

## RESOLUTION 11-06-2014

### DIGEST

#### Civil Procedure: Delete References to Statutes That No Longer Exist

Amends Code of Civil Procedure section 2031.010 to delete its reference to chapter 3 and Code of Civil Procedure section 2017.710, et seq, which were repealed by the Legislature in 2012.

### RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

#### History:

No similar resolutions found.

#### Reasons:

This resolution amends Code of Civil Procedure section 2031.010 to delete its reference to chapter 3 and Code of Civil Procedure section 2017.710, which were repealed by the Legislature in 2012. This resolution should be approved in principle because it cleans up the current code by deleting references to statutes that no longer exist.

Under current law, Code of Civil Procedure section 2031.010, subdivision (a) references chapter 3 of the Civil Discovery Act “commencing with Section 2017.710.” Prior to 2012, the Civil Discovery Act included Code of Civil Procedure sections 2017.710 through 2017.740. But, in 2012, all of those statutes were repealed. (Stats. 2012, ch. 72, § 10 et seq. (SB 1574).) Therefore the reference to them in the current code is meaningless.

### TEXT OF RESOLUTION

RESOLVED, that the Conference of California Bar Associations recommends that legislation be sponsored to amend Code of Civil Procedure section 2031.010 to read as follows:

§ 2031.010

- 1 (a) Any party may obtain discovery within the scope delimited by Chapters 2
- 2 (commencing with Section 2017.010) ~~and 3 (commencing with Section 2017.710)~~, and subject to
- 3 the restrictions set forth in Chapter 5 (commencing with Section 2019.010), by inspecting,
- 4 copying, testing, or sampling documents, tangible things, land or other property, and
- 5 electronically stored information in the possession, custody, or control of any other party to the
- 6 action.
- 7
- 8 [subdivisions (b) through (e) remain unchanged]

(Proposed new language underlined; language to be deleted stricken.)

**PROPONENT:** Bar Association of Northern San Diego County

## **STATEMENT OF REASONS**

The Problem: Existing Code of Civil Procedure Section 2031.010(a) makes reference to “Chapter 3 (commencing with Code of Civil Procedure section 2017.010).” That Chapter has been removed by the legislature.

The Solution: This resolution deletes the obsolete reference in Code of Civil Procedure section 2031.010(a) to “Chapter 3 (commencing with Code of Civil Procedure section 2017.010).”

## **LEGISLATIVE HISTORY**

Not known.

## **IMPACT STATEMENT**

The proposed resolution does not affect any other law, statute or rule.

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