detainer case.

32 **Code Civ. Proc. § 2031.260 (amended). Service of response to inspection demand**

33 SEC. \_\_\_\_\_. Section 2031.260 of the Code of Civil Procedure is amended to  
34 read:

35 2031.260. (a) Within 30 days after service of an inspection demand, ~~or in~~  
36 ~~unlawful detainer actions within five days of an inspection demand,~~ the party to  
37 whom the demand is directed shall serve the original of the response to it on the  
38 party making the demand, and a copy of the response on all other parties who have  
39 appeared in the action, unless on motion of the party making the demand, the court  
40 has shortened the time for response, or unless on motion of the party to whom the  
41 demand has been directed, the court has extended the time for response. ~~In~~  
42 ~~unlawful detainer actions,~~

1 (b) Notwithstanding subdivision (a), in an unlawful detainer action or other  
2 proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3,  
3 the party to whom an inspection demand is directed shall have at least five days  
4 from the ~~dates~~ date of service of the demand to respond, unless on motion of the  
5 party making the demand, the court has shortened the time for the response, or  
6 unless on motion of the party to whom the demand has been directed, the court has  
7 extended the time for response.

8 **Comment.** Section 2031.260 is amended to improve clarity by separately stating the special  
9 deadline for an unlawful detainer case. The amendment also makes clear that the special deadline  
10 applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see Section  
11 1160), as well as to an unlawful detainer case. In addition, the amendment eliminates an  
12 ambiguity by clearly permitting a court to extend, as well as shorten, the time to respond to an  
13 inspection demand in an unlawful detainer case.

14 Section 2031.260 is further amended to make stylistic revisions.

15 **Code Civ. Proc. § 2033.020 (amended). Time of making request for admissions**

16 SEC. \_\_\_\_\_. Section 2033.020 of the Code of Civil Procedure is amended to  
17 read:

18 2033.020. (a) A defendant may make requests for admission by a party without  
19 leave of court at any time.

20 (b) A plaintiff may make requests for admission by a party without leave of  
21 court at any time that is 10 days after the service of the summons on, ~~or, in~~  
22 ~~unlawful detainer actions, five days after the service of the summons on,~~ or  
23 appearance by, that party, whichever occurs first.

24 (c) Notwithstanding subdivision (b), in an unlawful detainer action or other  
25 proceeding under Chapter 4 (commencing with Section 1159) of Title 3 of Part 3,  
26 a plaintiff may make requests for admission by a party without leave of court at  
27 any time that is five days after the service of the summons on, or appearance by,  
28 that party, whichever occurs first.

29 (c) Notwithstanding subdivisions (b) and (c), on motion with or without notice,  
30 the court, for good cause shown, may grant leave to a plaintiff to make requests  
31 for admission at an earlier time.

32 **Comment.** Section 2033.020 is amended to improve clarity by separately stating the special  
33 hold period for an unlawful detainer case. The amendment also makes clear that the special hold  
34 period applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see  
35 Section 1160), as well as to an unlawful detainer case.

36 **Code Civ. Proc. § 2033.250 (amended). Service of response to requests for admission**

37 SEC. \_\_\_\_\_. Section 2033.250 of the Code of Civil Procedure is amended to  
38 read:

39 2033.250. (a) Within 30 days after service of requests for admission, ~~or in~~  
40 ~~unlawful detainer actions within five days after service of requests for admission,~~  
41 the party to whom the requests are directed shall serve the original of the response  
42 to them on the requesting party, and a copy of the response on all other parties  
43 who have appeared, unless on motion of the requesting party the court has

1 shortened the time for response, or unless on motion of the responding party the  
2 court has extended the time for response. ~~In unlawful detainer actions,~~

3 (b) Notwithstanding subdivision (a), in an unlawful detainer action the party to  
4 whom the request is directed shall have at least five days from the date of service  
5 to respond, unless on motion of the requesting party the court has shortened the  
6 time for response, or unless on motion of the responding party the court has  
7 extended the time for response.

8 **Comment.** Section 2033.250 is amended to improve clarity by separately stating the special  
9 deadline for an unlawful detainer case. The amendment also makes clear that the special deadline  
10 applies to a proceeding for forcible entry (see Section 1159) or forcible detainer (see Section  
11 1160), as well as to an unlawful detainer case. In addition, the amendment eliminates an  
12 ambiguity by clearly permitting a court to extend, as well as shorten, the time to respond to  
13 requests for admission in an unlawful detainer case.

14 Section 2033.250 is further amended to make a stylistic revision.