

Cal. R. Court 3.1015 (effective March 13, 2009). Discovery in action pending outside of California

3.1015. Whenever any mandate, writ, letters rogatory, letter of request, or commission is issued out of any court of record in any other state, territory, or district of the United States, or in a foreign nation, or whenever, on notice or agreement, it is required to take the oral or written deposition of a natural person in California, the deponent may be compelled to appear and testify, and to produce documents and things, in the same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in California.

This rule is repealed January 1, 2010, or at such earlier date as a state law concerning depositions in proceedings pending outside the state goes into effect.

Advisory Committee Comment

Assembly 2193 ([Trans] Stats. 2008, ch.231) establishes the Interstate and International Depositions and Discovery Act, which is intended to replace Code of Civil Procedure section 2029.010. A provision in the act directs the Judicial Council to prepare certain forms to implement the act, which provision became operative on January 1, 2009. The remainder of the act will not become operative until January 1, 2010. The legislation inadvertently repealed the predecessor statute, Code of Civil Procedure section 2029.010, effective January 1, 2009, a year earlier than intended. (See Assembly Daily Journal, January 26, 2009, pp. 231-32.) This rule incorporates the text of that predecessor statute to fill the gap left by its unintended early repeal, thus providing that courts and litigants are to continue to act under the provisions of the prior law until the new provisions go into effect or until the Legislature should determine otherwise.