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Deering's California Codes Annotated
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*** This document is current for urgency legislation through Chapter 17 of the 2015 Session. ***

CODE OF CIVIL PROCEDURE
Part 4. Miscellaneous Provisions
Title 4. Civil Discovery Act
Chapter 14. Inspection, Copying, Testing, Sampling, and Production of Documents, Electronically Stored Information,
Tangible Things, Land, and Other Property
Article 2. Response to Inspection Demand

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Cal Code Civ Proc § 2031.285 (2015)

§ 2031.285. Claim of privilege or protection as attorney work product for electronically stored information

(a) If electronically stored information produced in discovery is subject to a claim of privilege or of protection as attorney work product, the party making the claim may notify any party that received the information of the claim and the basis for the claim.

(b) After being notified of a claim of privilege or of protection under subdivision (a), a party that received the information shall immediately sequester the information and either return the specified information and any copies that may exist or present the information to the court conditionally under seal for a determination of the claim.

(c)

(1) Prior to the resolution of the motion brought under subdivision (d), a party shall be precluded from using or disclosing the specified information until the claim of privilege is resolved.

(2) A party who received and disclosed the information before being notified of a claim of privilege or of protection under subdivision (a) shall, after that notification, immediately take reasonable steps to retrieve the information.

(d)

(1) If the receiving party contests the legitimacy of a claim of privilege or protection, he or she may seek a determination of the claim from the court by making a motion within 30 days of receiving the claim and presenting the information to the court conditionally under seal.

(2) Until the legitimacy of the claim of privilege or protection is resolved, the receiving party shall preserve the information and keep it confidential and shall be precluded from using the information in any manner.

HISTORY:

Added Stats 2009 ch 5 § 18 (AB 5), effective June 29, 2009.

NOTES:

Note

Stats 2009 ch 5 provides:

SECTION 1. This act shall be known as the Electronic Discovery Act.

Collateral References:

Hanna, *Cal Emp Inj & Workers' Comp. 2d (Rev) § 25.45.*

Herlick, *Cal Workers' Comp Handbook § 14.20.*

Hierarchy Notes:

Pt. 4 Note

Pt. 4, Tit. 4 Note

Pt. 4, Tit. 4, Ch. 14 Note

Pt. 4, Tit. 4, Ch. 14, Art. 2 Note

Emerging Issues Analysis

Robinson on 2009 State-by-State Survey of Workers' Compensation Changes

This Emerging Issues Analysis contains a state-by-state survey of key workers' compensation legislative changes during the period January through November 2009.