

1 **Rule 3.1015. Discovery in action pending outside of California**

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

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11 This rule is repealed January 1, 2010, or at such earlier date as a state law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

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14 **Advisory Committee Comment**

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16 Assembly 2193 ([Trans] Stats. 2008, ch.231) establishes the Interstate and International
17 Depositions and Discovery Act, which is intended to replace Code of Civil Procedure section
18 2029.010. A provision in the act directs the Judicial Council to prepare certain forms to
19 implement the act, which provision became operative on January 1, 2009. The remainder of the
20 act will not become operative until January 1, 2010. The legislation inadvertently repealed the
21 predecessor statute, Code of Civil Procedure section 2029.010, effective January 1, 2009, a year
22 earlier than intended. (See Assembly Daily Journal, January 26, 2009, pp. 231-32.) This rule
23 incorporates the text of that predecessor statute to fill the gap left by its unintended early repeal,
24 thus providing that courts and litigants are to continue to act under the provisions of the prior law
25 until the new provisions go into effect or until the Legislature should determine otherwise.
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