

October 17, 2008

*REPORT OF THE CALIFORNIA LAW REVISION COMMISSION
ON CHAPTER 231 OF THE STATUTES OF 2008*

Chapter 231 of the Statutes of 2008 was introduced as Assembly Bill 2193, authored by Assembly Member Van Tran. The measure implements the California Law Revision Commission recommendation on *Deposition in Out-of-State Litigation*, 37 Cal. L. Revision Comm'n Reports 99 (2007). The revised Comment set out below supersedes the comparable Comment in the recommendation and reflects an amendment made to Assembly Bill 2193 in the legislative process.

Gov't Code § 70626 (amended). Miscellaneous filing fees

Comment. Subdivision (b) of Section 70626 is amended to specify the fee for obtaining a subpoena from a California court to take a deposition in this state for purposes of a proceeding pending in another jurisdiction. If a person seeks multiple subpoenas, a separate fee is payable under this subdivision for each subpoena sought.

Subdivision (c) is added to specify the fee applicable when discovery is taken in this state for an out-of-state case, and a person who is not a party to the out-of-state case petitions for relief in this state. This fee applies only to the first petition that a non-party files in a particular superior court. If that person files another petition in the same court relating to the same out-of-state case, a motion fee is payable under Section 70617(a). See Code Civ. Proc. § 2029.620(c)(2).
